

1 HB232  
2 164710-2  
3 By Representative Williams (JD)  
4 RFD: Commerce and Small Business  
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ENROLLED, An Act,

To amend Sections 12-11-30, 12-12-31, 12-19-71, and 12-19-72, Code of Alabama 1975, to provide further for the jurisdiction of the small claims division of the district court and for the filing fees associated with filing a case in the district court.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 12-11-30, 12-12-31, 12-19-71, and 12-19-72, Code of Alabama 1975, are amended to read as follows:

"§12-11-30.

"(1) CIVIL. The circuit court shall have exclusive original jurisdiction of all civil actions in which the matter in controversy exceeds ten thousand dollars (\$10,000), exclusive of interest and costs, and shall exercise original jurisdiction concurrent with the district court in all civil actions in which the matter in controversy exceeds ~~three thousand dollars~~ six thousand dollars (\$6,000), exclusive of interest and costs.

"(2) CRIMINAL. The circuit court shall have exclusive original jurisdiction of all felony prosecutions and of misdemeanor or ordinance violations which are lesser included offenses within a felony charge or which arise from the same incident as a felony charge; except, that the

1 district court shall have concurrent jurisdiction with the  
2 circuit court to receive pleas of guilty in felony cases not  
3 punishable by sentence of death. The circuit court may, on  
4 conviction of a defendant, upon a showing of inability to make  
5 immediate payment of fine and costs, continue the case from  
6 time to time to permit the fine and costs to be paid.

7 "(3) APPELLATE. The circuit court shall have  
8 appellate jurisdiction of civil, criminal, and juvenile cases  
9 in district court and prosecutions for ordinance violations in  
10 municipal courts, except in cases in which direct appeal to  
11 the Courts of Civil or Criminal Appeals is provided by law or  
12 rule. Appeals to the circuit court shall be tried de novo,  
13 with or without a jury, as provided by law.

14 "(4) SUPERINTENDENCE OF DISTRICT, MUNICIPAL AND  
15 PROBATE COURTS. The circuit court shall exercise a general  
16 superintendence over all district courts, municipal courts,  
17 and probate courts.

18 "(5) CONTEMPTS. The circuit court may punish  
19 contempts by fines not exceeding one hundred dollars (\$100)  
20 and by imprisonment not exceeding five days. The power of the  
21 circuit court to enforce its orders and judgements by  
22 determinations of civil contempt shall be unaffected by this  
23 section.

24 "(6) GENERAL. The circuit court shall have other  
25 powers as provided by law.

1           "§12-12-31.

2           "(a) The district court shall exercise exclusive  
3 jurisdiction over all civil actions in which the matter in  
4 controversy, exclusive of interest and costs, does not exceed  
5 ~~three thousand dollars (\$3,000)~~ six thousand dollars (\$6,000).  
6 These actions shall be placed on a small claims docket by each  
7 district court and shall be processed according to uniform  
8 rules of simplified civil procedure as may be promulgated by  
9 the Supreme Court.

10           "(b) A party, including an individual, partnership,  
11 or corporation, may appear in cases on the small claims docket  
12 of district court with or without representation by an  
13 attorney. If a partnership appears without representation by  
14 an attorney, the person representing the partnership shall be  
15 a partner or employee of the partnership and if a corporation  
16 appears without representation by an attorney, the person  
17 representing the corporation shall be an officer or full-time  
18 employee of the corporation.

19           "(c) No party shall seek or recover any judgment in  
20 a case on the small claims docket which includes an award of  
21 attorney fees unless the party is represented by a licensed  
22 attorney.

23           "(d) No action shall be filed or prosecuted on the  
24 small claims docket by an assignee of the claim which is the  
25 subject matter of the action without being represented by a

1 licensed attorney; nor shall any person, firm or corporation,  
 2 excluding licensed attorneys, file or prosecute such an action  
 3 on behalf of the original owner of the claim.

4 "(e) No action may be filed or prosecuted on the  
 5 small claims docket by any individual whose license to  
 6 practice law, at the time of filing or prosecution, has been  
 7 revoked, suspended, or otherwise impaired for disciplinary  
 8 reasons by the Alabama Board of Bar Commissioners or the  
 9 Alabama Supreme Court.

