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3 AMENDMENT 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
11

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
15

16 On page 1, line 21, delete "twenty-five" and insert
17 in lieu thereof the following:

18 twenty
19

20 On page 1, line 22, delete "\$25,000" and insert in
21 lieu thereof the following:

22 \$20,000
23

24 On page 3, line 10, delete "twenty-five" and insert
25 in lieu thereof the following:

26 twenty
27

1 On page 3, line 11, delete "\$25,000" and insert in
2 lieu thereof the following:

3 \$20,000

4
5 On page 4, after line 4, insert the following new
6 code section:

7 "§12-19-71.

8 "(a) The filing fees which shall be collected in
9 civil cases shall be:

10 "(1) Thirty-five dollars (\$35) for cases filed on
11 the small claims docket of the district court in which the
12 matter in controversy, exclusive of interest, costs, and
13 attorney fees, totals one thousand five hundred dollars
14 (\$1,500) or less; provided, however, if attorney fees have
15 been allowed by applicable state law or contract, the amount
16 of these fees shall be added to the amount of the matter in
17 controversy above in determining the jurisdictional amount.

18 "(2) One hundred nine dollars (\$109) for cases filed
19 on the small claims docket of the district court in which the
20 matter in controversy, exclusive of interest, costs, and
21 attorney fees, exceeds one thousand five hundred dollars
22 (\$1,500) but does not exceed three thousand dollars (\$3,000);
23 provided, however, if attorney fees have been allowed by
24 applicable state law or contract, the amount of these fees
25 shall be added to the amount of the matter in controversy
26 above in determining the jurisdictional amount.

1 "(3) One hundred ninety-eight dollars (\$198) for
2 cases otherwise filed in the district court, including cases
3 on the small claims docket, in which the matter in
4 controversy, exclusive of interest, costs, and attorney fees,
5 exceeds three thousand dollars (\$3,000) but does not exceed
6 ~~ten~~ twenty thousand dollars (~~\$10,000~~ \$20,000); provided,
7 however, if attorney fees have been allowed by applicable
8 state law or contract, the amount of these fees shall be added
9 to the amount of the matter in controversy above in
10 determining the jurisdictional amount.

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

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

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

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

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

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

25 "(10) Fifty dollars (\$50) on a dispositive motion
26 seeking (a) a judgment on the pleadings pursuant to Rule
27 12(c), Alabama Rules of Civil Procedure, (b) a default

1 judgment pursuant to Rule 55(b), Alabama Rules of Civil
2 Procedure, and/or (c) a summary judgment pursuant to Rule 56,
3 Alabama Rules of Civil Procedure, and filed by any party in a
4 civil action of the district or circuit court, except for
5 small claims cases where the amount in controversy does not
6 exceed three thousand dollars (\$3,000).

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

18 "(12) In addition to the filing fees provided in
19 subdivision (4), an additional one hundred dollars (\$100)
20 shall be charged for each additional plaintiff in those cases
21 filed; provided, however, that regardless of the number of
22 additional plaintiffs, not more than one thousand dollars
23 (\$1,000) in total additional plaintiff filing fees shall be
24 charged in any one case filed. The court may remit any of the
25 additional one hundred dollar (\$100) charges if any of the
26 additional plaintiffs provide proof to the court that such

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

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

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

9 "(c) (1) Notwithstanding any other provision of Act
10 2004-636 to the contrary, there shall be no increase in the
11 filing fee for any workers' compensation case filed in circuit
12 court.

13 "(2) Notwithstanding any other provision of Act
14 2004-636 to the contrary, Act 2004-636 shall not affect any
15 local court filing fees established by local act unless
16 specifically provided for in Act 2004-636.

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