

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 459

By: Floyd, Sharp and Pittman of
the Senate

3

and

4

Grau of the House

5

6

7

8

[fees for civil cases - flat fee schedule -
assessment - effective date]

9

10 AUTHOR: Add the following House Coauthor: Perryman

11 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
entire bill and insert

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

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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

- 1 be the only charge for court costs, except as is otherwise
2 specifically provided for by law:
- 3 1. Actions for divorce, alimony without
4 divorce, separate maintenance, custody or
5 support.....\$143.00
 - 6 2. Any ancillary proceeding to modify or
7 vacate a divorce decree providing for
8 custody or support.....\$43.00
 - 9 3. Probate and guardianship.....\$135.00
 - 10 4. Annual guardianship report.....\$33.00
 - 11 5. Any proceeding for sale or lease of real or
12 personal property or mineral interest in
13 probate or guardianship.....\$43.00
 - 14 6. Any proceeding to revoke the probate of a
15 will.....\$43.00
 - 16 7. Judicial determination of death.....\$58.00
 - 17 8. Adoption.....\$105.00
 - 18 9. Civil actions for an amount of Ten Thousand
19 Dollars (\$10,000.00) or less and
20 condemnation.....\$150.00
 - 21 10. Civil actions for an amount of Ten
22 Thousand One Dollars (\$10,001.00) or more\$163.00
 - 23 11. Garnishment.....\$23.00
 - 24 12. Continuing wage garnishment.....\$63.00

1 13. Any other proceeding after judgment.....\$33.00

2 14. All others, including but not limited to
3 actions for forcible entry and detainer,
4 judgments from all other courts, including
5 the Workers' Compensation Court.....\$85.00

6 15. Notice of renewal of judgment.....\$23.00

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

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

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

20 E. In addition to the amounts collected pursuant to subsection
21 A of this section, the sum of ~~Two Dollars (\$2.00)~~ One Dollar and
22 fifty-five cents (\$1.55) shall be assessed and credited to the
23 Council on Judicial Complaints Revolving Fund.

1 F. In addition to the amounts collected pursuant to subsection
2 A of this section, until July 1, 2017, the sum of forty-five cents
3 (\$0.45) shall be assessed and credited to the State Judicial
4 Revolving Fund to be used for Access to Justice duties and
5 responsibilities imposed on the district courts under the
6 superintending control of the Supreme Court. Effective July 1,
7 2017, such sum shall be credited to the Council on Judicial
8 Complaints Revolving Fund.

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

1 fees or costs. Any litigant executing a false affidavit or counter
2 affidavit pursuant to the provisions of this section shall be guilty
3 of perjury.

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

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

9 Passed the House of Representatives the 20th day of April, 2015.

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Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2015.

Presiding Officer of the Senate

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17 specifically provided for by law:

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- 19 divorce, separate maintenance, custody or
- 20 support.....\$143.00
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- 22 vacate a divorce decree providing for
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- 18 actions for forcible entry and detainer,
- 19 judgments from all other courts, including
- 20 the Workers' Compensation Court.....\$85.00
- 21 15. Notice of renewal of judgment.....\$23.00

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1 Six Dollars (\$6.00) shall be assessed and credited to the Law
2 Library Fund.

3 C. In addition to the amounts collected pursuant to subsections
4 A and B of this section, the sum of Twenty-five Dollars (\$25.00)
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6 System Revolving Fund created pursuant to Section 1315 of Title 20
7 of the Oklahoma Statutes.

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

12 E. In addition to the amounts collected pursuant to subsection
13 A of this section, the sum of ~~Two Dollars (\$2.00)~~ One Dollar and
14 thirty-five cents (\$1.35) shall be assessed and credited to the
15 Council on Judicial Complaints Revolving Fund.

16 F. In addition to the amounts collected pursuant to subsection
17 A of this section, the sum of sixty-five cents (\$0.65) shall be
18 assessed and credited to the State Judicial Revolving Fund to be
19 used for Access to Justice duties and responsibilities imposed on
20 the district courts under the superintending control of the Supreme
21 Court.

22 G. In any case in which a litigant claims to have a just cause
23 of action and that, by reason of poverty, the litigant is unable to
24 pay the fees and costs provided for in this section and is

1 financially unable to employ counsel, upon the filing of an
2 affidavit in forma pauperis executed before any officer authorized
3 by law to administer oaths to that effect and upon satisfactory
4 showing to the court that the litigant has no means and is,
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19 credit or debit card or other electronic payment method as provided
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