10 "(f) Notwithstanding any other provision of law, the  
 11 docket fee for cases on the small claims docket in which the  
 12 matter in controversy exceeds one thousand five hundred  
 13 dollars (\$1,500) shall be the same as the docket fee set for  
 14 cases in the district court that are not small claims cases.

15 "§12-19-71.

16 "(a) The filing fees which shall be collected in  
 17 civil cases shall be:

18 "(1) Thirty-five dollars (\$35) for cases filed on  
 19 the small claims docket of the district court in which the  
 20 matter in controversy, exclusive of interest, costs, and  
 21 attorney fees, totals one thousand five hundred dollars  
 22 (\$1,500) or less; provided, however, if attorney fees have  
 23 been allowed by applicable state law or contract, the amount  
 24 of these fees shall be added to the amount of the matter in  
 25 controversy above in determining the jurisdictional amount.

1           "(2) One hundred nine dollars (\$109) for cases filed  
2 on the small claims docket of the district court in which the  
3 matter in controversy, exclusive of interest, costs, and  
4 attorney fees, exceeds one thousand five hundred dollars  
5 (\$1,500) but does not exceed three thousand dollars (\$3,000);  
6 provided, however, if attorney fees have been allowed by  
7 applicable state law or contract, the amount of these fees  
8 shall be added to the amount of the matter in controversy  
9 above in determining the jurisdictional amount.

10           "(3) One hundred ninety-eight dollars (\$198) for  
11 cases otherwise filed in the district court, including cases  
12 on the small claims docket, in which the matter in  
13 controversy, exclusive of interest, costs, and attorney fees,  
14 exceeds three thousand dollars (\$3,000) but does not exceed  
15 ten thousand dollars (\$10,000); provided, however, if attorney  
16 fees have been allowed by applicable state law or contract,  
17 the amount of these fees shall be added to the amount of the  
18 matter in controversy above in determining the jurisdictional  
19 amount.

20           "(4) Two hundred ninety-seven dollars (\$297) for  
21 cases filed in the circuit court other than cases filed on the  
22 domestic relations docket of the circuit court.  
23 Notwithstanding any other provision of law, the docket fee  
24 shall be one hundred ninety-seven dollars (\$197) for civil  
25 cases in circuit court in which the matter of controversy,

1 exclusive of interest, costs, and attorney fees does not  
2 exceed fifty thousand dollars (\$50,000); provided, however, if  
3 attorney fees have been allowed by applicable state law or  
4 contract, the amount of these fees shall be added to the  
5 amount of the matter in controversy above in determining the  
6 jurisdictional amount. However, if any plaintiff files an  
7 addendum to increase the damages requested to an amount that  
8 exceeds fifty thousand dollars (\$50,000), or if the plaintiff  
9 fails to specify the amount in the filing, then the fee shall  
10 be two hundred ninety-seven dollars (\$297) and distributed as  
11 provided for in subdivision (4) of Section 12-19-72.

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

18 "(6) One hundred forty-five dollars (\$145) for cases  
19 filed on the domestic relations docket of the circuit court in  
20 which the circuit clerk determines that the cases are  
21 contested at the time of filing.

22 "(7) Two hundred forty-eight dollars (\$248) for  
23 cases filed in the domestic relations docket of the circuit  
24 court seeking to modify or enforce an existing domestic  
25 relations court order.

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

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

11           "(10) Fifty dollars (\$50) on a dispositive motion  
12 seeking (a) a judgment on the pleadings pursuant to Rule  
13 12(c), Alabama Rules of Civil Procedure, (b) a default  
14 judgment pursuant to Rule 55(b), Alabama Rules of Civil  
15 Procedure, and/or (c) a summary judgment pursuant to Rule 56,  
16 Alabama Rules of Civil Procedure, and filed by any party in a  
17 civil action of the district or circuit court, except for  
18 small claims cases where the amount in controversy does not  
19 exceed three thousand dollars (\$3,000).

