- 1 SB407
- 2 185677-1
- 3 By Senator Ward
- 4 RFD: Judiciary
- 5 First Read: 02-MAY-17

185677-1:n:04/20/2017:JMH/tgw LRS2017-1848

SYNOPSIS: Under existing law, when a complaint is filed in a civil case in the circuit or district court, the plaintiff pays a docket fee. Under existing law, if the court finds that payment of the docket fee would constitute a financial hardship, the court may waive the docket fee initially and tax it as costs at the conclusion of the case. Under existing law, for the docket fee to be waived, a verified statement of substantial hardship must be filed with the clerk of court and

approved by the court.

This bill would specify that the pleading accompanying the statement of substantial hardship shall be considered filed on the date the statement of substantial hardship is filed with the court. This bill would also specify that if the court finds that no hardship exists, the party shall have 30 days to submit payment or the case will be dismissed.

1	A BILL
2	TO BE ENTITLED
3	AN ACT
4	
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 subdivision (4) of subsection (a) and
19	subsection (b) of Section 15-12-1. A verified statement of
20	substantial hardship, signed by the plaintiff and approved by
21	the court party claiming hardship, shall be filed with the
22	clerk of court. The accompanying pleading shall be considered
23	filed on the date that the verified statement of substantial
24	hardship is filed with the court. If the court makes a written
25	finding that the party claiming hardship has the resources to
26	pay the docket fee without substantial hardship, the party

1	shall have 30 days to submit payment of the docket fee or the
2	case shall be dismissed for lack of jurisdiction."
3	Section 2. This act shall become effective
4	immediately following its passage and approval by the
5	Governor, or its otherwise becoming law.