

2023 -- S 0903

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

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A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE--PROCEDURE GENERALLY --
DISTRICT COURT PRACTICE

Introduced By: Senator Dawn M. Euer

Date Introduced: March 30, 2023

Referred To: Senate Judiciary

(Judiciary)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 9-12-10 and 9-12-10.1 of the General Laws in Chapter 9-12 entitled
2 "District Court Practice" are hereby amended to read as follows:

3 **9-12-10. Claim of appeal of superior court.**

4 (a) Except as otherwise provided, in all civil cases in the district court, any party may cause
5 the case to be removed for trial on all questions of law and fact to the superior court for the county
6 in which division the suit is pending by claiming an appeal from the judgment of the district court,
7 in writing, filed with the clerk of the division within two (2) days, exclusive of Saturdays, Sundays,
8 and legal holidays, after the judgment is entered; ~~provided, that the party claiming the appeal, at~~
9 ~~the time of claiming the appeal, shall pay to the clerk all costs, including an attorney's fee of fifty~~
10 ~~dollars (\$50.00), for the party or parties adversely interested in the judgment, to be paid by the clerk~~
11 ~~to the attorney for the adverse party. The attorney's fee of fifty dollars (\$50.00) shall be divided~~
12 ~~equally among the attorneys for the parties adversely interested when more than one adverse party~~
13 ~~is involved; and provided, further, that costs shall not be taxed, exclusive of the attorney's fee, at a~~
14 ~~sum not less than twenty five dollars (\$25.00), in addition to a technology surcharge assessed in~~
15 ~~accordance with § 8-15-11.~~

16 (b) If the plaintiff is filing the claim of appeal, the plaintiff shall pay to the clerk an appeal
17 fee of seventy-five dollars (\$75.00). The appeal fee of seventy-five dollars (\$75.00) shall be paid
18 to the adverse party or shall be divided equally when more than one party is involved.

1 (c) If the defendant is filing the claim of appeal, the defendant shall pay to the clerk an
2 appeal fee of one hundred and ninety-five dollars and seventy-five cents (\$195.75), (an appeal fee
3 of fifty dollars (\$50.00), a filing fee of seventy-five dollars (\$75.00), a service fee of forty-five
4 dollars (\$45.00), a civil case processing fee of seventeen dollars and fifty cents (\$17.50), a Rhode
5 Island legal services fee of five dollars (\$5.00), and a technology surcharge of three dollars and
6 twenty-five cents (\$3.25)) which is to paid by the clerk to the adverse party.

7 **9-12-10.1. Claim of appeal to superior court in landlord tenant actions.**

8 (a) In any civil action pursuant to chapter 18 of title 34, in the district court or other
9 appropriate court, any party may cause the case to be removed for trial on all questions of law and
10 fact to the superior court for the county in which division the suit is pending, by claiming an appeal
11 from the judgment of the district or other appropriate court, in writing, filed with the clerk of the
12 division within five (5) days, including Saturday, Sunday, or a state or federal legal holiday, after
13 the judgment is entered; ~~provided, that the party claiming the appeal at the time of claiming the~~
14 ~~appeal, shall pay to the clerk all costs, including an attorney's fee of fifty dollars (\$50.00) for the~~
15 ~~party or parties adversely interested in the judgment, to be paid by the clerk to the attorney for the~~
16 ~~adverse party; provided, further, that costs shall not be taxed, exclusive of the attorney's fee, at a~~
17 ~~sum less than twenty five dollars (\$25.00), in addition to a technology surcharge assessed in~~
18 ~~accordance with § 8-15-11.~~

19 (b) If the plaintiff is filing the claim of appeal, the plaintiff shall pay to the clerk an appeal
20 fee of seventy-five dollars (\$75.00). The appeal fee of seventy-five dollars (\$75.00) shall be paid
21 to the adverse party or shall be divided equally when more than one party is involved.

22 (c) If the defendant is filing the claim of appeal, the defendant shall pay to the clerk an
23 appeal fee of one hundred and ninety-five dollars and seventy-five cents (\$195.75), (an appeal fee
24 of fifty dollars (\$50.00), a filing fee of seventy-five dollars (\$75.00), a service fee of forty-five
25 dollars (\$45.00), a civil case processing fee of seventeen dollars and fifty cents (\$17.50), a Rhode
26 Island legal services fee of five dollars (\$5.00), and a technology surcharge of three dollars and
27 twenty-five cents (\$3.25)) which is to paid by the clerk to the adverse party.

28 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE--PROCEDURE GENERALLY --
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- 1 This act would amend the filing fees and time frame for certain claims of appeal to superior
- 2 court.
- 3 This act would take effect upon passage.

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