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P.L. 2013-22

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2 **AN ACT**  
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4 To amend the Civil Procedure Act, 29 MIRC 1, to increase the fees and costs that may be  
5 recovered for serving process to reflect the increase in costs since the current fees and costs were  
6 originally set in the 1966 Trust Territory Code.

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8 **BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS:**

9 **Section 1: Short Title.**

10 This Act may be cited as the Civil Procedure (Amendment) Act, 2013.

11 **Section 2: Amendment.**

12 (1) Section 105 of the Civil Procedure Act, 29 MIRC Chapter. 1, is amended to read  
13 as follows:

14 **§105. Fees.**

15 A chief of police, police officer or person authorized to execute or serve  
16 process, other than a member of the Marshall Islands Police Force or Local  
17 Government Police Force executing or serving a process in a criminal or civil  
18 contempt proceedings, or in juvenile delinquency proceedings, shall be entitled to  
19 collect the following fees for duties performed by him or her:

20 (a) for serving any form of process, \$5.00 plus 0.25 cents  
21 per mile for any travel actually performed and necessary in connection  
22 with the service. Any process delivered to a chief of police or any police  
23 officer shall be sent by him or her to a police officer who is located where  
24 the officer can serve it more quickly or with less travel;

25 (b) for levying a writ of execution and making a sale

1           thereunder, the fees provided above for serving of any process, plus  
2           \$25.00 for conducting the sale, and 0.05 cents for every dollar collected up  
3           to \$50.00, and 0.02 cents for every dollar collected over \$50.00; and

4                           (c) in addition to the above, a chief of police shall be  
5           allowed actual, reasonable and necessary expenses for caring for any  
6           property seized under an attachment or levy of execution; provided,  
7           however, that no caretaker or watchman shall be allowed in excess of  
8           \$24.00 for each twelve (12) hours of service.

9           (2)   Section 107 of the Civil Procedure Act, 29 MIRC Chapter 1, is amended to read  
10   as follows:

11           **§107. Disposition of proceeds.**

12                   Any person authorized to serve or execute process, shall be entitled to  
13           retain for his or her own use the fees authorized in this Division, provided,  
14           however, all fees collected by a police officer for travel shall be remitted to the  
15           government agency providing the vehicle for service.

16   **Section 3: Effective Date.**

17           This Act shall take effect on the date of certification in accordance with Article IV,  
18   Section 21 of the Constitution and Rules of Procedures of Nitijela.

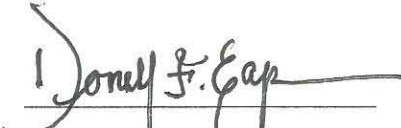
CERTIFICATE

I hereby certify:

- 1. That Nitijela Bill No.40 was passed by the Nitijela of the Republic of the Marshall Islands on the 18<sup>th</sup> day of November, 2013; and
- 2. That I am satisfied that Nitijela Bill No.40 was passed in accordance with the relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela.

I hereby place my signature before the Clerk this 25<sup>th</sup> day of November 2013.

Attest:

  
 \_\_\_\_\_  
 Hon. Donald F. Capelle

Speaker  
Nitijela of the Marshall Island

  
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 Tarjo Arelong

Clerk  
Nitijela of the Marshall Islands