

1 H.735

2 Introduced by Committee on Ways and Means

3 Date:

4 Subject: Executive Branch and Judiciary fees

5 Statement of purpose of bill as introduced: This bill proposes to adjust certain
6 Executive Branch and Judiciary fees.

7 An act relating to Executive Branch and Judiciary fees

8 It is hereby enacted by the General Assembly of the State of Vermont:

9 * * * Department of Taxes * * *

10 Sec. 1. 32 V.S.A. § 404 is amended to read:

11 § 404. ~~INSUFFICIENT FUNDS RETURNED PAYMENTS;~~ PENALTY

12 ~~The state treasurer~~ Agencies and departments of State government may
13 assess a penalty of \$20.00 against the issuer for each ~~check returned on~~
14 ~~account of insufficient or uncollected funds~~ payment for amounts due in the
15 form of a check, draft, electronic payment, or other acceptable forms of
16 payment that have been dishonored for lack of funds or credit to pay the same.

17 (1) ~~The department of taxes shall be entitled to \$13.00 of each such~~
18 Such penalty collected ~~against a check issued to the department, which \$13.00~~
19 shall be credited to a special fund established and managed pursuant to
20 subchapter 5 of chapter 7 of this title, or to another budgeted fund other than

1 ~~the General Fund~~, and shall be available to the agency or department of taxes
2 to offset the costs of collecting the amount owed, ~~and may be adjusted~~
3 ~~pursuant to subdivision 603(2) of this title.~~

4 ~~(2) In the case of checks issued to the agency of transportation~~
5 ~~(including the department of motor vehicles), \$13.00 of each such penalty~~
6 ~~collected shall be deposited in the transportation fund.~~

7 Sec. 2. 32 V.S.A. § 3756 is amended to read:

8 § 3756. QUALIFICATION FOR USE VALUE APPRAISAL

9 * * *

10 (e) Once a use value appraisal has been applied for and granted under this
11 section, such appraisal shall remain in effect for subsequent tax years pursuant
12 to the provisions of subsection (f) of this section, and until the property
13 concerned is transferred to another owner or is no longer eligible under
14 provisions of section 3752 or 3755 of this chapter, or due to a change of use or
15 as otherwise provided in section 3757 of this chapter. If enrolled property is
16 transferred to another owner, the new owner shall be entitled to continue to
17 have the eligible property appraised at its use value, provided the property
18 remains eligible and provided the new owner shall elect the continuation of use
19 value appraisal on the property transfer tax return at the time of transfer and,
20 within 30 days after the property transfer tax return has been received by the
21 municipality for recording, has applied to the Director and paid the fees

1 described in this subsection. The grant of use value appraisals of agricultural
2 ~~forest land~~ forestland and farm buildings shall be recorded in the land records
3 of the municipality by the clerk of the municipality. Applications shall include
4 the fees specified in subdivision 1671(a)(6) or subsection 1671(c) of this title,
5 and a fee of ~~\$30.00~~ \$70.00 for deposit in a special fund established and
6 managed pursuant to subchapter 5 of chapter 7 of this title. The Fund shall be
7 available as payment for the fees of the clerk of the municipality and ~~for the~~
8 ~~improvement of the management of~~ to offset the costs of administering the
9 application and managing the program.

10 * * *

11 * * * Lottery Commission * * *

12 Sec. 3. 31 V.S.A. § 655 is amended to read:

13 § 655. LICENSE FEES

14 A license fee shall be charged for each sales license granted to a person for
15 the purpose of selling lottery tickets. The fee shall be fixed by the ~~commission~~
16 Commission, but no license fee in excess of ~~\$15.00 per year~~ \$50.00 may be
17 charged.

1 September 1 of each year. The park owner may charge this fee to the affected
2 mobile home park leaseholders. The fee shall be submitted to the Department
3 with the registration form required in subsection (a) of this section. If a mobile
4 home park owner charges the fee under this subsection, the fee shall not be
5 deemed to be a lot rent increase and shall not be included in any calculation of
6 a lot rent increase pursuant to section 6251 of this title. A mobile home park
7 owner shall not be charged the fee under this subsection for any mobile home
8 park in which all the mobile homes are owned by the mobile home park owner.
9 The Commissioner may enforce filing of the registration form and payment of
10 the fee under subsection 6205(a) of this title. A special fund shall be created
11 for these fees, to be used by the Department of ~~Housing and Community~~
12 ~~Affairs~~ for its expenses in administering the laws regarding mobile home
13 parks, and to pay any fees required in the mediation process pursuant to section
14 6252 of this title and for legal representation for leaseholders pursuant to
15 section 6253 of this title. This special fund shall be managed in accordance
16 with 32 V.S.A. chapter 7, subchapter 5.

