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3 HOUSE JUDICIARY COMMITTEE AMENDMENT #2 TO SB297, AS ENGROSSED  
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8 On page 1, line 12, delete "and 12-12-30" and insert  
9 in lieu thereof the following:

10 , 12-12-30, and 12-19-71  
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12 On page 1, line 16, delete "and 12-12-30" and insert  
13 in lieu thereof the following:

14 , 12-12-30, and 12-19-71  
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16 On page 4, after line 4, insert the following new  
17 code section:

18 "§12-19-71.

19 "(a) The filing fees which shall be collected in  
20 civil cases shall be:

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

1 of these fees shall be added to the amount of the matter in  
2 controversy above in determining the jurisdictional amount.

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

12 "(3) One hundred ninety-eight dollars (\$198) for  
13 cases otherwise filed in the district court, including cases  
14 on the small claims docket, in which the matter in  
15 controversy, exclusive of interest, costs, and attorney fees,  
16 exceeds three thousand dollars (\$3,000) but does not exceed  
17 ~~ten~~ twenty-five thousand dollars (~~\$10,000~~ \$25,000); provided,  
18 however, if attorney fees have been allowed by applicable  
19 state law or contract, the amount of these fees shall be added  
20 to the amount of the matter in controversy above in  
21 determining the jurisdictional amount.

22 "(4) Two hundred ninety-seven dollars (\$297) for  
23 cases filed in the circuit court other than cases filed on the  
24 domestic relations docket of the circuit court.  
25 Notwithstanding any other provision of law, the docket fee  
26 shall be one hundred ninety-seven dollars (\$197) for civil  
27 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.

26 "(8) Two hundred ninety-seven dollars (\$297) for a  
27 counterclaim, cross claim, third party complaint, a third

1 party motion, or an action for a declaratory judgment filed in  
2 a civil action of the circuit court other than cases filed on  
3 the domestic relations docket of the circuit court.

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

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

18 "(11) In addition to the filing fees provided in  
19 subdivisions (1), (2), and (3), an additional fifty dollars  
20 (\$50) shall be charged for each additional plaintiff in those  
21 cases filed; provided, however, that regardless of the number  
22 of additional plaintiffs, not more than five hundred dollars  
23 (\$500) in total additional plaintiff filing fees shall be  
24 charged in any one case filed. The court may remit any of the  
25 additional fifty dollar (\$50) charges if any of the additional  
26 plaintiffs provide proof to the court that such fees should

1 not be charged. Nothing in this subdivision shall be  
2 interpreted as establishing a maximum number of plaintiffs.

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

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

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

20 "(c) (1) Notwithstanding any other provision of Act  
21 2004-636 to the contrary, there shall be no increase in the  
22 filing fee for any workers' compensation case filed in circuit  
23 court.

24 "(2) Notwithstanding any other provision of Act  
25 2004-636 to the contrary, Act 2004-636 shall not affect any  
26 local court filing fees established by local act unless  
27 specifically provided for in Act 2004-636.

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