



House of Representatives

General Assembly

File No. 609

February Session, 2016

Substitute House Bill No. 5526

House of Representatives, April 14, 2016

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE PAYMENT OF A REASONABLE FEE TO AN OFFICER OR PERSON WHO RECORDS A DOCUMENT IN THE OFFICE OF A TOWN CLERK AND SERVICE OF PROCESS OF A WAGE EXECUTION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 52-261 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2016*):

4 (a) Except as provided in subsection (b) of this section and section
5 52-261a, each officer or person who serves process, summons or
6 attachments on behalf of: (1) An official of the state or any of its
7 agencies, boards or commissions, or any municipal official acting in his
8 or her official capacity, shall receive a fee of not more than thirty
9 dollars for each process served and an additional fee of thirty dollars
10 for the second and each subsequent service of such process, except that
11 such officer or person shall receive an additional fee of ten dollars for
12 each subsequent service of such process at the same address or for

13 notification of the office of the Attorney General in dissolution and
14 postjudgment proceedings if a party or child is receiving public
15 assistance; and (2) any person, except a person described in
16 subdivision (1) of this subsection, shall receive a fee of not more than
17 forty dollars for each process served and an additional fee of forty
18 dollars for the second and each subsequent service of such process,
19 except that such officer or person shall receive an additional fee of
20 twenty dollars for each subsequent service of such process at the same
21 address or for notification of the office of the Attorney General in
22 dissolution and postjudgment proceedings if a party or child is
23 receiving public assistance. Each such officer or person shall also
24 receive the fee set by the Department of Administrative Services for
25 state employees for each mile of travel, to be computed from the place
26 where such officer or person received the process to the place of
27 service, and thence in the case of civil process to the place of return. If
28 more than one process is served on one person at one time by any such
29 officer or person, the total cost of travel for the service shall be the
30 same as for the service of one process only. Each officer or person who
31 serves process shall also receive the moneys actually paid for town
32 clerk's fees on the service of process. Any officer or person required to
33 summon jurors by personal service of a warrant to attend court shall
34 receive for the first ten miles of travel while so engaged, such mileage
35 to be computed from the place where such officer or person receives
36 the process to the place of service, twenty-five cents for each mile, and
37 for each additional mile, ten cents. For summoning any juror to attend
38 court otherwise than by personal service of the warrant, such officer or
39 person shall receive only the sum of fifty cents and actual
40 disbursements necessarily expended by such officer or person in
41 making service thereof as directed. Notwithstanding the provisions of
42 this section, for summoning grand jurors, such officer or person shall
43 receive only such officer's or person's actual expenses and such
44 reasonable sum for services as are taxed by the court. The following
45 fees shall be allowed and paid: (A) For taking bail or bail bond, one
46 dollar; (B) for copies of writs and complaints, exclusive of
47 endorsements, one dollar per page, not to exceed a total amount of

48 nine hundred dollars in any particular matter; (C) for endorsements,
49 forty cents per page or fraction thereof; (D) for service of a warrant for
50 the seizure of intoxicating liquors, or for posting and leaving notices
51 after the seizure, or for the destruction or delivery of any such liquors
52 under order of court, twenty dollars; (E) for the removal and custody
53 of such liquors so seized, reasonable expenses, and twenty dollars; (F)
54 for the levy of an execution, when the money is actually collected and
55 paid over, or the debt or a portion of the debt is secured by the officer,
56 fifteen per cent on the amount of the execution, provided the
57 minimum fee for such execution shall be thirty dollars; (G) on the levy
58 of an execution on real property and on application for sale of personal
59 property attached, to each appraiser, for each half day of actual
60 service, reasonable and customary expenses; (H) for causing an
61 execution levied on real property to be recorded, fees for travel, twenty
62 dollars and costs; (I) for services on an application for the sale of
63 personal property attached, or in selling mortgaged property
64 foreclosed under a decree of court, the same fees as for similar services
65 on executions; (J) for committing any person to a community
66 correctional center, in civil actions, twenty-one cents a mile for travel,
67 from the place of the court to the community correctional center, in
68 lieu of all other expenses; [and] (K) for summoning and attending a
69 jury for reassessing damages or benefits on a highway, three dollars a
70 day; and (L) for any recording for which the recording fee is not
71 otherwise prescribed by law, a reasonable fee. The court shall tax as
72 costs a reasonable amount for the care of property held by any officer
73 under attachment or execution. The officer serving any attachment or
74 execution may claim compensation for time and expenses of any
75 person, in keeping, securing or removing property taken thereon,
76 provided such officer shall make out a bill. The bill shall specify the
77 labor done, and by whom, the time spent, the travel, the money paid, if
78 any, and to whom and for what. The compensation for the services
79 shall be reasonable and customary and the amount of expenses and
80 shall be taxed by the court with the costs.