20           "(11) In addition to the filing fees provided in  
21 subdivisions (1), (2), and (3), an additional fifty dollars  
22 (\$50) shall be charged for each additional plaintiff in those  
23 cases filed; provided, however, that regardless of the number  
24 of additional plaintiffs, not more than five hundred dollars  
25 (\$500) in total additional plaintiff filing fees shall be



1 charged in any one case filed. The court may remit any of the  
2 additional fifty dollar (\$50) charges if any of the additional  
3 plaintiffs provide proof to the court that such fees should  
4 not be charged. Nothing in this subdivision shall be  
5 interpreted as establishing a maximum number of plaintiffs.

6 "(12) In addition to the filing fees provided in  
7 subdivision (4), an additional one hundred dollars (\$100)  
8 shall be charged for each additional plaintiff in those cases  
9 filed; provided, however, that regardless of the number of  
10 additional plaintiffs, not more than one thousand dollars  
11 (\$1,000) in total additional plaintiff filing fees shall be  
12 charged in any one case filed. The court may remit any of the  
13 additional one hundred dollar (\$100) charges if any of the  
14 additional plaintiffs provide proof to the court that such  
15 fees should not be charged. Nothing in this subdivision shall  
16 be interpreted as establishing a maximum number of plaintiffs.

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

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

23 "(c) (1) Notwithstanding any other provision of Act  
24 2004-636 to the contrary, there shall be no increase in the

1 filing fee for any workers' compensation case filed in circuit  
2 court.

3 "(2) Notwithstanding any other provision of Act  
4 2004-636 to the contrary, Act 2004-636 shall not affect any  
5 local court filing fees established by local act unless  
6 specifically provided for in Act 2004-636.

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

11 "§12-19-72.

12 "The filing fees collected in civil cases shall be  
13 distributed as follows:

14 "(1) For cases filed on the small claims docket of  
15 the district court in which the matter in controversy,  
16 exclusive of interest, costs, and attorney fees, totals one  
17 thousand five hundred dollars (\$1,500) or less, seventeen  
18 dollars (\$17) to the Fair Trial Tax Fund; thirteen dollars  
19 (\$13) to the State General Fund; and five dollars (\$5) to the  
20 county general fund.

21 "(2) For cases on the small claims docket of the  
22 district court in which the matter in controversy, exclusive  
23 of interest, costs, and attorney fees, exceeds one thousand  
24 five hundred dollars (\$1,500) but does not exceed three  
25 thousand dollars (\$3,000), twenty-one dollars (\$21) to the

1 Fair Trial Tax Fund; seventy-five dollars (\$75) to the State  
2 General Fund; five dollars (\$5) to the Advanced Technology and  
3 Data Exchange Fund; and eight dollars (\$8) to the county  
4 general fund.

5 "(3) For other district court cases, including small  
6 claims cases, in which the matter in controversy, exclusive of  
7 interest, costs, and attorney fees, exceeds three thousand  
8 dollars (\$3,000) but does not exceed ten thousand dollars  
9 (\$10,000), twenty-one dollars (\$21) to the Fair Trial Tax  
10 Fund; one hundred fifty-nine dollars fifty cents (\$159.50) to  
11 the State General Fund, eighty-four dollars fifty cents  
12 (\$84.50) of which shall be for judicial and public safety  
13 functions; five dollars (\$5) to the Advanced Technology and  
14 Data Exchange Fund; and twelve dollars fifty cents (\$12.50) to  
15 the county general fund.

16 "(4) For cases filed in circuit court other than  
17 cases filed on the domestic relations docket of the circuit  
18 court, twenty-five dollars (\$25) to the Fair Trial Tax Fund;  
19 two hundred forty-six dollars seventy-five cents (\$246.75) to  
20 the State General Fund, one hundred forty-one dollars  
21 seventy-five cents (\$141.75) of which shall be for judicial  
22 and public safety functions; five dollars (\$5) to the Advanced  
23 Technology and Data Exchange Fund; and twenty dollars  
24 twenty-five cents (\$20.25) to the county general fund.

