

An Act

ENROLLED HOUSE

BILL NO. 3267

By: Jackson, Jett and Martin
(Steve) of the House

and

Sparks and Ford of the
Senate

An Act relating to fees; amending 28 O.S. 2001, Sections 152, as last amended by Section 2, Chapter 247, O.S.L. 2007 and 152.1, as last amended by Section 1 of Enrolled Senate Bill No. 2040 of the 2nd Session of the 52nd Oklahoma Legislature (28 O.S. Supp. 2009, Section 152), which relate to civil case filing fees; modifying fee amounts; eliminating certain deposits to the credit of adoption-related registries and programs; eliminating certain deposits into the Child Abuse Multidisciplinary Account; eliminating assessment for Office of the Attorney General Victim Services Unit; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 28 O.S. 2001, Section 152, as last amended by Section 2, Chapter 247, O.S.L. 2007 (28 O.S. Supp. 2009, Section 152), is amended to read as follows:

Section 152. A. In any civil case filed in a district court, the court clerk shall collect, at the time of filing, the following flat fees, none of which shall ever be refundable, and which shall be the only charge for court costs, except as is otherwise specifically provided for by law:

1.	Actions for divorce, alimony without divorce, separate maintenance, custody or support.....	\$140.00 <u>\$143.00</u>
2.	Any ancillary proceeding to modify or vacate a divorce decree providing for custody or support.....	\$40.00 <u>\$43.00</u>
3.	Probate and guardianship.....	\$132.00 <u>\$135.00</u>
4.	Annual guardianship report.....	\$30.00 <u>\$33.00</u>
5.	Any proceeding for sale or lease of real or personal property or mineral interest in probate or guardianship.....	\$40.00 <u>\$43.00</u>
6.	Any proceeding to revoke the probate of a will.....	\$40.00 <u>\$43.00</u>
7.	Judicial determination of death.....	\$55.00 <u>\$58.00</u>
8.	Adoption.....	\$102.00 <u>\$105.00</u>
9.	Civil actions for an amount of Ten Thousand Dollars (\$10,000.00) or less and condemnation.....	\$147.00 <u>\$150.00</u>
10.	Civil actions for an amount of Ten Thousand One Dollars (\$10,001.00) or more	\$160.00 <u>\$163.00</u>
11.	Garnishment.....	\$20.00 <u>\$23.00</u>
12.	Continuing wage garnishment.....	\$60.00 <u>\$63.00</u>

13.	Any other proceeding after judgment.....	\$30.00
	<u>\$33.00</u>
14.	All others, including but not limited to actions for forcible entry and detainer, judgments from all other courts, including the Workers' Compensation Court.....	\$82.00
	<u>\$85.00</u>
15.	Notice of renewal of judgment.....	\$20.00
	<u>\$23.00</u>

B. In addition to the amounts collected pursuant to paragraphs 1, 3, 7, 8, 9, 10 and 14 of subsection A of this section, the sum of Six Dollars (\$6.00) shall be assessed and credited to the Law Library Fund.

C. In addition to the amounts collected pursuant to subsections A and B of this section, the sum of Twenty-five Dollars (\$25.00) shall be assessed and credited to the Oklahoma Court Information System Revolving Fund created pursuant to Section 1315 of Title 20 of the Oklahoma Statutes.

~~D. Of the amounts collected pursuant to paragraph 8 of subsection A of this section, the sum of Twenty Dollars (\$20.00) shall be deposited to the credit of the Voluntary Registry and Confidential Intermediary program and the Mutual Consent Voluntary Registry established pursuant to the Oklahoma Adoption Code.~~

~~E. Of the amounts collected pursuant to subsection A of this section, the sum of Ten Dollars (\$10.00) shall be deposited to the credit of the Child Abuse Multidisciplinary Account.~~

~~F. In addition to the amounts collected pursuant to subsections A and B of this section, the sum of Three Dollars (\$3.00) shall be assessed and credited to the Office of the Attorney General Victim Services Unit.~~

G. In any case in which a litigant claims to have a just cause of action and that, by reason of poverty, the litigant is unable to pay the fees and costs provided for in this section and is financially unable to employ counsel, upon the filing of an affidavit in forma pauperis executed before any officer authorized by law to administer oaths to that effect and upon satisfactory

showing to the court that the litigant has no means and is, therefore, unable to pay the applicable fees and costs and to employ counsel, no fees or costs shall be required. The opposing party or parties may file with the court clerk of the court having jurisdiction of the cause an affidavit similarly executed contradicting the allegation of poverty. In all such cases, the court shall promptly set for hearing the determination of eligibility to litigate without payment of fees or costs. Until a final order is entered determining that the affiant is ineligible, the clerk shall permit the affiant to litigate without payment of fees or costs. Any litigant executing a false affidavit or counter affidavit pursuant to the provisions of this section shall be guilty of perjury.

H- E. Payments to the court clerk for fees and costs assessed pursuant to this section may be made by a nationally recognized credit or debit card or other electronic payment method as provided in paragraph 1 of subsection B of Section 151 of this title.

SECTION 2. AMENDATORY 28 O.S. 2001, Section 152.1, as last amended by Section 1 of Enrolled Senate Bill No. 2040 of the 2nd Session of the 52nd Oklahoma Legislature, is amended to read as follows:

Section 152.1 A. In civil cases, the court clerk shall collect and deposit in the court fund the following charges in addition to the flat fee:

1. For posting notices and filing certificates required by statute.....\$30.00
2. For the filing of any counterclaim or setoff pursuant to Section 1758 of Title 12 of the Oklahoma Statutes.....\$20.00
3. For mailing by any type of mail writs, warrants, orders, process, command, or notice for each person.....\$10.00
4. For the actual cost of all postage in each case in excess of\$10.00
5. For serving or endeavoring to serve each writ, warrant, order, process,

command, or notice for each person in
one or more counties.....\$50.00

provided that if more than one person is
served at the same address, one flat
fee of Fifty Dollars (\$50.00) may be
charged

6. For sheriff's fees on court-ordered
sales of real or personal property.....\$75.00
7. When a jury is requested.....\$349.00
8. For issuing each summons for each person.....\$ 5.00
9. For services of a court reporter at each
trial held in the case.....\$20.00
10. For filing a motion for summary
judgment or summary disposition of
issue(s).....\$50.00

The fees prescribed in paragraphs 5 and 6 of this subsection shall be paid by the court clerk into the Sheriff's Service Fee Account, created pursuant to the provisions of Section 514.1 of Title 19 of the Oklahoma Statutes, of the sheriff in the county where service is made or attempted or where the sheriff's sale occurs. All other fees shall be deposited into the local court fund in the county where collected.

~~B. Of the amounts collected pursuant to the provisions of paragraphs 1, 2 and 7 of subsection A of this section, the sum of Ten Dollars (\$10.00) shall be deposited to the credit of the Child Abuse Multidisciplinary Account.~~

~~C. The fee prescribed in paragraph 7 of subsection A of this section shall be paid at the time of the pretrial conference by the party requesting a jury.~~

SECTION 3. This act shall become effective July 1, 2010.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 26th day of May, 2010.

Chris Stebb
Presiding Officer of the House of
Representatives

Passed the Senate the 26th day of May, 2010.

Glenn Coffey
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this 27th
day of May, 2010,
at 2:30 o'clock P M.

By: *[Signature]*

Approved by the Governor of the State of Oklahoma the 9th day of
June, 2010, at 11:25 o'clock P M.

[Signature]
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this
10th day of June, 2010,
at 3:08 o'clock P M.

By: *M. Susan Savage*