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SENATE COMMITTEE ON JUDICIARY

Hon. Jeff King, Chairman
Hon. Greg Smith, Vice Chairman
Hon. David Haley, R.M. Member

March 11, 2015
10:30 AM Room 346-S

Larry N. Zimmerman
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Testimony in Support of HB 2111

Thank you Chairman King and Members of the Senate Judiciary Committee. I am Larry Zimmerman, an attorney practicing here in Topeka, and I am writing in **SUPPORT** of HB 2111 on behalf of the Kansas Credit Attorney Association (KCAA).

The purpose of HB 2111 is to make clear that the payment transaction fees (4%) charged to parties for credit card payment of court fees is taxable as a cost under K.S.A. 60-2003.

These transaction fees have been around for several years but were, in effect, optional. If a party did not want to incur the additional fee, then that party could file pleadings in paper form with a check or cash. However, as court e-filing gathers steam and becomes mandatory in some jurisdictions, these transaction fees are no longer optional and knowing their status affirmatively as a taxable cost is important.

To my knowledge, no one has questioned that they are a taxable cost. We have consulted with the Office of Judicial Administration, the Bar Association, an array of sitting judges, and even attorneys and judges from other states which are addressing the same matter. All agree that we can infer that they are covered as a taxable cost but we are here asking that the legislature make it explicit.

This is comparable to the discussions in the Senate Judiciary Committee regarding SB 15 which also seeks to clarify that the new summary judgment and dispositional motion fees are unambiguously addressed in statute.

I appreciate the opportunity to testify in support of HB 2111 on behalf of the KCAA.

Respectfully submitted by,

Larry N. Zimmerman