1           "(5) For other circuit court cases in which the  
2 matter in controversy, exclusive of interest, costs, and  
3 attorney fees, does not exceed fifty thousand dollars  
4 (\$50,000), twenty-five dollars (\$25) to the Fair Trial Tax  
5 Fund; one hundred fifty-three dollars fifty cents (\$153.50) to  
6 the State General Fund, forty-eight dollars fifty cents  
7 (\$48.50) of which shall be for judicial and public safety  
8 functions; five dollars (\$5) to the Advanced Technology and  
9 Data Exchange Fund; and thirteen dollars fifty cents (\$13.50)  
10 to the county general fund.

11           "(6) For uncontested and contested cases filed on  
12 the domestic relations docket in circuit court, twenty-five  
13 dollars (\$25) to the Fair Trial Tax Fund; one hundred five  
14 dollars (\$105) to the State General Fund; five dollars (\$5) to  
15 the Advanced Technology and Data Exchange Fund; and ten  
16 dollars (\$10) to the county general fund.

17           "(7) For cases filed on the domestic relations  
18 docket of the circuit court seeking to modify or enforce an  
19 existing domestic relations court order, twenty-five dollars  
20 (\$25) to the Fair Trial Tax Fund; two hundred one dollars  
21 (\$201) to the State General Fund, ninety-six dollars (\$96) of  
22 which shall be for judicial and public safety functions; five  
23 dollars (\$5) to the Advanced Technology and Data Exchange  
24 Fund; and seventeen dollars (\$17) to the county general fund.

1           "(8) For a counterclaim, cross claim, third party  
2 complaint, third party motion or an action for a declaratory  
3 judgment filed in a civil action of the circuit court and for  
4 a motion or complaint to appear as an intervenor or a third  
5 party plaintiff in a civil action of the circuit court other  
6 than cases filed on the domestic relations docket of the  
7 circuit court, twenty-five dollars (\$25) to the Fair Trial Tax  
8 Fund; two hundred thirty-six dollars seventy-five cents  
9 (\$236.75) to the State General Fund, two hundred thirty-six  
10 dollars seventy-five cents (\$236.75) of which shall be for  
11 judicial and public safety functions; five dollars (\$5) to the  
12 Advanced Technology and Data Exchange Fund; and thirty dollars  
13 twenty-five cents (\$30.25) to the county general fund.

14           "(9) For any fifty dollar (\$50) fee collected for  
15 each additional plaintiff in civil cases filed on the small  
16 claims docket of the district court where the amount in  
17 controversy does not exceed three thousand dollars (\$3,000),  
18 forty-six dollars fifty cents (\$46.50) shall be distributed to  
19 the State General Fund for judicial and public safety  
20 functions and three dollars fifty cents (\$3.50) shall be  
21 distributed to the county general fund.

22           "(10) For any fifty dollar (\$50) fee collected for  
23 each additional plaintiff in civil cases ~~other than small~~  
24 ~~claims cases~~ filed in the district court, including small  
25 claims cases where the amount in controversy exceeds three

1 thousand dollars (\$3,000), as well as, any fifty dollar (\$50)  
2 fee for any party filing a dispositive motion, i.e. a motion  
3 for a judgment on the pleadings, a default judgment, or a  
4 summary judgment, forty-five dollars (\$45) shall be  
5 distributed to the State General Fund for judicial and public  
6 safety functions and five dollars (\$5) shall be distributed to  
7 the county general fund.

8 "(11) For any one hundred dollar (\$100) fee  
9 collected for each additional plaintiff in civil cases filed  
10 in the circuit court, ninety-three dollars (\$93) shall be  
11 distributed to the State General Fund for judicial and public  
12 safety functions and seven dollars (\$7) shall be distributed  
13 to the county general fund.

14 "(12) Ten dollars (\$10) of all sums paid pursuant to  
15 subdivision (13) of Section 12-19-71 shall be paid to the Fair  
16 Trial Tax Fund; eighty-six dollars fifty cents (\$86.50) to the  
17 State General Fund, forty-five dollars fifty cents (\$45.50) of  
18 which shall be for judicial and public safety functions; and  
19 three dollars fifty cents (\$3.50) shall be distributed to the  
20 county general fund."

21 Section 2. This act shall become effective on the  
22 first day of the third month following its passage and  
23 approval by the Governor, or its otherwise becoming law.

