

1 SB36
2 188588-1
3 By Senator Ward
4 RFD: Judiciary
5 First Read: 09-JAN-18
6 PFD: 01/02/2018

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

19 This bill would specify that the pleading
20 accompanying the statement of substantial hardship
21 shall be considered filed on the date the statement
22 of substantial hardship is filed with the court.
23 This bill would also specify that if the court
24 finds that no hardship exists, the party shall have
25 30 days to submit payment or the case will be
26 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
27 shall have 30 days to submit payment of the docket fee or the

1 case shall be dismissed for lack of jurisdiction. Until such
2 time as the plaintiff pays the docket fee, the court shall
3 stay the proceedings and the summons or other process for
4 service shall not issue."

5 Section 2. This act shall become effective
6 immediately following its passage and approval by the
7 Governor, or its otherwise becoming law.