

1 ENGROSSED HOUSE
2 BILL NO. 3220

By: Sears and Casey of the
House

3 and

4 Jolley and Treat of the
5 Senate

6
7
8 An Act relating to court fees; amending 12 O.S. 2011,
9 Section 1809, which relates to fees for an
10 alternative dispute resolution system; increasing
11 court costs for system; amending 19 O.S. 2011,
12 Section 220, as amended by Section 1, Chapter 47,
13 O.S.L. 2012 (19 O.S. Supp. 2015, Section 220), which
14 relates to the Court Clerk's Revolving Fund;
15 directing assessment of fee on fees collected by the
16 court clerk for other agencies; creating a District
17 Court Revolving Fund in the State Treasury; providing
18 for source of funding; describing purpose of fund;
19 prescribing expenditure of funds; amending 28 O.S.
20 2011, Sections 152, as last amended by Section 13 of
21 Enrolled House Bill No. 3201 of the 2nd Session of
22 the 55th Oklahoma Legislature and 152.1, which relate
23 to court costs and fees; increasing divorce filing
24 fee; modifying summons fee; providing an effective
date; and declaring an emergency.

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

SECTION 1. AMENDATORY 12 O.S. 2011, Section 1809, is
amended to read as follows:

Section 1809. A. 1. To establish and maintain an alternative
dispute resolution system, court costs in the amount of ~~Two Dollars~~

1 ~~(\$2.00)~~ Seven Dollars (\$7.00) shall be taxed, collected, and paid as
2 other court costs in all civil cases. When dispute resolution
3 services are sought, a fee in the amount of Five Dollars (\$5.00)
4 shall be assessed by the center and collected from the initiating
5 party. If the responding party agrees to participate in mediation
6 of the dispute, a fee of Five Dollars (\$5.00) shall be assessed by
7 the center and collected from the responding party.

8 The fee of an initiating or responding party shall be waived by
9 the center upon receipt of an affidavit in forma pauperis executed
10 under oath by such party.

11 2. Except for the court costs and fees provided for in this
12 subsection, dispute resolution services shall be provided without
13 cost to participants.

14 B. The court costs and fees provided for in subsection A of
15 this section, once collected, shall be transferred by the court
16 clerk to the Director who shall deposit them in the State Judicial
17 Revolving Fund.

18 SECTION 2. AMENDATORY 19 O.S. 2011, Section 220, as
19 amended by Section 1, Chapter 47, O.S.L. 2012 (19 O.S. Supp. 2015,
20 Section 220), is amended to read as follows:

21 Section 220. A. Beginning July 1, 1991, there is hereby
22 created with the county treasurer of each county within this state a
23 depository revolving fund to be designated the "Court Clerk's
24 Revolving Fund". The fund shall be a continuing fund, not subject

1 to fiscal year limitations, and shall consist of all monies received
2 as grants from the federal government and any other monies
3 designated by law for deposit into the fund. All monies accruing to
4 the credit of the fund shall be expended by the court clerk for the
5 lawful operation of the court clerk's office. Claims against the
6 fund shall include only expenses incurred for the operation of the
7 court clerk's office in each county, and payment may be made after
8 the claim is approved by the court clerk and either the district or
9 the associate district judge of that county. The monies shall be
10 reported quarterly to the Administrator of the Courts. The
11 necessary forms and procedures shall be developed and implemented by
12 the Administrative Director of the Courts.

13 B. There shall be no monies, other than federal funds,
14 deposited into the fund created herein, unless expressly authorized
15 by the Legislature.

16 C. Notwithstanding any other provision of law, the court clerk
17 shall assess an administrative fee of ten percent (10%) on all fees
18 collected by the court clerk for agencies other than the court and
19 not deposited into the court fund. The administrative fee shall not
20 attach to the sheriff's service fees provided for in Sections 153
21 and 153.2 of Title 28 of the Oklahoma Statutes, monies deposited
22 into the Law Library Fund, witness fees paid by the district
23 attorney pursuant to the provisions of Section 82 of Title 28 of the
24 Oklahoma Statutes, and dispute resolution fees provided for in

1 Section 1809 of Title 12 of the Oklahoma Statutes. The
2 administrative fees shall be deposited in the Court Clerk's
3 Revolving Fund.

