

LAWS OF DELAWARE  
VOLUME 84  
CHAPTER 109  
152nd GENERAL ASSEMBLY  
FORMERLY  
SENATE BILL NO. 110

AN ACT TO AMEND TITLE 6 AND TITLE 8 OF THE DELAWARE CODE RELATING TO THE COURTHOUSE MUNICIPALITY FEE.

WHEREAS, Delaware is one of the world's leading corporate domiciles and its Court of Chancery is widely regarded as the nation's preeminent forum for the determination of disputes involving the internal affairs of business entities; and

WHEREAS, costs are incurred by the municipality in which the Courts of Chancery reside so that the aforementioned courts may provide exemplary service; and

WHEREAS, litigants and their counsel from around the state, the nation, and the world appear before the Court of Chancery, and it is in the State's best interest to provide a positive impression of such municipalities; and

WHEREAS, significant investments in building and property are made by the State of Delaware to host the Courts of Chancery in these municipalities.

NOW, THEREFORE: BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend § 18-206(e), Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(e) The Secretary of State, acting as agent, shall collect and deposit in a separate account established exclusively for that purpose, a courthouse municipality fee with respect to each filed instrument and shall thereafter monthly remit funds from such account to the treasuries of the municipalities designated in § 301 of Title 10. Said fees shall be for the purposes of defraying certain costs incurred by such municipalities in hosting the primary locations for the Delaware Courts. The fee to such municipalities shall be ~~\$20~~ \$40 for each instrument filed with the Secretary of State in accordance with this section. The municipality to receive the fee shall be the municipality designated in § 301 of Title 10 in the county in which the limited liability company's registered office in this State is, or is to be, located, except that a fee shall not be charged for a document filed in accordance with subchapter IX of this chapter.

Section 2. Amend § 103(c)(7), Title 8 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(7) The Secretary of State, acting as agent, shall collect and deposit in a separate account established exclusively for that purpose a courthouse municipality fee with respect to each filed instrument and shall thereafter monthly remit funds from such account to the treasuries of the municipalities designated in § 301 of Title 10. Said fees shall be for the purposes of defraying certain costs incurred by such municipalities in hosting the primary locations for the Delaware courts. The fee to such municipalities shall be ~~\$20~~ \$40 for each instrument filed with the Secretary of State in accordance with this section. The municipality to receive the fee shall be the municipality designated in § 301 of Title 10 in the county in which the corporation's registered office in this State is, or is to be, located, except that a fee shall not be charged for a certificate of dissolution qualifying for treatment under § 391(a)(5)b. of this title, a resignation of agent without appointment of a successor under § 136 of this title, or a document filed in accordance with subchapter XVI of this chapter.

Section 3. This bill shall take effect on August 1, 2023.

Approved July 21, 2023