17 Sec. 6. 22 V.S.A. § 724 is amended to read:

18 § 724. HISTORIC PRESERVATION SPECIAL FUNDS

19 (a) ~~Historic sites operations special fund~~ Sites Operations Special Fund.

20 The ~~historic sites operations special fund~~ Historic Sites Operations Special

21 Fund is established pursuant to 32 V.S.A. chapter 7, subchapter 5 ~~of chapter 7~~

1 ~~of Title 32~~ to be used by the ~~division for historic preservation~~ Division for
2 Historic Preservation to carry out the provisions of subdivisions 723(a)(9) and
3 (b)(1) of this title. Revenues to the ~~fund~~ Fund shall be from the following
4 sources:

5 (1) Receipts from ticket sales at and fees for rental of ~~state-owned~~
6 State-owned historic sites. Notwithstanding ~~subdivision 32 V.S.A. § 603(2) of~~
7 ~~Title 32~~, fees for admission to and rentals of historic sites shall be set by the
8 ~~state historic preservation officer~~ State Historic Preservation Officer, with the
9 approval of the ~~commissioner of housing and community affairs~~ Commissioner
10 of Housing and Community Development, in a manner that both maximizes
11 revenues and promotes the tourism purposes of historic sites, but not to exceed
12 ~~\$8.00~~ \$12.00 for a single admission. This not-to-exceed amount shall not
13 apply to the rental of an historic site or admission to an historic site for a
14 special event. These fees shall be reported in accordance with ~~section 605 of~~
15 ~~Title 32~~ 32 V.S.A. § 605.

16 * * *

17 (b) Archeology ~~operations special fund~~ Operations Special Fund. The
18 ~~archeology operations special fund~~ Archeology Operations Special Fund is
19 established pursuant to 32 V.S.A. chapter 7, subchapter 5 ~~of chapter 7 of Title~~
20 ~~32~~ to be used by the ~~division for historic preservation~~ Division for Historic
21 Preservation for cost recovery related to activities undertaken by the ~~division~~

1 Division to carry out the provisions of sections 723, 761, and 762 of this title.

2 Revenues to the ~~fund~~ Fund shall be from the following sources:

3 * * *

4 (2) A ~~\$400.00~~ \$500.00 one-time fee for each ~~standard banker box~~
5 archival box (standard banker box size) of archeological collection for the care
6 and maintenance of such materials ~~for~~ at the Vermont Archeological Heritage
7 Center in perpetuity paid by any person involved in a federally or State funded,
8 licensed, ~~or~~ permitted, or approved project. This fee shall be paid on a pro rata
9 basis for one-half and one-quarter boxes.

10 * * *

11 * * * Department of Labor * * *

12 * * * Workers' Compensation Fund * * *

13 Sec. 7. WORKERS' COMPENSATION RATE OF CONTRIBUTION

14 For fiscal year 2015, after consideration of the formula in 21 V.S.A.
15 § 711(b) and historical rate trends, the General Assembly has established that
16 the rate of contribution for the direct calendar year premium for workers'
17 compensation insurance shall remain at the rate of 1.45 percent established in
18 2013 Acts and Resolves No. 72, Sec. 29, notwithstanding 21 V.S.A. § 711(a).
19 The contribution rate for self-insured workers' compensation losses and
20 worker's compensation losses of corporations approved under 21 V.S.A.
21 chapter 9 shall remain at one percent.

* * * Tramways * * *

1
2 Sec. 8. 31 VSA § 706 is amended to read:

3 § 706. OPERATORS TO PAY COST OF INSPECTION

4 The expenses of the ~~department~~ Department in connection with making the
5 inspections under section 705 of this title shall be paid in the first instance by
6 the ~~department~~ Department. ~~However, each operator shall, upon notification~~
7 ~~by the department of the amount due, reimburse the department for the expense~~
8 ~~of specialized assistance which may be employed by the department in making~~
9 ~~inspections. The department shall not charge in excess of \$25.00 per hour for~~
10 ~~the services of special assistants. It may include traveling time and expenses in~~
11 ~~addition.~~ In the event that contractors are used by the Department for
12 specialized engineering consultation, such as structural, electrical, mechanical,
13 or failure analysis, the cost shall be reimbursed to the Department by the
14 affected area tramway operators. The reimbursement shall be credited to the
15 ~~revolving~~ special fund created under this chapter.

