



HOUSE BILL 182: Escheat Fund Fee Waiver.

2023-2024 General Assembly

Committee:	House State Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 6, 2023
Introduced by:	Reps. Hardister, Rudow, Carson Smith	Prepared by:	Brad Krehely
Analysis of:	PCS to First Edition H182-CSRNF-11		Committee Co-Counsel

OVERVIEW: *The Proposed Committee Substitute (PCS) for House Bill 182 would waive fees for certain properties held in the Escheat Fund, as recommended by the Department of State Treasurer.*

CURRENT LAW: G.S. 7A-307 addresses costs in the administration of certain estates, including collections of personal property by affidavit. For collections of personal property by affidavit, the following costs must be assessed:

- A \$10.00 facilities fee for use of the courtroom and related judicial facilities to be remitted to the county.
- \$4.00 for the upgrade, maintenance, and operation of the judicial and county courthouse telecommunications and data connectivity to be credited to the Court Information Technology Fund.
- For support of the General Court of Justice, the sum of \$106.00, plus an additional 40¢ per \$100, or major fraction thereof, of the gross estate, not to exceed \$6,000. Sums collected must be remitted to the State Treasurer. G.S. 7A-307(a)(1)-(2).

In collections of personal property by affidavit, the facilities fee and \$30.00 of the General Court of Justice fee must be paid at the time of filing the qualifying affidavit. If the sole asset of the estate is a cause of action, these fees must be paid at the time of the qualification of the fiduciary. G.S. 7A-307(b).

All property escheated or abandoned is paid into a fund administered by the State Treasurer. This fund is the Escheat Fund. G.S. 116B-5.

BILL ANALYSIS: The PCS for House Bill 182 would provide that in collections of personal property by affidavit, upon application of the affiant, all fees must be waived if (1) the amount to be collected is \$5,000 or less and (2) the sole source of the assets of the estate is held in the Escheat Fund.

EFFECTIVE DATE: The act would become effective January 1, 2024, and would apply to petitions filed on or after that date.

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Legislative Analysis
Division
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