



PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 149 be amended to read as follows:

- 1 Page 4, between lines 40 and 41, begin a new paragraph and insert:
- 2 "SECTION 4. IC 33-34-8-1, AS AMENDED BY P.L.38-2021,
- 3 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2022]: Sec. 1. (a) The following fees and costs apply to cases
- 5 in the small claims court:
- 6 (1) A township docket fee of five dollars (\$5) plus forty-five
- 7 percent (45%) of the infraction or ordinance violation costs fee
- 8 under IC 33-37-4-2.
- 9 (2) The bailiff's service of process by registered or certified mail
- 10 fee of fifteen dollars (\$15) for each service.
- 11 (3) The cost for the personal service of process by the bailiff or
- 12 other process server of fifteen dollars (\$15) for each service.
- 13 (4) Witness fees, if any, in the amount provided by IC 33-37-10-3
- 14 to be taxed and charged in the circuit court.
- 15 (5) A redocketing fee, if any, of five dollars (\$5).
- 16 (6) A document storage fee under IC 33-37-5-20.
- 17 (7) An automated record keeping fee under IC 33-37-5-21.
- 18 (8) A late fee, if any, under IC 33-37-5-22.
- 19 (9) A public defense administration fee under IC 33-37-5-21.2.
- 20 (10) A judicial insurance adjustment fee under IC 33-37-5-25.
- 21 (11) A judicial salaries fee under IC 33-37-5-26.

1 (12) A court administration fee under IC 33-37-5-27.

2 (13) Before July 1, 2022, a pro bono legal services fee under  
3 IC 33-37-5-31.

4 **(14) A sheriff's service of process fee under IC 33-37-5-15 for**  
5 **each service of process performed outside Marion County.**

6 The docket fee and the cost for the initial service of process shall be  
7 paid at the institution of a case. The cost of service after the initial  
8 service shall be assessed and paid after service has been made. The  
9 cost of witness fees shall be paid before the witnesses are called.

10 (b) If the amount of the township docket fee computed under  
11 subsection (a)(1) is not equal to a whole number, the amount shall be  
12 rounded to the next highest whole number."

13 Page 5, between lines 37 and 38, begin a new paragraph and insert:

14 "SECTION 7. IC 33-37-5-15, AS AMENDED BY P.L.161-2018,  
15 SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2022]: Sec. 15. (a) **This section also applies to a clerk of a**  
17 **township small claims court described in IC 33-34 for service of**  
18 **process fees collected under IC 33-34-8-1.**

19 (b) The clerk of the county that maintains jurisdiction over the case  
20 shall collect a service of process fee of twenty-eight dollars (\$28) from  
21 a party requesting service of a writ, an order, a process, a notice, a tax  
22 warrant, or any other paper completed by the sheriff. A service of  
23 process fee collected under this subsection may be collected only one  
24 (1) time per case for the duration of the case. However, a clerk of the  
25 county that maintains jurisdiction over the case shall collect an  
26 additional service of process fee of twenty-eight dollars (\$28) per case  
27 for any postjudgment service.

28 ~~(b)~~ (c) The clerk shall collect from the person who filed the civil  
29 action a service of process fee of sixty dollars (\$60), in addition to any  
30 other fee for service of process, if:

31 (1) a person files a civil action outside Indiana; and

32 (2) a sheriff in Indiana is requested to perform a service of  
33 process associated with the civil action in Indiana.

34 ~~(c)~~ (d) A clerk shall transfer fees collected under this section to the  
35 county auditor.

36 ~~(d)~~ (e) The county auditor shall deposit fees collected under this  
37 section as follows:

38 (1) One dollar (\$1) from each service of process fee described in  
39 subsection ~~(a)~~ (b) into the clerk's record perpetuation fund  
40 established by the clerk under section 2 of this chapter.

41 (2) Twenty-seven dollars (\$27) from each service of process fee  
42 described in subsection ~~(a)~~ (b) into either:

43 (A) the pension trust established by the county under  
44 IC 36-8-10-12; or

45 (B) if the county has not established a pension trust under  
46 IC 36-8-10-12, the county general fund."

- 1 Renumber all SECTIONS consecutively.  
(Reference is to ESB 149 as printed February 10, 2022.)

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Representative Steuerwald