16 * * * Secretary of State * * *

17 * * * Elections * * *

18 Sec. 9. 2 V.S.A. § 263 is amended to read:

19 § 263. REGISTRATION OF LOBBYISTS AND EMPLOYERS; FEES

20 * * *

1 (f) Every employer and every lobbyist shall pay an initial registration fee of
2 ~~\$25.00~~ \$50.00.

3 (g) An employer shall pay a fee of ~~\$5.00~~ \$10.00 for each lobbyist engaged
4 by the employer. A lobbyist shall pay a fee of ~~\$5.00~~ \$10.00 for each employer
5 represented.

6 (h) A person who fails to file on time a statement required by this section
7 shall pay a late registration fee of \$25.00 ~~plus \$10.00~~ for each day the
8 statement is late, not to exceed ~~\$175.00~~ \$350.00.

9 * * *

10 Sec. 10. 2 V.S.A. § 264 is amended to read:

11 § 264. REPORTS OF EXPENDITURES, COMPENSATION, AND GIFTS;
12 EMPLOYERS; LOBBYISTS.

13 * * *

14 (i) A lobbyist, lobbying firm, or employer who fails to file a disclosure
15 report on time shall pay a late reporting fee of \$25.00 ~~plus \$10.00~~ for each day
16 the disclosure report is late, not to exceed ~~\$175.00~~ \$350.00.

17 * * *

18 Sec. 11. 2 V.S.A. § 264b is amended to read:

19 § 264b. LOBBYING FIRM LISTINGS; REPORTS OF EXPENDITURES,
20 COMPENSATION, AND GIFTS; LOBBYING FIRMS.

21 * * *

1 (a) On forms provided by the ~~secretary of state~~ Secretary of State, every
2 lobbying firm shall file a listing of all lobbyists who are employed by,
3 subcontracted by, members of, or affiliated with the lobbying firm within
4 48 hours of any such lobbyists commencing lobbying activities. The lobbying
5 firm shall file an updated listing within 48 hours of any changes to the listing.
6 Every lobbying firm shall pay an initial listing fee of \$100.00.

7 * * *

8 * * * Office of Professional Regulation * * *

9 * * * Chiropractic * * *

10 Sec. 12. 26 V.S.A. § 535 is amended to read:

11 § 535. FEES

12 Applicants and persons regulated under this chapter shall pay the
13 following fees:

14 (1) Chiropractors

15 (A) Application \$ 200.00

16 (B) Biennial renewal ~~\$ 365.00~~ \$ 265.00

17 (C) Initial competency endorsement under
18 section 525 of this title \$ 70.00

19 (D) Biennial renewal of competency endorsement
20 under section 525 of this title \$ 70.00

21 (E) Evaluation \$ 125.00

1 (b) Upon request of the ~~board of health~~ Board of Health or a person
2 authorized to issue burial or removal permits, a licensee shall show proof of
3 current licensure.

4 (c) If a licensee fails to pay the renewal fee by the required date, the license
5 shall lapse. Thereafter, the license may be reinstated only upon application to
6 the ~~board~~ Board or the ~~office of professional regulation~~ Office of Professional
7 Regulation and upon payment of the renewal fee and a reinstatement fee.

8 (d) Applicants and persons regulated under this chapter shall pay the
9 following fees:

10	(1) Application for license	\$ 70.00
11	(2) Biennial renewal of license	
12	(A) Funeral director	\$ 300.00 <u>\$ 350.00</u>
13	(B) Embalmer	\$ 300.00 <u>\$ 350.00</u>
14	(C) Funeral establishment	\$ 540.00 <u>\$ 900.00</u>
15	(D) Crematory establishment	\$ 540.00 <u>\$ 900.00</u>
16	(E) Removal personnel	\$ 85.00 <u>\$ 125.00</u>

17 (e) In addition to the provisions of subsection (a) of this section, an
18 applicant for renewal as a funeral director or embalmer shall have satisfactorily
19 completed continuing education as required by the ~~board~~ Board. For purposes
20 of this subsection, the ~~board~~ Board shall require, by rule, not less than six nor
21 more than ten hours of approved continuing education as a condition of

1 renewal and may require up to three hours of continuing education for removal
2 personnel in the subject area of universal precautions and infectious diseases.

