

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 12

Short Title: Recovery of Costs in Civil Cases.

(Public)

Sponsors: Senators Boseman; Goodall and Jenkins.

Referred to: Judiciary 1 (Civil).

February 12, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE COURT'S DISCRETION TO ALLOW COURT COSTS.
3 The General Assembly of North Carolina enacts:

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

5 "**§ 6-19. When costs allowed as of course to defendant.**

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

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

13 "**§ 6-20. Costs allowed or not, in discretion of court.**

14 ~~In other actions, costs~~ Costs may be allowed ~~or not,~~ in the discretion of the court
15 court, unless otherwise provided by law, subject to the limitations on assessable or
16 recoverable costs set forth in G.S. 7A-305(d), except as otherwise provided by the
17 General Statutes."

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

19 "(d) The following expenses, when incurred, are ~~also~~ assessable or recoverable,
20 as the case may ~~be~~ be. The expenses set forth in this subsection are complete and
21 exclusive and constitute a limit on the trial court's discretion to tax costs pursuant to
22 G.S. 6-20:

- 23 (1) Witness fees, as provided by law.
- 24 (2) Jail fees, as provided by law.
- 25 (3) Counsel fees, as provided by law.
- 26 (4) Expense of service of process by certified mail and by publication.
- 27 (5) Costs on appeal to the superior court, or to the appellate division, as
28 the case may be, of the original transcript of testimony, if any, insofar
29 as essential to the appeal.

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

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