

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 21
Senate Judiciary I (Civil) Committee Substitute Adopted 6/26/07

Short Title: Recovery of Costs in Civil Cases.

(Public)

Sponsors:

Referred to:

January 29, 2007

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,~~ In actions where allowance of costs is not otherwise provided by the General Statutes, costs may be allowed ~~or not,~~ in the discretion of the ~~court.~~ court, unless otherwise provided by law. Costs awarded by the court are subject to the limitations on assessable or recoverable costs set forth in G.S. 7A-305(d), unless specifically provided for otherwise in the General Statutes."

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;~~ be. The expenses set forth in this subsection are complete and exclusive and constitute a limit on the trial court's discretion to tax costs pursuant to G.S. 6-20:

- (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.

- 1 (5) Costs on appeal to the superior court, or to the appellate division, as
2 the case may be, of the original transcript of testimony, if any, insofar
3 as essential to the appeal.
- 4 (6) Fees for personal service and civil process and other sheriff's fees, as
5 provided by law. Fees for personal service by a private process server
6 may be recoverable in an amount equal to the actual cost of such
7 service or fifty dollars (\$50.00), whichever is less, unless the court
8 finds that due to difficulty of service a greater amount is appropriate.
- 9 (7) Fees of mediators appointed by the court, mediators agreed upon by
10 the parties, guardians ad litem, referees, receivers, commissioners,
11 surveyors, arbitrators, appraisers, and other similar court appointees, as
12 provided by law. The fee of such appointees shall include reasonable
13 reimbursement for stenographic assistance, when necessary.
- 14 (8) Fees of interpreters, when authorized and approved by the court.
- 15 (9) Premiums for surety bonds for prosecution, as authorized by
16 G.S. 1-109.
- 17 (10) Reasonable and necessary expenses for stenographic and videographic
18 assistance directly related to the taking of depositions and for the cost
19 of deposition transcripts.
- 20 (11) Reasonable and necessary fees of expert witnesses solely for actual
21 time spent providing testimony at trial, deposition, or other
22 proceedings.

23 Nothing in this subsection or in G.S. 6-20 shall be construed to limit the trial court's
24 authority to award fees and expenses in connection with pretrial discovery matters as
25 provided in Rule 26(b) or Rule 37 of the Rules of Civil Procedure, and no award of
26 costs made pursuant to this section or pursuant to G.S. 6-20 shall reverse or modify any
27 such orders entered in connection with pretrial discovery."

28 **SECTION 4.** This act becomes effective August 1, 2007, and applies to all
29 motions for costs filed on or after that date.