3 * * * Nursing * * *

4 * * * Registered and Licensed Practical Nursing * * *

5 Sec. 15. 26 V.S.A. § 1577 is amended to read:

6 § 1577. FEES

7 Applicants and persons regulated under this subchapter shall pay the
8 following fees:

9	(1) Application	\$ 60.00
10	(2) Registered nurse application by endorsement	\$ 150.00
11	(3) Biennial renewal	\$ 95.00 <u>\$ 140.00</u>
12	(4) Limited temporary license	\$ 25.00
13	(5) Initial endorsement of advanced practice	
14	registered nurses	\$ 75.00
15	(6) Biennial renewal of advanced practice	
16	registered nurses	\$ 50.00 <u>\$ 75.00</u>

17 * * * Nursing Assistants * * *

18 Sec. 16. 26 V.S.A. § 1599 is amended to read:

19 § 1599. FEES

20 Applicants and persons regulated under this subchapter shall pay the
21 following fees:

1	(1) Application	\$20.00
2	(2) Biennial renewal	\$30.00 <u>\$ 45.00</u>

3 * * * Optometry * * *

4 Sec. 17. 26 V.S.A. § 1718 is amended to read:

5 § 1718. FEES

6 Applicants and persons regulated under this chapter shall pay the following
7 fees:

8	(1) Application	\$225.00
9	(2) Biennial renewal	\$525.00 <u>\$ 425.00</u>

10 * * * Real Estate Brokers and Salespersons * * *

11 Sec. 18. 26 V.S.A. § 2255 is amended to read:

12 § 2255. FEES

13 (a) Applicants and persons regulated under this chapter shall pay the
14 following fees:

15	(1) Application	
16	(A) Broker license	\$ 50.00
17	(B) Salesperson license	\$ 50.00
18	(C) Brokerage firm registration	
19	(i) Corporation or partnership	\$ 50.00
20	(ii) Sole proprietor	\$ 0.00
21	(D) Branch office registration	\$ 50.00

1	(2) Biennial renewal of broker or salesperson	
2	license	\$ 175.00 <u>\$ 200.00</u>
3	(3) Biennial registration renewal <u>of corporation</u>	
4	<u>or partnership</u>	<u>\$ 200.00</u>
5	(A) Corporation or partnership	\$ 75.00
6	(B) Sole proprietor	\$ 0.00
7	(4) Temporary permit	\$ 25.00
8	(5) Transfer of license	\$ 10.00
9	(6) Transfer to inactive status	\$ 25.00

10 (b) ~~A sole proprietor of a brokerage firm shall only pay the sole proprietor~~
11 ~~application and renewal fees pursuant to this section, provided the brokerage~~
12 ~~firm has no other persons licensed under this chapter providing professional~~
13 ~~services within the brokerage firm. [Repealed.]~~

14 * * * Department of Public Safety * * *

15 Sec. 19. 20 V.S.A. chapter 145 is redesignated to read:

16 CHAPTER 145. DISPOSITION AND FEE FOR STORAGE OF
17 UNLAWFUL FIREARMS

1 Sec. 20. 20 V.S.A. § 2307 is added to read:

2 § 2307. FIREARMS SURRENDERED PURSUANT TO RELIEF FROM

3 ABUSE ORDER; STORAGE; FEES; RETURN

4 (a) The Department of Public Safety shall be responsible for the
5 implementation of and establishment of standards and guidelines to carry out
6 this section. To carry out this responsibility, the Department shall:

7 (1) establish and maintain a list of qualified storage locations including:

8 (A) federally licensed firearms dealers who annually certify
9 compliance with the Department's standards to receive firearms, ammunition,
10 or other weapons pursuant to subdivision (b)(2) of this section; and

11 (B) cooperating law enforcement agencies;

12 (2) establish a fee schedule for the transportation and storage of
13 firearms, ammunition, and other weapons pursuant to this section;

14 (3) establish standards and guidelines to provide for the transportation
15 and storage of firearms, ammunition and other weapons pursuant to this
16 section;

17 (4) establish a process by which an owner who has failed to make
18 storage fee payments may become current on the payment schedule in order to
19 avoid a sale of the stored item or items; and

20 (5) report on January 15, 2015 and annually thereafter to the House and
21 Senate Committees on Judiciary on the status of the program.

