

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 2104

By: Boyd (Laura)

AS INTRODUCED

An Act relating to costs; amending 28 O.S. 1991, Section 152, as amended by Section 9, Chapter 286, O.S.L. 1995 (28 O.S. Supp. 1996, Section 152), which relates to fee schedule for civil cases; clarifying language; and providing an effective date.

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

SECTION 1. AMENDATORY 28 O.S. 1991, Section 152, as amended by Section 9, Chapter 286, O.S.L. 1995 (28 O.S. Supp. 1996, 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 specifically by law:

1. Actions for divorce, alimony without divorce, separate maintenance, custody or support \$72.00
2. Any ancillary proceeding to modify or vacate a divorce decree providing for custody or support \$30.00
3. Probate and guardianship \$72.00

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. Any proceeding to revoke the probate of a will \$30.00
7. Judicial determination of death \$45.00
8. Adoption \$72.00
9. Civil actions and condemnation \$72.00
10. Garnishment \$10.00
11. Continuing wage garnishment \$50.00
12. Any other proceeding after judgment \$20.00
13. All others, including but not limited to actions for
forcible entry and detainer, judgments from all other
courts, including the Workers' Compensation Court \$72.00

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

C. In any case in which a litigant claims to have a just cause of action and that, by reason of poverty, the litigant is unable to pay the fees and costs provided for in this section and is financially unable to employ counsel, upon the filing of an affidavit in forma pauperis executed before any officer authorized by law to administer oaths to that effect and upon satisfactory showing to the court that the 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 file with the court clerk of the court having jurisdiction of the cause an affidavit similarly executed contradicting the allegation of poverty. In all such cases, the court shall promptly set for hearing the determination of eligibility to litigate without payment of fees or costs. Until a

final order is entered determining that the affiant is ineligible, the clerk shall permit the affiant to litigate without payment of 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 November 1, 1997.

46-1-5549 LAC