

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 52
Judiciary I Committee Substitute Adopted 4/29/03
Third Edition Engrossed 4/30/03

Short Title: Clarify Allowance of Court Costs.

(Public)

Sponsors:

Referred to:

February 17, 2003

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE COURT'S DISCRETION TO ALLOW COURT COSTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 6-19 reads as rewritten:

"§ 6-19. **When costs allowed as of course to defendant.**

Costs shall be allowed as of course to the defendant, in the actions mentioned in ~~the preceding section~~ G.S. 6-18 unless the plaintiff be entitled to costs therein. In all actions where there are several defendants not united in interest, and making separate defenses by separate answers, and the plaintiff fails to recover judgment against all, the court may award costs to such of the defendants as have judgment in their favor or any of them."

SECTION 2. G.S. 6-20 reads as rewritten:

"§ 6-20. **Costs allowed or not, in discretion of court.**

~~In other actions, Except as otherwise provided in this Article,~~ costs may be allowed ~~or not,~~ in the discretion of the court, unless otherwise provided by ~~law,~~ law, subject to the limitations on assessable or recoverable costs set forth in G.S. 7A-305(d)."

SECTION 3. G.S. 7A-305(d) reads as rewritten:

"(d) The following expenses, when incurred, are also assessable or recoverable, as the case may be:

- (1) Witness fees, as provided by law.
- (2) Jail fees, as provided by law.
- (3) Counsel fees, as provided by law.
- (4) Expense of service of process by certified mail and by publication.
- (5) Costs on appeal to the superior court, or to the appellate division, as the case may be, of the original transcript of testimony, if any, insofar as essential to the appeal.
- (6) Fees for personal service and civil process and other sheriff's fees, as provided by law. Fees for personal service by a private process server

- 1 may be recoverable in an amount equal to the actual cost of such
2 service or fifty dollars (\$50.00), whichever is less, unless the court
3 finds that due to difficulty of service a greater amount is appropriate.
- 4 (7) Fees of guardians ad litem, referees, receivers, commissioners,
5 surveyors, arbitrators, appraisers, and other similar court appointees, as
6 provided by law. The fee of such appointees shall include reasonable
7 reimbursement for stenographic assistance, when necessary.
- 8 (8) Fees of interpreters, when authorized and approved by the court.
- 9 (9) Premiums for surety bonds for prosecution, as authorized by G.S.
10 1-109.
- 11 (10) In the discretion of the court, reasonable expenses directly related to
12 the taking of depositions, excluding attorney's fees unless otherwise
13 allowed."

14 **SECTION 4.** This act is effective when it becomes law.