1 (b)(1) A person who is required to surrender firearms, ammunition, or other
2 weapons by a court order issued under 15 V.S.A. chapter 21 (abuse prevention)
3 or any other provision of law consistent with 18 U.S.C. § 922(g)(8) shall upon
4 service of the order immediately surrender to a cooperating law enforcement
5 agency or an approved federally licensed firearms dealer any firearms,
6 ammunition, or weapons in the person's possession, custody, or control.

7 (2) The Department of Public Safety shall identify federally licensed
8 firearms dealers who annually certify compliance with the standards and
9 guidelines established by the Department pursuant to subdivision (a)(1) of this
10 section.

11 (c) A law enforcement agency or an approved federally licensed firearms
12 dealer who takes possession of a firearm, ammunition, or other weapon
13 pursuant to subdivision (b)(1) of this section shall photograph, catalogue, and
14 store the item in accordance with standards and guidelines established by the
15 Department of Public Safety pursuant to subdivision (a)(3) of this section. A
16 firearm, ammunition, or other weapon shall not be taken into possession
17 pursuant to this section if it is being or may be used as evidence in a pending
18 criminal matter.

19 (d) A law enforcement agency or an approved federally licensed firearms
20 dealer who stores firearms, ammunition, or weapons pursuant to subsection (c)
21 of this section may charge the owner a storage fee, not to exceed \$4.00 per

1 week or part thereof. A law enforcement agency or an approved federally
2 licensed firearms dealer who stores firearms, ammunition, or weapons pursuant
3 to subsection (c) of this section also may charge a retrieval fee not to exceed
4 \$25.00 when the firearm, ammunition, or weapon is retrieved.

5 (e)(1) A law enforcement agency or an approved federally licensed
6 firearms dealer who takes possession of firearms, ammunition, or weapons for
7 storage purposes pursuant to this section shall not release the item to the owner
8 without a court order unless the item is to be sold at public auction pursuant to
9 subdivision (2)(A) of this section. If a court orders the release of firearms,
10 ammunition, or weapons stored under this section, the law enforcement agency
11 or firearms dealer in possession of the item shall make it available to the owner
12 within three business days of the order and in a manner consistent with federal
13 law. The Supreme Court may promulgate rules under 12 V.S.A. § 1 for
14 judicial proceedings under this subsection.

15 (2)(A) If the owner fails to retrieve the firearm, ammunition, or weapon
16 and pay the applicable storage fee within 90 days of the court order releasing
17 the item, or if the owner fails to pay the storage fee for 90 days in violation of
18 the applicable fee schedule, the firearm, ammunition, or weapon may be sold at
19 public auction. Title to the item shall pass to the law enforcement agency or
20 firearms dealer for the purpose of transferring ownership to the auctioneer.
21 The law enforcement agency or firearms dealer shall make a reasonable effort

1 to notify the owner of the sale before it occurs. As used in this subdivision,
2 “reasonable effort” shall include providing notice to the owner at least 21 days
3 prior to the date of the auction via certified mail to his or her last known
4 address.

5 (B) Proceeds from the sale of a firearm, ammunition, or weapon
6 pursuant to subdivision (A) of this subdivision (2) shall be apportioned as
7 follows:

8 (i) Unpaid storage fees shall be paid to the law enforcement
9 agency or firearms dealer who incurred the cost.

10 (ii) Any proceeds remaining after payment is made to the law
11 enforcement agency or firearms dealer pursuant to subdivision (i) of this
12 subdivision (B) shall be paid to the owner.

13 (f) A law enforcement agency or an approved federally licensed firearms
14 dealer shall be immune from civil or criminal liability for any damage or
15 deterioration of firearms, ammunition, or weapons stored or transported
16 pursuant to subsection (c) of this section. This subsection shall not apply if the
17 damage or deterioration occurred as a result of recklessness, gross negligence,
18 or intentional misconduct by the law enforcement agency or firearms dealer.

1 stipulation for a final order, the fee shall be ~~\$75.00~~ \$80.00 if one or both of the
2 parties are residents, and ~~\$150.00~~ \$160.00 if neither party is a resident, except
3 that if the stipulation is not acceptable to the Court or if a matter previously
4 agreed to becomes contested, the difference between the full fee and the
5 reduced fee shall be paid to the Court prior to the issuance of a final order.