81 Sec. 2. Subsection (d) of section 52-361a of the general statutes is
82 repealed and the following is substituted in lieu thereof (*Effective*

83 October 1, 2016):

84 (d) The levying officer shall levy on all earnings which are due or
 85 become due to the judgment debtor to the extent specified in the wage
 86 execution plus the levying officer's fee and costs, until the judgment is
 87 satisfied, or the execution is modified or set aside, by serving the
 88 employer with the wage execution, the required notice of rights and
 89 the claim forms. On receipt thereof, the employer shall forthwith
 90 deliver a copy thereof to the judgment debtor, or mail such copy
 91 postage prepaid to the judgment debtor at his last-known address. On
 92 service of the wage execution on the employer, the wage execution
 93 shall automatically be stayed for a period of twenty days and shall
 94 thereafter immediately become a lien and continuing levy on such
 95 portion of the judgment debtor's earnings as is specified in the wage
 96 execution, provided if a claim is filed in accordance with subsection (d)
 97 of section 52-361b within twenty days of such service on the employer,
 98 the stay shall continue until determination of the claim. Any service of
 99 process or other notice required under this section may be made in
 100 accordance with section 52-57 or by certified mail, return receipt
 101 requested, provided a levying officer may make such service by mail
 102 [only] to (1) an address within such officer's appointed jurisdiction, or
 103 (2) in a case involving an employer whose address is not within such
 104 levying officer's appointed jurisdiction, to the address designated by
 105 the employer.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2016	52-261(a)
Sec. 2	October 1, 2016	52-361a(d)

JUD Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill affects the fees collected by state marshals that are paid by private parties and does not result in a fiscal impact to the state or municipalities.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis

sHB 5526

AN ACT CONCERNING THE PAYMENT OF A REASONABLE FEE TO AN OFFICER OR PERSON WHO RECORDS A DOCUMENT IN THE OFFICE OF A TOWN CLERK AND SERVICE OF PROCESS OF A WAGE EXECUTION.

SUMMARY:

This bill expands the duties for which state marshals, or other persons who carry out such duties, are allowed to collect fees. Under existing law, they are allowed to collect fees for specified duties. For example, they can collect a fee for travel (\$20 and costs) for recording an execution levied on real property. The bill allows them to collect a reasonable fee for any recording (e.g., lis pendens) for which a recording fee is not otherwise prescribed by law. "Lis pendens" is a written notice that a lawsuit has been filed that concerns the title to or interest in a real property; it is recorded on the land records of the municipality where the real property is located.

The bill also provides for the proper service of process of a wage execution in a case involving an employer whose address is not within a levying officer's appointed jurisdiction. In such a case, the bill allows the officer to serve process or other notice by mail to an address designated by the employer. Under current law, the officer may only serve process by mail to an address within the officer's appointed jurisdiction.

By law, a "levying officer" is a state marshal, constable, or, in certain child support-related cases, any investigator employed by the social services commissioner (CGS § 52-350a(12)).

EFFECTIVE DATE: October 1, 2016

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 45 Nay 0 (03/30/2016)