An Act

ENROLLED HOUSE
BILL NO. 3220

By: Sears and Casey of the House

and

Jolley, Treat and Pittman of the Senate

An Act relating to court fees; amending 12 O.S. 2011, Section 1809, which relates to fees for an alternative dispute resolution system; increasing court costs for system; amending 19 O.S. 2011, Section 220, as amended by Section 1, Chapter 47, O.S.L. 2012 (19 O.S. Supp. 2015, Section 220), which relates to the Court Clerk's Revolving Fund; directing assessment of fee on fees collected by the court clerk for other agencies; creating a District Court Revolving Fund in the State Treasury; providing for source of funding; describing purpose of fund; prescribing expenditure of funds; amending 28 O.S. 2011, Sections 152, as last amended by Section 13 of Enrolled House Bill No. 3201 of the 2nd Session of the 55th Oklahoma Legislature and 152.1, which relate to court costs and fees; increasing divorce filing fee; modifying summons fee; providing an effective date; and declaring an emergency.

SUBJECT: Court fees

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

SECTION 1. AMENDATORY 12 O.S. 2011, Section 1809, is amended to read as follows:

Section 1809. A. 1. To establish and maintain an alternative dispute resolution system, court costs in the amount of ~~Two Dollars~~

~~($2.00)~~ Seven Dollars ($7.00) shall be taxed, collected, and paid as other court costs in all civil cases. When dispute resolution services are sought, a fee in the amount of Five Dollars ($5.00) shall be assessed by the center and collected from the initiating party. If the responding party agrees to participate in mediation of the dispute, a fee of Five Dollars ($5.00) shall be assessed by the center and collected from the responding party.

The fee of an initiating or responding party shall be waived by the center upon receipt of an affidavit in forma pauperis executed under oath by such party.

2. Except for the court costs and fees provided for in this subsection, dispute resolution services shall be provided without cost to participants.

B. The court costs and fees provided for in subsection A of this section, once collected, shall be transferred by the court clerk to the Director who shall deposit them in the State Judicial Revolving Fund.

SECTION 2. AMENDATORY 19 O.S. 2011, Section 220, as amended by Section 1, Chapter 47, O.S.L. 2012 (19 O.S. Supp. 2015, Section 220), is amended to read as follows:

Section 220. A. Beginning July 1, 1991, there is hereby created with the county treasurer of each county within this state a depository revolving fund to be designated the "Court Clerk's Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received as grants from the federal government and any other monies designated by law for deposit into the fund. All monies accruing to the credit of the fund shall be expended by the court clerk for the lawful operation of the court clerk's office. Claims against the fund shall include only expenses incurred for the operation of the court clerk's office in each county, and payment may be made after the claim is approved by the court clerk and either the district or the associate district judge of that county. The monies shall be reported quarterly to the Administrator of the Courts. The necessary forms and procedures shall be developed and implemented by the Administrative Director of the Courts.

B. There shall be no monies, other than federal funds, deposited into the fund created herein, unless expressly authorized by the Legislature.

C. Notwithstanding any other provision of law, the court clerk shall assess an administrative fee of ten percent (10%) on all fees collected by the court clerk for agencies other than the court and not deposited into the court fund. The administrative fee shall not attach to the sheriff's service fees provided for in Sections 153 and 153.2 of Title 28 of the Oklahoma Statutes, monies deposited into the Law Library Fund, witness fees paid by the district attorney pursuant to the provisions of Section 82 of Title 28 of the Oklahoma Statutes, and dispute resolution fees provided for in Section 1809 of Title 12 of the Oklahoma Statutes. The administrative fees shall be deposited in the Court Clerk's Revolving Fund.

D. Effective July 1, 2016, in addition to the amount collected in subsection C of this section, the court clerk shall assess an administrative fee of fifteen percent (15%) on all fees collected by the court clerk for agencies other than the court and not deposited into the court fund.

E. There is hereby created in the State Treasury a revolving fund for the district courts to be designated as the "District Court Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies collected pursuant to subsection D of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the district courts as necessary to perform the duties imposed upon the district courts by law. Expenditures from the District Court Revolving Fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

SECTION 3. AMENDATORY 28 O.S. 2011, Section 152, as last amended by Section 13 of Enrolled House Bill No. 3201 of the 2nd Session of the 55th Oklahoma Legislature, 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 ..... ~~$143.00~~ $183.00

2. Any ancillary proceeding to modify or vacate a divorce decree providing for custody or support $43.00

3. Probate and guardianship $135.00

4. Annual guardianship report $33.00

5. Any proceeding for sale or lease of real or personal property or mineral interest in probate or guardianship $43.00

6. Any proceeding to revoke the probate of a will $43.00

7. Judicial determination of death $58.00

8. Adoption $105.00

9. Civil actions for an amount of Ten Thousand Dollars ($10,000.00) or less and condemnation $150.00

10. Civil actions for an amount of Ten Thousand One Dollars ($10,001.00) or more $163.00

11. Garnishment $23.00

12. Continuing wage garnishment $63.00

13. Any other proceeding after judgment $33.00

14. All others, including but not limited to actions for forcible entry and detainer, judgments from all other courts, including the Workers' Compensation Court $85.00

15. Notice of renewal of judgment $23.00

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. In addition to the amounts collected pursuant to subsection A of this section, the sum of Five Dollars ($5.00) shall be assessed and credited to the Oklahoma court-appointed special advocates (OCASA).

E. In addition to the amounts collected pursuant to subsection A of this section, the sum of Two Dollars ($2.00) shall be assessed and credited as follows:

1. One Dollar and fifty-five cents ($1.55) of such amount shall be credited to the Council on Judicial Complaints Revolving Fund; and

2. Forty-five cents ($0.45) of such amount shall be credited to the State Judicial Revolving Fund to be used to reimburse district courts for expenses related to services of interpreters and translators. Vouchers for such expenses shall be submitted by the district court and approved by the Chief Justice of the Supreme Court or another justice designated by the Chief Justice.

F. In addition to the amounts collected pursuant to paragraphs 1, 3, 8, 9, 10 and 14 of subsection A of this section, each county may assess, upon approval by the board of county commissioners, a sum not to exceed Ten Dollars ($10.00) per case to be credited to the Sheriff's Service Fee Account in the county in which the action arose for the purpose of enhancing existing or providing additional courthouse security.

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. 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 4. AMENDATORY 28 O.S. 2011, Section 152.1, 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~~ $10.00

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. 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 5. This act shall become effective July 1, 2016.

SECTION 6. 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 25th day of May, 2016.

Presiding Officer of the House
of Representatives

Passed the Senate the 27th day of May, 2016.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 27th
day of May, 2016, at 3:12 o'clock P M.
By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 6th
day of June, 2016, at 3:39 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 6th
day of June, 2016, at 4:53 o'clock P. M.
By: Chris Benge