6 (3) Prior to the entry of any parentage or desertion and support
7 proceeding brought under 15 V.S.A. chapter 5 in the Superior Court, there
8 shall be paid to the clerk of the Court for the benefit of the State a fee of
9 ~~\$100.00~~ \$105.00 in lieu of all other fees not otherwise set forth in this section.

10 If the parentage or desertion and support complaint is filed with a stipulation
11 for a final order acceptable to the Court, the fee shall be ~~\$25.00~~ \$30.00 except
12 that if the stipulation is not acceptable to the Court or if a matter previously
13 agreed to becomes contested, the difference between the full fee and the
14 reduced fee shall be paid to the Court prior to the issuance of a final order.

15 (4) Prior to the entry of any motion or petition to enforce a final order
16 for parental rights and responsibilities, parent-child contact, property division,
17 or maintenance in the Superior Court, there shall be paid to the clerk of the
18 Court for the benefit of the State a fee of ~~\$75.00~~ \$80.00 in lieu of all other fees
19 not otherwise set forth in this section. Prior to the entry of any motion or
20 petition to vacate or modify a final order for parental rights and
21 responsibilities, parent-child contact, or maintenance in the Superior Court,

1 there shall be paid to the clerk of the Court for the benefit of the State a fee of
2 ~~\$100.00~~ \$105.00 in lieu of all other fees not otherwise set forth in this section.

3 However, if the motion or petition is filed with a stipulation for an order, the
4 fee shall be ~~\$25.00~~ \$30.00 except that if the stipulation is not acceptable to the
5 Court or if a matter previously agreed to becomes contested, the difference
6 between the full fee and the reduced fee shall be paid to the Court prior to the
7 issuance of a final order. All motions or petitions filed by one party under this
8 subsection at one time shall be assessed one fee equal to the highest of the
9 filing fees associated with the motions or petitions involved. There are no
10 filing fees for prejudgment motions or petitions filed before a final divorce,
11 legal separation, dissolution of civil union, parentage, desertion, or nonsupport
12 judgment issued.

13 (5) Prior to the entry of any motion or petition to vacate or modify an
14 order for child support in the Superior Court, there shall be paid to the clerk of
15 the Court for the benefit of the State a fee of ~~\$35.00~~ \$40.00 in lieu of all other
16 fees not otherwise set forth in this section. If the motion or petition is filed
17 with a stipulation for an order, there shall be no fee except that if the
18 stipulation is not acceptable to the Court or if a matter previously agreed to
19 becomes contested, the difference between the full fee and the reduced fee
20 shall be paid to the Court prior to the issuance of a final order. A motion or
21 petition to enforce an order for child support shall require no fee. All motions

1 or petitions filed by one party at one time shall be assessed one fee; if a
2 simultaneous motion is filed by a party under subdivision (4) of this
3 subsection, the fee under subdivision (4) shall be the only fee assessed. There
4 are no filing fees for prejudgment motions or petitions filed before a final
5 divorce, legal separation, dissolution of civil union, parentage, desertion, or
6 nonsupport judgment has issued.

7 (6) Prior to the registration in Vermont of a child custody determination
8 issued by a court of another state, there shall be paid to the clerk of the Court
9 for the benefit of the State a fee of ~~\$75.00~~ \$80.00 unless the request for
10 registration is filed with a simultaneous motion for enforcement, in which
11 event the fee for registration shall be \$30.00 in addition to the fee for the
12 motion as provided in subdivision (4) of this subsection.

13 (c)(1) Prior to the entry of a small claims action, there shall be paid to the
14 clerk in lieu of all other fees not otherwise set forth in this section, a fee of
15 ~~\$75.00~~ \$80.00 if the claim is for more than \$1,000.00 and ~~\$50.00~~ \$55.00 if the
16 claim is for \$1,000.00 or less. Prior to the entry of any postjudgment motion in
17 a small claims action, there shall be paid to the clerk a fee of ~~\$50.00~~ \$55.00.
18 The fee for every counterclaim in small claims proceedings shall be ~~\$25.00~~
19 \$30.00, payable to the clerk, if the counterclaim is for more than \$500.00, and
20 ~~\$15.00~~ \$20.00 if the counterclaim is for \$500.00 or less.

1 (2)(A) Except as provided in subdivision (B) of this subdivision (2), fees
2 paid to the clerk pursuant to this subsection shall be divided as follows: 50
3 percent of the fee shall be for the benefit of the county and 50 percent of the
4 fee shall be for the benefit of the State.

