

1 SB30  
2 196846-4  
3 By Senator Ward  
4 RFD: Judiciary  
5 First Read: 05-MAR-19  
6 PFD: 02/11/2019

1 SB30

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4 ENROLLED, An Act,

5 To amend Section 12-19-70 of the Code of Alabama  
6 1975, to provide further for waiving the docket fee in a civil  
7 case due to financial hardship of the filing party.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Section 12-19-70 of the Code of Alabama  
10 1975, is amended to read as follows:

11 "§12-19-70.

12 "(a) There shall be a consolidated civil filing fee,  
13 known as a docket fee, collected from a plaintiff at the time  
14 a complaint is filed in circuit court or in district court.

15 "(b) The docket fee may be waived initially and  
16 taxed as costs at the conclusion of the case if the court  
17 finds that payment of the fee will constitute a substantial  
18 hardship pursuant to the income guidelines provided in  
19 paragraphs a. and b. of subdivision (4) of Section 15-12-1. A  
20 verified statement of substantial hardship, signed by the  
21 plaintiff and approved by the court party claiming hardship,  
22 shall be filed with the clerk of court. The accompanying  
23 pleading shall be considered filed on the date that the  
24 verified statement of substantial hardship is filed with the  
25 court. If, within 90 days of the filing, the court makes a

1 written finding that the party claiming hardship has the  
2 resources to pay the docket fee without substantial hardship,  
3 the party shall have 30 days from the date of the written  
4 finding of the court to submit payment of the docket fee or  
5 the case shall be dismissed for lack of jurisdiction. Until  
6 such time as the plaintiff pays the docket fee, the court  
7 shall stay the proceedings and the summons or other process  
8 for service shall not issue.

9 "(c) If, within 90 days of the filing, the court  
10 does not make a written finding that the party claiming  
11 hardship has the resources to pay the fee without substantial  
12 hardship, the hardship shall be deemed granted.

13 "(d) If a hardship is granted pursuant to subsection  
14 (c), the party claiming the hardship shall file written notice  
15 with the clerk's office that 90 days has passed since the time  
16 of filing the affidavit of substantial hardship. Failure of  
17 the party claiming the hardship shall have no effect upon the  
18 granting of the affidavit of substantial hardship or the date  
19 the accompanying pleading shall be considered filed."

20 "(e) Pursuant to the notice requirement under  
21 subsection (d), the clerk of the court shall provide a form  
22 notice to the party filing an affidavit of substantial  
23 hardship and accompanying pleading. The notice shall be in  
24 substantially the following form:

1           "I, (insert name of affiant), declare that on  
2           (insert date the affidavit of substantial hardship and  
3           accompanying pleading were filed), I filed an affidavit of  
4           substantial hardship and (insert name of accompanying  
5           pleading). As of (insert 90-day expiration date), the court  
6           has not made a written finding that I have the resources to  
7           pay the fee without substantial hardship and I hereby notify  
8           the clerk of the court that my affidavit of substantial  
9           hardship is deemed granted by law.

10           "\_\_\_\_\_ (Signature of Affiant)"

11           "(f) Notwithstanding subsection (d), if the clerk of  
12           the court receives verbal or written notice from any party,  
13           the court, or other means, that a hardship has been granted  
14           pursuant to subsection (c), the clerk shall enter the notice  
15           and docket the pleading.

16           Section 2. This act shall become effective  
17           immediately following its passage and approval by the  
18           Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB30

Senate 02-APR-19

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,  
Secretary.

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House of Representatives  
Amended and passed 23-MAY-19

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Senate concurred in House amendment 28-MAY-19

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