

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 372

BY: HERBERT

AS INTRODUCED

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 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; 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 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 in the same manner as provided by law for service of process in civil cases. 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.

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.

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 bond shall cover his obligations 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. Ten percent (10%) of the balance to the State Judicial Retirement Fund; and
3. The remainder to the county general fund for use by the county for the benefit of county jails.

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

43-1-437

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