5 (B) In a county where court facilities are provided by the State, all
6 fees paid to the clerk pursuant to this subsection shall be for the benefit of the
7 State.

8 (d) Prior to the entry of any subsequent pleading which sets forth a claim
9 for relief in the Supreme Court or the Superior Court, there shall be paid to the
10 clerk of the Court for the benefit of the State a fee of ~~\$100.00~~ \$105.00 for
11 every appeal, cross-claim, or third-party claim and a fee of ~~\$75.00~~ \$80.00 for
12 every counterclaim in the Superior Court in lieu of all other fees not otherwise
13 set forth in this section. The fee for an appeal of a magistrate's decision in the
14 Superior Court shall be ~~\$100.00~~ \$105.00. The filing fee for civil suspension
15 proceedings filed pursuant to 23 V.S.A § 1205 shall be ~~\$75.00~~ \$80.00, which
16 shall be taxed in the bill of costs in accordance with sections 1433 and 1471 of
17 this title. This subsection does not apply to filing fees in the Family Division,
18 except with respect to the fee for an appeal of a magistrate's decision.

19 (e) Prior to the filing of any postjudgment motion in the Civil, Criminal, or
20 Environmental Division of the Superior Court, including motions to reopen
21 civil suspensions and motions for sealing or expungement in the Criminal

1 Division pursuant to 13 V.S.A. § 7602, there shall be paid to the clerk of the
2 Court for the benefit of the State a fee of ~~\$75.00~~ \$80.00 except for small claims
3 actions.

4 (f) The filing fee for all actions filed in the Judicial Bureau shall be ~~\$50.00~~
5 \$55.00; the State or municipality shall not be required to pay the fee; however,
6 if the respondent denies the allegations on the ticket, the fee shall be taxed in
7 the bill of costs in accordance with sections 1433 and 1471 of this title and
8 shall be paid to the clerk of the Bureau for the benefit of the State.

9 (g) Prior to the filing of any postjudgment motion in the Judicial Bureau
10 there shall be paid to the clerk of the Bureau, for the benefit of the State, a fee
11 of ~~\$35.00~~ \$40.00. Prior to the filing of any appeal from the Judicial Bureau to
12 the Superior Court, there shall be paid to the Clerk of the Court, for the benefit
13 of the State, a fee of ~~\$100.00~~ \$105.00.

14 (h) Pursuant to Vermont Rules of Civil Procedure 3.1 or Vermont Rules of
15 Appellate Procedure 24(a), part or all of the filing fee may be waived if the
16 Court finds that the applicant is unable to pay it. The clerk of the Court or the
17 clerk's designee shall establish the in forma pauperis fee in accordance with
18 procedures and guidelines established by administrative order of the Supreme
19 Court. If, during the course of the proceeding and prior to a final judgment,
20 the Court determines that the applicant has the ability to pay all or a part of the
21 waived fee, the Court shall require that payment be made prior to issuing a

1 final judgment. If the applicant fails to pay the fee within a reasonable time,
2 the Court may dismiss the proceeding.

3 Sec. 24. 32 V.S.A. § 1434 is amended to read:

4 § 1434. PROBATE CASES

5 (a) The following entry fees shall be paid to the Probate Division of the
6 Superior Court for the benefit of the State, except for ~~subdivision~~ subdivisions
7 ~~(17)(18) and (19)~~ of this subsection which shall be for the benefit of the county
8 in which the fee was collected:

- | | | |
|----|--|---|
| 9 | (1) Estates of \$10,000.00 or less | \$25.00 <u>\$30.00</u> |
| 10 | (2) Estates of more than \$10,000.00 to not more | \$75.00 <u>\$80.00</u> |
| 11 | than \$50,000.00 | |
| 12 | (3) Estates of more than \$50,000.00 to not more | \$200.00 <u>\$210.00</u> |
| 13 | than \$150,000.00 | |
| 14 | (4) Estates of more than \$150,000.00 to not more | \$375.00 <u>\$395.00</u> |
| 15 | than \$500,000.00 | |
| 16 | (5) Estates of more than \$500,000.000 to not more | \$625.00 <u>\$660.00</u> |
| 17 | than \$1,000,000.00 | |
| 18 | (6) Estates of more than \$1,000,000.00 to | \$1,000.00 <u>\$1,050.00</u> |
| 19 | not more than \$5,000,000.00 | |
| 20 | (7) Estates of more than \$5,000,000.00 to | \$1,500.00 <u>\$1,575.00</u> |
| 21 | not more than \$10,000,000.00 | |

