

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 459

By: Floyd, Sharp, and Pittman
of the Senate

6 and

7 Grau and Perryman of the
8 House

9
10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to fees for civil cases; amending 28
12 O.S. 2011, Section 152, which relates to flat fee
13 schedule; modifying certain assessment; establishing
14 assessment for certain purpose; designating certain
15 assessments be credited to certain revolving funds;
16 specifying purposes for which funds may be used;
17 providing procedures; and providing an effective
18 date.

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

20 SECTION 1. AMENDATORY 28 O.S. 2011, Section 152, is
21 amended to read as follows:

22 Section 152. A. In any civil case filed in a district court,
23 the court clerk shall collect, at the time of filing, the following
24 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	1. Actions for divorce, alimony without	
2	divorce, separate maintenance, custody or	
3	support.....	\$143.00
4	2. Any ancillary proceeding to modify or	
5	vacate a divorce decree providing for	
6	custody or support.....	\$43.00
7	3. Probate and guardianship.....	\$135.00
8	4. Annual guardianship report.....	\$33.00
9	5. Any proceeding for sale or lease of real or	
10	personal property or mineral interest in	
11	probate or guardianship.....	\$43.00
12	6. Any proceeding to revoke the probate of a	
13	will.....	\$43.00
14	7. Judicial determination of death.....	\$58.00
15	8. Adoption.....	\$105.00
16	9. Civil actions for an amount of Ten Thousand	
17	Dollars (\$10,000.00) or less and	
18	condemnation.....	\$150.00
19	10. Civil actions for an amount of Ten	
20	Thousand One Dollars (\$10,001.00) or more	\$163.00
21	11. Garnishment.....	\$23.00
22	12. Continuing wage garnishment.....	\$63.00
23	13. Any other proceeding after judgment.....	\$33.00
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- 1 14. All others, including but not limited to
2 actions for forcible entry and detainer,
3 judgments from all other courts, including
4 the Workers' Compensation Court.....\$85.00
5 15. Notice of renewal of judgment.....\$23.00

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

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

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

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

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

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

7 F. In any case in which a litigant claims to have a just cause
8 of action and that, by reason of poverty, the litigant is unable to
9 pay the fees and costs provided for in this section and is
10 financially unable to employ counsel, upon the filing of an
11 affidavit in forma pauperis executed before any officer authorized
12 by law to administer oaths to that effect and upon satisfactory
13 showing to the court that the litigant has no means and is,
14 therefore, unable to pay the applicable fees and costs and to employ
15 counsel, no fees or costs shall be required. The opposing party or
16 parties may file with the court clerk of the court having
17 jurisdiction of the cause an affidavit similarly executed
18 contradicting the allegation of poverty. In all such cases, the
19 court shall promptly set for hearing the determination of
20 eligibility to litigate without payment of fees or costs. Until a
21 final order is entered determining that the affiant is ineligible,
22 the clerk shall permit the affiant to litigate without payment of
23 fees or costs. Any litigant executing a false affidavit or counter
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1 affidavit pursuant to the provisions of this section shall be guilty
2 of perjury.

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

7 SECTION 2. This act shall become effective November 1, 2015.

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