

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 372

BY: HERBERT of the SENATE

and

DAVIS of the HOUSE

COMMITTEE SUBSTITUTE AN ACT RELATING TO FEES AND COURTS; AMENDING 20 O.S. 1981, SECTION 1301, WHICH RELATES TO DEPOSIT OF FEES, FINES AND FORFEITURES BY THE COURT CLERK; DECLARING CERTAIN ITEMS COLLECTED BY COURT CLERK TO BE DEBTS; AUTHORIZING COURT CLERKS TO CONTRACT FOR THE COLLECTION OF CERTAIN DEBTS; LIMITING AMOUNT OF COLLECTION FEE; PROVIDING FOR NOTIFICATION; LIMITING DEBTS WHICH MAY BE PLACED WITH COLLECTION AGENCY; REQUIRING CERTAIN CONTRACTS TO COMPLY WITH CENTRAL PURCHASING ACT; SPECIFYING TERM OF CERTAIN CONTRACTS; PROHIBITING SETTLEMENT OF DEBT BY COLLECTION AGENCY FOR LESS THAN THE FULL AMOUNT OF DEBT; MAKING PROCEDURE DISCRETIONARY; PROVIDING FOR DISTRIBUTION OF CERTAIN COLLECTED FUNDS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 163 of Title 28, unless there is created a duplication in numbering, reads as follows:

A. All fines, fees, penalties and costs which the clerk of any district court of this state is authorized to collect shall be debts of the person from whom payment is required.

B. The clerk of any district court of this state is authorized to assess a collection fee of not more than one-third (1/3) of the amount of the debt and to contract with a private collection agency for the collection of such debt for any debt which is past due for three (3) months or longer and the district court clerk deems uncollectable.

C. No contract for the collection of debt as authorized by this act shall provide for a fee to the collection agency of more than the lesser of one-third (1/3) the amount actually collected by the agency or the amount assessed against the debtor as a collection fee.

D. At least forty-five (45) days prior to the placing of any debt with a collection agency for collection, the court clerk shall notify the debtor by ordinary mail addressed to the last-known address of the debtor or his attorney of record. Such notification shall advise the debtor that if the debt owed is not paid or satisfactory arrangements for the payment of such debt is not made within thirty (30) days from the date of delivery of the notice, then a fee for the collection of such debt shall be added to the amount owing by the debtor, such fee not to exceed one-third (1/3) of the amount owed by the debtor and that the debt shall be placed in the hands of a collection agency for collection.

E. Contracts for services pursuant to this act shall be subject to the provisions of the Oklahoma Central Purchasing Act, Section 85.1 et seq. of Title 74 of the Oklahoma Statutes and shall be for a term of one (1) year with a unilateral option on the part of the court clerk to renew for a period of one (1) year and approved by the Chief Justice of the Supreme Court.

F. Nothing in this act or in any contract entered into pursuant to this act shall authorize a collection agency to settle a debt for less than the full amount of the debt.

G. No court clerk shall be required to follow this procedure.

SECTION 2. AMENDATORY 20 O.S. 1981, Section 1301, is amended to read as follows:

Section 1301. ~~All~~ A. Except as provided in this section, all fees, fines and forfeitures shall, when collected by the court clerk, be deposited by him in a fund in the county treasury designated "The Court Fund", and shall be used, from year to year, in defraying the expenses of holding court in said county. The county treasurer shall act as an agent of the state in the care and handling of the court fund, but ~~his~~ the bond of the county treasurer shall cover ~~his~~ the obligations of the county treasurer in regard to this fund.

B. All fees, fines and forfeitures shall, when deemed uncollectable and placed with a collection agency for collection pursuant to Section 1 of this act and, when collected by the court clerk from the debtor, the collection agency, or any other source, be distributed as follows:

1. The authorized fee to the collection agency, if any; and
2. The remainder to the Court Fund.

SECTION 3. This act shall become effective September 1, 1991.

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