1	(8) Estates of more than \$10,000,000.00	\$1,750.00 <u>\$1,840.00</u>
2	(9) For all trust petitions, other than those described	\$150.00 <u>\$160.00</u>
3	in subdivision (11) of this subsection, where the corpus of the	
4	trust at the time the petition is filed is \$100,000.00 or less,	
5	including petitions to modify or terminate a trust, to remove	
6	or substitute a trustee or trustees, or seeking remedies for	
7	breach of trust	
8	(10) For all trust petitions, other than those described	\$250.00 <u>\$265.00</u>
9	in subdivision (11) of this subsection, where the corpus of the	
10	trust is more than \$100,000.00, including petitions to modify	
11	or terminate a trust, to remove or substitute a trustee or trustees,	
12	or seeking remedies for breach of trust	
13	(11) Annual accounts on trusts	\$30.00 <u>\$35.00</u>
14	(12) Annual accounts on decedents' estates filed for	\$25.00 <u>\$30.00</u>
15	any period ending more than one year following the opening	
16	of the estate	
17	(13) Adoptions <u>and relinquishments as part of an</u>	\$75.00 <u>\$100.00</u>
18	<u>adoption proceeding</u>	
19	(14) <u>Relinquishments, separate from adoptions</u>	<u>\$100.00</u>
20	(15) Guardianships for minors	\$85.00 <u>\$90.00</u>
21	(15)(16) Guardianships for adults	\$100.00 <u>\$105.00</u>

1	(16) (17) Petitions for change of name	\$125.00 <u>\$135.00</u>
2	(17) (18) Filing of a will for safekeeping, except that	\$20.00 <u>\$25.00</u>
3	there shall be no fee for the filing of subsequent wills in that	
4	district for the same person	
5	(19) Filing of subsequent will for safekeeping, same	<u>\$15.00</u>
6	<u>probate division or transfer to another probate division</u>	
7	(18) (20) Corrections for vital records	\$25.00 <u>\$30.00</u>
8	(19) (21) Orders of authorization pursuant to	\$25.00 <u>\$30.00</u>
9	<u>18 V.S.A. § 5144</u>	
10	(20) (22) Conveyances of title to real estate pursuant	\$50.00 <u>\$55.00</u>
11	to 14 V.S.A. § 1801, <u>including petitions to clear title and</u>	
12	<u>release or discharge of mortgage</u>	
13	(21) (23) Petitions concerning advance directives	\$75.00 <u>\$80.00</u>
14	pursuant to 18 V.S.A. § 9718	
15	(22) (24) Civil actions brought pursuant to	\$50.00 <u>\$55.00</u>
16	18 V.S.A. chapter 107, subchapter 3	
17	(23) (25) Petitions for partial decree	\$100.00 <u>\$105.00</u>
18	(24) (26) Petitions for license to sell real estate	\$50.00 <u>\$55.00</u>
19	<u>(27) Petitions for minor settlement pursuant to</u>	<u>\$30.00</u>
20	<u>14 V.S.A. § 2643</u>	

21 * * *

1 Sec. 25. JUDICIARY; ELECTRONIC FILING FEE

2 It is the intent of the General Assembly that the Judiciary be authorized to
3 fund the licensing and operating costs of an electronic casefile and electronic
4 filing system for all courts through, among other sources, the imposition of
5 user fees on electronic filing or electronic access to Judiciary case records, or
6 both. The Supreme Court is authorized to submit to the General Assembly a
7 specific plan for such fees, including the amount of each fee, the coverage of
8 the fee and the user action that will trigger the imposition of the fee, to take
9 effect once funding for purchase of the electronic filing and electronic casefile
10 system is secured.

11 * * * Vermont Web Portal * * *

12 Sec. 26. 22 V.S.A. § 954 is added to read:

13 § 954. VERMONT WEB PORTAL; DEPARTMENT OF TAXES

14 The Vermont Web Portal may assess a three percent fee for credit card
15 payment of tax bills to the Vermont Department of Taxes.

16 Sec. 27. 22 V.S.A. § 955 is added to read:

17 § 955. VERMONT WEB PORTAL; DEPARTMENT OF MOTOR

18 VEHICLES

19 The Vermont Web Portal may assess a three percent fee for
20 over-the-counter credit card payment of Department of Motor Vehicle fees at
21 Department branch offices.

