

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 3220

By: Sears and Casey of the
House

4 and

5 Jolley and Treat of the
6 Senate

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9
10 AS INTRODUCED

11 An Act relating to court fees; amending 12 O.S. 2011,
12 Section 1809, which relates to fees for an
13 alternative dispute resolution system; increasing
14 court costs for system; amending 19 O.S. 2011,
15 Section 220, as amended by Section 1, Chapter 47,
16 O.S.L. 2012 (19 O.S. Supp. 2015, Section 220), which
17 relates to the Court Clerk's Revolving Fund;
18 directing assessment of fee on fees collected by the
19 court clerk for other agencies; creating a District
20 Court Revolving Fund in the State Treasury; providing
21 for source of funding; describing purpose of fund;
22 prescribing expenditure of funds; amending 28 O.S.
23 2011, Section 152, as last amended by Section 1,
24 Chapter 384, O.S.L. 2015 and 152.1 (28 O.S. Supp.
2015, Section 152), which relate to court costs and
fees; increasing divorce filing fee; modifying
summons fee; providing an effective date; and
declaring an emergency.

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:

1 Section 1809. A. 1. To establish and maintain an alternative
2 dispute resolution system, court costs in the amount of ~~Two Dollars~~
3 ~~(\$2.00)~~ Seven Dollars (\$7.00) shall be taxed, collected, and paid as
4 other court costs in all civil cases. When dispute resolution
5 services are sought, a fee in the amount of Five Dollars (\$5.00)
6 shall be assessed by the center and collected from the initiating
7 party. If the responding party agrees to participate in mediation
8 of the dispute, a fee of Five Dollars (\$5.00) shall be assessed by
9 the center and collected from the responding party.

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

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

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

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

23 Section 220. A. Beginning July 1, 1991, there is hereby
24 created with the county treasurer of each county within this state a

1 depository revolving fund to be designated the "Court Clerk's
2 Revolving Fund". The fund shall be a continuing fund, not subject
3 to fiscal year limitations, and shall consist of all monies received
4 as grants from the federal government and any other monies
5 designated by law for deposit into the fund. All monies accruing to
6 the credit of the fund shall be expended by the court clerk for the
7 lawful operation of the court clerk's office. Claims against the
8 fund shall include only expenses incurred for the operation of the
9 court clerk's office in each county, and payment may be made after
10 the claim is approved by the court clerk and either the district or
11 the associate district judge of that county. The monies shall be
12 reported quarterly to the Administrator of the Courts. The
13 necessary forms and procedures shall be developed and implemented by
14 the Administrative Director of the Courts.

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

18 C. Notwithstanding any other provision of law, the court clerk
19 shall assess an administrative fee of ten percent (10%) on all fees
20 collected by the court clerk for agencies other than the court and
21 not deposited into the court fund. The administrative fee shall not
22 attach to the sheriff's service fees provided for in Sections 153
23 and 153.2 of Title 28 of the Oklahoma Statutes, monies deposited
24 into the Law Library Fund, witness fees paid by the district

1 attorney pursuant to the provisions of Section 82 of Title 28 of the
2 Oklahoma Statutes, and dispute resolution fees provided for in
3 Section 1809 of Title 12 of the Oklahoma Statutes. The
4 administrative fees shall be deposited in the Court Clerk's
5 Revolving Fund.

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

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

1 SECTION 3. AMENDATORY 28 O.S. 2011, Section 152, as last
2 amended by Section 1, Chapter 384, O.S.L. 2015 (28 O.S. Supp. 2015,
3 Section 152), is amended to read as follows:

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

- 9 1. Actions for divorce, alimony without
10 divorce, separate maintenance, custody or
11 support.....~~\$143.00~~ \$183.00
- 12 2. Any ancillary proceeding to modify or
13 vacate a divorce decree providing for
14 custody or support.....\$43.00
- 15 3. Probate and guardianship.....\$135.00
- 16 4. Annual guardianship report.....\$33.00
- 17 5. Any proceeding for sale or lease of real or
18 personal property or mineral interest in
19 probate or guardianship.....\$43.00
- 20 6. Any proceeding to revoke the probate of a
21 will.....\$43.00
- 22 7. Judicial determination of death.....\$58.00
- 23 8. Adoption.....\$105.00

