

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 537

BY: SMITH

AS INTRODUCED

AN ACT RELATING TO FEES; AMENDING 28 O.S. 1981,
SECTION 152, AS LAST AMENDED BY SECTION 2, CHAPTER
109, O.S.L. 1990 (28 O.S. SUPP. 1990, SECTION 152),
WHICH RELATES TO FILING FEES IN CIVIL CASES;
INCREASING CERTAIN FEES; AND PROVIDING AN EFFECTIVE
DATE.

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

SECTION 1. AMENDATORY 28 O.S. 1981, Section 152, as last
amended by Section 2, Chapter 109, O.S.L. 1990 (28 O.S. Supp. 1990,
Section 152), is amended to read as follows:

Section 152. A. In any civil case filed in 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..... ~~\$62.00~~ \$100.00
2. Any ancillary proceeding to modify or
vacate divorce decree or prior order

	providing for custody or		
	support.....	\$30.00	
3.	Probate and guardianship.....	\$62.00	<u>\$100.00</u>
4.	Annual guardianship report	\$20.00	
5.	Any proceeding for sale or lease		
	of real or personal property or		
	mineral interest in probate or		
	guardianship	\$30.00	
6. <u>5.</u>	Any proceeding to revoke the probate		
	of a will	\$30.00	<u>\$100.00</u>
7. <u>6.</u>	Judicial determination of		
	death	\$35.00	<u>\$50.00</u>
8. <u>7.</u>	Adoption	\$62.00	<u>\$100.00</u>
9. <u>8.</u>	Civil actions and condemnation	\$62.00	<u>\$100.00</u>
10. <u>9.</u>	Garnishment	\$10.00	
11. <u>10.</u>	Continuing wage garnishment	\$50.00	
12. <u>11.</u>	Any other proceeding after judgment ...	\$20.00	
13. <u>12.</u>	All others, including but not limited		
	to actions for forcible entry and		
	detainer, judgments from all other		
	courts, including the		
	Workers' Compensation Court	\$62.00	<u>\$100.00</u>

B. Of the amount collected pursuant to subsection A of this section, the sum of Three Dollars (\$3.00) shall be deposited to the credit of the county Law Library Fund pursuant to Section 1201 et seq. of Title 20 of the Oklahoma Statutes.

C. In any case where the litigant claims he has a just cause of action, and that, by reason of poverty, he is unable to pay the fees and costs provided for in this section and financially unable to employ counsel, upon the filing of an affidavit in forma pauperis executed before any officer authorized by law to administer oaths by such litigant in such action to that effect and upon satisfactory

showing to the court that said 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 in any event file with the court clerk of the court having jurisdiction of the cause an affidavit similarly executed contradicting the allegation of such poverty. In all such cases, the court shall promptly set for hearing the determination of the eligibility of the original affiant to litigate without payment of fees or costs. Until a final order determining the ineligibility of such affiant has been entered, the clerk shall permit such affiant to litigate without payment for fees or costs. Any litigant executing a false affidavit or counter affidavit pursuant to the provisions of this section shall be guilty of perjury.

SECTION 2. This act shall become effective September 1, 1991.

43-1-032

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