

GENERAL ASSEMBLY OF NORTH CAROLINA  
1985 SESSION

CHAPTER 475  
HOUSE BILL 1047

AN ACT TO PROVIDE FOR CHECKING ACCOUNTS OF THE CLERKS OF  
SUPERIOR COURT AND FOR FEES FOR THE HANDLING OF FUNDS BY  
THE CLERKS OF SUPERIOR COURT.

The General Assembly of North Carolina enacts:

Section 1. G.S. Chapter 7A of the General Statutes is amended to add a new section to read:

**"§ 7A-112.1. Deposit of money held by clerks.**—The clerk of superior court shall deposit any funds that he receives by virtue of his office, except funds invested pursuant to G.S. 7A-112, in an interest-bearing checking account or accounts in a bank, savings and loan, or trust company licensed to do business in North Carolina, at the maximum feasible interest rate available taking into consideration prevailing interest rates and the checking account services provided to the clerk's office by the bank, savings and loan, or trust company. The funds deposited in such checking accounts shall be guaranteed to the same extent and in the same manner as funds invested pursuant to G.S. 7A-112."

Sec. 2. G.S. 7A-308(a) is amended by adding a new subsection as follows:

"(19) On all funds deposited by the clerk in an interest-bearing checking account established pursuant to G.S. 7A-112.1, a fee of four percent (4%) of each principal amount so deposited, not to exceed seven hundred fifty dollars (\$750.00); provided, said fee shall not exceed the amount of interest earnings on any principal amount so deposited. Interest earnings in excess of the prescribed clerk's fee shall be remitted to the beneficial owners of the respective principal amounts. The clerks' fees collected pursuant to this subsection shall be paid to the county as court facilities fees and used as prescribed by G.S. 7A-304(a)(2)."

Sec. 3. The first sentence of G.S. 7A-308(a)(16) is rewritten to read:

"On all funds placed with the clerk by virtue or color of his office and administered and invested pursuant to G.S. 7A-112, a fee equal to five percent (5%) not to exceed one thousand dollars (\$1,000) of the principal fund; provided, said fee shall not exceed the amount of any investment earnings on the fund."

Sec. 4. Sections 1 and 2 of this act shall become effective October 1, 1985, and shall apply to funds on checking account deposit on and after that date. Section 3 shall become effective October 1, 1985, and shall apply to fees assessed pursuant to G.S. 7A-308(a)(16) on and after that date.

In the General Assembly read three times and ratified, this the 26th day of June, 1985.