4 D. Effective July 1, 2016, in addition to the amount collected
5 in subsection C of this section, the court clerk shall assess an
6 administrative fee of fifteen percent (15%) on all fees collected by
7 the court clerk for agencies other than the court and not deposited
8 into the court fund.

9 E. There is hereby created in the State Treasury a revolving
10 fund for the district courts to be designated as the "District Court
11 Revolving Fund". The fund shall be a continuing fund, not subject
12 to fiscal year limitations, and shall consist of all monies
13 collected pursuant to subsection D of this section. All monies
14 accruing to the credit of the fund are hereby appropriated and may
15 be budgeted and expended by the district courts as necessary to
16 perform the duties imposed upon the district courts by law.
17 Expenditures from the District Court Revolving Fund shall be made
18 upon warrants issued by the State Treasurer against claims filed as
19 prescribed by law with the Director of the Office of Management and
20 Enterprise Services for approval and payment.

21 SECTION 3. AMENDATORY 28 O.S. 2011, Section 152, as last
22 amended by Section 13 of Enrolled House Bill No. 3201 of the 2nd
23 Session of the 55th Oklahoma Legislature, is amended to read as
24 follows:

1 Section 152. A. In any civil case filed in a district court,
2 the court clerk shall collect, at the time of filing, the following
3 flat fees, none of which shall ever be refundable, and which shall
4 be the only charge for court costs, except as is otherwise
5 specifically provided for by law:

- 6 1. Actions for divorce, alimony without
7 divorce, separate maintenance, custody or
8 support.....~~\$143.00~~ \$183.00
- 9 2. Any ancillary proceeding to modify or
10 vacate a divorce decree providing for
11 custody or support.....\$43.00
- 12 3. Probate and guardianship.....\$135.00
- 13 4. Annual guardianship report.....\$33.00
- 14 5. Any proceeding for sale or lease of real or
15 personal property or mineral interest in
16 probate or guardianship.....\$43.00
- 17 6. Any proceeding to revoke the probate of a
18 will.....\$43.00
- 19 7. Judicial determination of death.....\$58.00
- 20 8. Adoption.....\$105.00
- 21 9. Civil actions for an amount of Ten Thousand
22 Dollars (\$10,000.00) or less and
23 condemnation.....\$150.00

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- 1 10. Civil actions for an amount of Ten
- 2 Thousand One Dollars (\$10,001.00) or more\$163.00
- 3 11. Garnishment.....\$23.00
- 4 12. Continuing wage garnishment.....\$63.00
- 5 13. Any other proceeding after judgment.....\$33.00
- 6 14. All others, including but not limited to
- 7 actions for forcible entry and detainer,
- 8 judgments from all other courts, including
- 9 the Workers' Compensation Court.....\$85.00
- 10 15. Notice of renewal of judgment.....\$23.00

11 B. In addition to the amounts collected pursuant to paragraphs
 12 1, 3, 7, 8, 9, 10 and 14 of subsection A of this section, the sum of
 13 Six Dollars (\$6.00) shall be assessed and credited to the Law
 14 Library Fund.

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

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

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1 E. In addition to the amounts collected pursuant to subsection
2 A of this section, the sum of Two Dollars (\$2.00) shall be assessed
3 and credited as follows:

4 1. One Dollar and fifty-five cents (\$1.55) of such amount shall
5 be credited to the Council on Judicial Complaints Revolving Fund;
6 and

7 2. Forty-five cents (\$0.45) of such amount shall be credited to
8 the State Judicial Revolving Fund to be used to reimburse district
9 courts for expenses related to services of interpreters and
10 translators. Vouchers for such expenses shall be submitted by the
11 district court and approved by the Chief Justice of the Supreme
12 Court or another justice designated by the Chief Justice.

