

# An Act

ENROLLED HOUSE  
BILL NO. 1091

By: Osburn and Hasenbeck of the  
House

and

Smalley of the Senate

An Act relating to fees; amending 28 O.S. 2011, Section 152, as last amended by Section 3, Chapter 362, O.S.L. 2016 (28 O.S. Supp. 2018, Section 152), which relates to court fees; providing for certain additional assessment for certain time period; providing for crediting of the assessment to certain fund; creating the Court Clerk's Records Management and Preservation Fund; making funds nonfiscal; stating source of revenue; prohibiting transfer to other funds; stating purpose; requiring compilation of monthly report on collections and expenditures; providing for codification; and providing an effective date.

SUBJECT: Court fees

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

SECTION 1. AMENDATORY 28 O.S. 2011, Section 152, as last amended by Section 3, Chapter 362, O.S.L. 2016 (28 O.S. Supp. 2018, 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.....\$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. Until November 1, 2023, in addition to the amounts collected pursuant to subsection A of this section, the sum of Ten Dollars (\$10.00) shall be assessed and credited to the Court Clerk's Records Management and Preservation Fund created in Section 2 of this act.

H. 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.~~ I. 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. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 31.3 of Title 28, unless there is created a duplication in numbering, reads as follows:

A. For the purpose of preserving, maintaining, archiving and protecting recorded instruments within the office of the clerk of the district court, including, but not limited to, records management, preservation, automation and modernization and related lawful expenditures, in addition to all other fees required by law, the clerk of the district court in each county shall collect the fees prescribed in subsection G of Section 152 of Title 28 of the Oklahoma Statutes.

B. There is hereby created a fund in each county to be known as the "Court Clerk's Records Management and Preservation Fund". Each fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of revenues from the fees prescribed in subsection G of Section 152 of Title 28 of the Oklahoma Statutes. All monies accruing to each fund shall be expended by the clerk of the district court and shall not be transferred to any other fund. Each fund shall be retained and used for the preservation of court records maintained within the county in which such fees are collected.

C. Each clerk of the district court shall compile a report to the board of county commissioners within each county on a monthly

basis detailing the funds collected, funds expended and the nature of each expenditure. The report shall constitute a full accounting record of these transactions. A copy of the report shall be furnished to the Administrative Director of the Courts for review.

SECTION 3. This act shall become effective November 1, 2019.

Passed the House of Representatives the 12th day of March, 2019.

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Presiding Officer of the House  
of Representatives

Passed the Senate the 8th day of April, 2019.

\_\_\_\_\_  
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_