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- 1 9. Civil actions for an amount of Ten Thousand
- 2 Dollars (\$10,000.00) or less and
- 3 condemnation.....\$150.00
- 4 10. Civil actions for an amount of Ten
- 5 Thousand One Dollars (\$10,001.00) or more\$163.00
- 6 11. Garnishment.....\$23.00
- 7 12. Continuing wage garnishment.....\$63.00
- 8 13. Any other proceeding after judgment.....\$33.00
- 9 14. All others, including but not limited to
- 10 actions for forcible entry and detainer,
- 11 judgments from all other courts, including
- 12 the Workers' Compensation Court.....\$85.00
- 13 15. Notice of renewal of judgment.....\$23.00

14 B. In addition to the amounts collected pursuant to paragraphs
15 1, 3, 7, 8, 9, 10 and 14 of subsection A of this section, the sum of
16 Six Dollars (\$6.00) shall be assessed and credited to the Law
17 Library Fund.

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

23 D. In addition to the amounts collected pursuant to subsection
24 A of this section, the sum of Five Dollars (\$5.00) shall be assessed

1 and credited to the Oklahoma court-appointed special advocates
2 (OCASA).

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

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

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

15 F. In any case in which a litigant claims to have a just cause
16 of action and that, by reason of poverty, the litigant is unable to
17 pay the fees and costs provided for in this section and is
18 financially unable to employ counsel, upon the filing of an
19 affidavit in forma pauperis executed before any officer authorized
20 by law to administer oaths to that effect and upon satisfactory
21 showing to the court that the litigant has no means and is,
22 therefore, unable to pay the applicable fees and costs and to employ
23 counsel, no fees or costs shall be required. The opposing party or
24 parties may file with the court clerk of the court having

1 jurisdiction of the cause an affidavit similarly executed
2 contradicting the allegation of poverty. In all such cases, the
3 court shall promptly set for hearing the determination of
4 eligibility to litigate without payment of fees or costs. Until a
5 final order is entered determining that the affiant is ineligible,
6 the clerk shall permit the affiant to litigate without payment of
7 fees or costs. Any litigant executing a false affidavit or counter
8 affidavit pursuant to the provisions of this section shall be guilty
9 of perjury.

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

14 SECTION 4. AMENDATORY 28 O.S. 2011, Section 152.1, is
15 amended to read as follows:

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

- 19 1. For posting notices and filing
20 certificates required by statute.....\$30.00
- 21 2. For the filing of any counterclaim or
22 setoff pursuant to Section 1758 of
23 Title 12 of the Oklahoma Statutes.....\$20.00

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- 1 3. For mailing by any type of mail writs,
2 warrants, orders, process, command, or
3 notice for each person.....\$10.00
- 4 4. For the actual cost of all postage in
5 each case in excess of\$10.00
- 6 5. For serving or endeavoring to serve each
7 writ, warrant, order, process,
8 command, or notice for each person in
9 one or more counties.....\$50.00
- 10 provided that if more than one person is
11 served at the same address, one flat
12 fee of Fifty Dollars (\$50.00) may be
13 charged
- 14 6. For sheriff's fees on court-ordered
15 sales of real or personal property.....\$75.00
- 16 7. When a jury is requested.....\$349.00
- 17 8. For issuing each summons for each person.....~~\$ 5.00~~ \$10.00
- 18 9. For services of a court reporter at each
19 trial held in the case.....\$20.00
- 20 10. For filing a motion for summary
21 judgment or summary disposition of
22 issue(s).....\$50.00

23 The fees prescribed in paragraphs 5 and 6 of this subsection
24 shall be paid by the court clerk into the Sheriff's Service Fee

1 Account, created pursuant to the provisions of Section 514.1 of
2 Title 19 of the Oklahoma Statutes, of the sheriff in the county
3 where service is made or attempted or where the sheriff's sale
4 occurs. All other fees shall be deposited into the local court fund
5 in the county where collected.

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

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

10 SECTION 6. It being immediately necessary for the preservation
11 of the public peace, health and safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval.

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