13 F. In addition to the amounts collected pursuant to paragraphs
14 1, 3, 8, 9, 10 and 14 of subsection A of this section, each county
15 may assess, upon approval by the board of county commissioners, a
16 sum not to exceed Ten Dollars (\$10.00) per case to be credited to
17 the Sheriff's Service Fee Account in the county in which the action
18 arose for the purpose of enhancing existing or providing additional
19 courthouse security.

20 G. In any case in which a litigant claims to have a just cause
21 of action and that, by reason of poverty, the litigant is unable to
22 pay the fees and costs provided for in this section and is
23 financially unable to employ counsel, upon the filing of an
24 affidavit in forma pauperis executed before any officer authorized

1 by law to administer oaths to that effect and upon satisfactory
2 showing to the court that the litigant has no means and is,
3 therefore, unable to pay the applicable fees and costs and to employ
4 counsel, no fees or costs shall be required. The opposing party or
5 parties may file with the court clerk of the court having
6 jurisdiction of the cause an affidavit similarly executed
7 contradicting the allegation of poverty. In all such cases, the
8 court shall promptly set for hearing the determination of
9 eligibility to litigate without payment of fees or costs. Until a
10 final order is entered determining that the affiant is ineligible,
11 the clerk shall permit the affiant to litigate without payment of
12 fees or costs. Any litigant executing a false affidavit or counter
13 affidavit pursuant to the provisions of this section shall be guilty
14 of perjury.

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

19 SECTION 4. AMENDATORY 28 O.S. 2011, Section 152.1, is
20 amended to read as follows:

21 Section 152.1 A. In civil cases, the court clerk shall collect
22 and deposit in the court fund the following charges in addition to
23 the flat fee:
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- 1 1. For posting notices and filing
- 2 certificates required by statute.....\$30.00
- 3 2. For the filing of any counterclaim or
- 4 setoff pursuant to Section 1758 of
- 5 Title 12 of the Oklahoma Statutes.....\$20.00
- 6 3. For mailing by any type of mail writs,
- 7 warrants, orders, process, command, or
- 8 notice for each person.....\$10.00
- 9 4. For the actual cost of all postage in
- 10 each case in excess of\$10.00
- 11 5. For serving or endeavoring to serve each
- 12 writ, warrant, order, process,
- 13 command, or notice for each person in
- 14 one or more counties.....\$50.00
- 15 provided that if more than one person is
- 16 served at the same address, one flat
- 17 fee of Fifty Dollars (\$50.00) may be
- 18 charged
- 19 6. For sheriff's fees on court-ordered
- 20 sales of real or personal property.....\$75.00
- 21 7. When a jury is requested.....\$349.00
- 22 8. For issuing each summons for each person.....~~\$ 5.00~~ \$10.00
- 23 9. For services of a court reporter at each
- 24 trial held in the case.....\$20.00

1 10. For filing a motion for summary
2 judgment or summary disposition of
3 issue(s).....\$50.00

4 The fees prescribed in paragraphs 5 and 6 of this subsection
5 shall be paid by the court clerk into the Sheriff's Service Fee
6 Account, created pursuant to the provisions of Section 514.1 of
7 Title 19 of the Oklahoma Statutes, of the sheriff in the county
8 where service is made or attempted or where the sheriff's sale
9 occurs. All other fees shall be deposited into the local court fund
10 in the county where collected.

11 B. The fee prescribed in paragraph 7 of subsection A of this
12 section shall be paid at the time of the pretrial conference by the
13 party requesting a jury.

14 SECTION 5. This act shall become effective July 1, 2016.

15 SECTION 6. It being immediately necessary for the preservation
16 of the public peace, health and safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

1 Passed the House of Representatives the 25th day of May, 2016.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2016.

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9 Presiding Officer of the Senate