SB84

4CSEI3I-1

By Senators Bell, Orr

RFD: Finance and Taxation General Fund

First Read: 08-Feb-24

SYNOPSIS:

Under existing law, there is a two hundred forty-eight dollar ($248) filing fee for cases filed in the domestic relations docket of the circuit court seeking to modify or enforce an existing domestic relations court order.

This bill would provide that no filing fee is required if a motion for a qualified domestic relations order is filed within 120 days of the final order.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL

TO BE ENTITLED

AN ACT

Relating to filing fees; to amend Section 12-19-71, Code of Alabama 1975; to prohibit filing fees for certain motions for qualified domestic relations orders filed within 120 days of the final order; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 12-19-71, Code of Alabama 1975, is amended to read as follows:

"§12-19-71

(a) The filing fees ~~which~~ that shall be collected in civil cases shall be:

(1) Thirty-five dollars ($35) for cases filed on the small claims docket of the district court in which the matter in controversy, exclusive of interest, costs, and attorney fees, totals one thousand five hundred dollars ($1,500) or less; provided, however, if attorney fees have been allowed by applicable state law or contract, the amount of these fees shall be added to the amount of the matter in controversy above in determining the jurisdictional amount.

(2) One hundred nine dollars ($109) for cases filed on the small claims docket of the district court in which the matter in controversy, exclusive of interest, costs, and attorney fees, exceeds one thousand five hundred dollars ($1,500) but does not exceed three thousand dollars ($3,000); provided, however, if attorney fees have been allowed by applicable state law or contract, the amount of these fees shall be added to the amount of the matter in controversy above in determining the jurisdictional amount.

(3) One hundred ninety-eight dollars ($198) for cases otherwise filed in the district court, including cases on the small claims docket, in which the matter in controversy, exclusive of interest, costs, and attorney fees, exceeds three thousand dollars ($3,000) but does not exceed twenty thousand dollars ($20,000); provided, however, if attorney fees have

been allowed by applicable state law or contract, the amount of these fees shall be added to the amount of the matter in controversy above in determining the jurisdictional amount.

(4) Two hundred ninety-seven dollars ($297) for cases filed in the circuit court other than cases filed on the domestic relations docket of the circuit court. Notwithstanding any other provision of law, the docket fee shall be one hundred ninety-seven dollars ($197) for civil cases in circuit court in which the matter of controversy, exclusive of interest, costs, and attorney fees, does not exceed fifty thousand dollars ($50,000); provided, however, if attorney fees have been allowed by applicable state law or contract, the amount of these fees shall be added to the amount of the matter in controversy above in determining the jurisdictional amount. However, if any plaintiff files an addendum to increase the damages requested to an amount that exceeds fifty thousand dollars ($50,000), or if the plaintiff fails to specify the amount in the filing, then the fee shall be two hundred ninety-seven dollars ($297) and distributed as provided for in subdivision (4) of Section 12-19-72.

(5) One hundred forty-five dollars ($145) for cases filed on the domestic relations docket of the circuit court in which the circuit clerk determines that the cases are uncontested at the time of filing. A case is considered uncontested if a complaint, an answer, and an agreement of the parties is filed in the circuit court.

(6) One hundred forty-five dollars ($145) for cases filed on the domestic relations docket of the circuit court in

which the circuit clerk determines that the cases are contested at the time of filing.

(7)a. Except as provided in paragraph b., ~~Two~~two hundred forty-eight dollars ($248) for cases filed in the domestic relations docket of the circuit court seeking to modify or enforce an existing domestic relations court order.

b. No filing fee may be collected for a motion for a qualified domestic relations order that is filed within 120 days of the date of the final order. For the purposes of this section, the term "qualified domestic relations order" has the same meaning as 26 U.S.C. § 414(p).

(8) Two hundred ninety-seven dollars ($297) for a counterclaim, a cross claim, a third party complaint, a third party motion, or an action for a declaratory judgment filed in a civil action of the circuit court other than cases filed on the domestic relations docket of the circuit court.

(9) Two hundred ninety-seven dollars ($297) on a motion or complaint to appear as an intervenor or a third party plaintiff in a civil action of the circuit court other than cases filed on the domestic relations docket of the circuit court.

(10)a. ~~Fifty~~Except as provided in paragraph b., fifty dollars ($50) on a dispositive motion filed by any party in a civil action of the district or circuit court seeking any of the following:

~~(a) a~~1. A judgment on the pleadings pursuant to Rule 12(c), Alabama Rules of Civil Procedure~~;~~.

~~(b) a~~2. A default judgment pursuant to Rule 55(b),

Alabama Rules of Civil Procedure~~; or~~.

~~(c) a~~3. A summary judgment pursuant to Rule 56, Alabama Rules of Civil Procedure~~, and filed by any party in a civil action of the district or circuit court, except for~~.

b. The filing fee in paragraph a. may not be collected in small claims cases where the amount in controversy does not exceed three thousand dollars ($3,000).

(11) In addition to the filing fees provided in subdivisions (1), (2), and (3), an additional fifty dollars ($50) shall be charged for each additional plaintiff in those cases filed; provided, however, that regardless of the number of additional plaintiffs, not more than five hundred dollars ($500) in total additional plaintiff filing fees ~~shall~~ may be charged in any one case filed. The court may remit any of the additional fifty dollar ($50) charges if any of the additional plaintiffs provide proof to the court that ~~such~~ the fees should not be charged. Nothing in this subdivision shall be interpreted as establishing a maximum number of plaintiffs.

(12) In addition to the filing fees provided in subdivision (4), an additional one hundred dollars ($100) shall be charged for each additional plaintiff in those cases filed; provided, however, that regardless of the number of additional plaintiffs, not more than one thousand dollars ($1,000) in total additional plaintiff filing fees ~~shall~~ may be charged in any one case filed. The court may remit any of the additional one hundred dollar ($100) charges if any of the additional plaintiffs provide proof to the court that ~~such~~ the fees should not be charged. Nothing in this subdivision shall

be interpreted as establishing a maximum number of plaintiffs.

(13) An additional one hundred dollars ($100) to be paid at the time the jury is demanded by any party demanding a jury.

(b) The fees provided in subdivisions (8) and (9) shall ~~be~~ not be charged to a plaintiff suing for loss of consortium who is a spouse of a plaintiff listed in a case.

(c)(1) Notwithstanding any other provision of Act 2004-636 to the contrary, there shall be no increase in the filing fee for any workers' compensation case filed in circuit court.

(2) Notwithstanding any other provision of Act 2004-636 to the contrary, Act 2004-636 shall not affect any local court filing fees established by local act unless specifically provided for in Act 2004-636.

(d) Nothing in Act 2004-636 shall limit a judge's authority to allow a civil case to proceed at no cost to a party upon the judge's approval of an affidavit of substantial hardship."

Section 2. This act shall become effective on October 1, 2024.