

1 SB30  
2 196846-3  
3 By Senator Ward  
4 RFD: Judiciary  
5 First Read: 05-MAR-19  
6 PFD: 02/11/2019

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

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11 To amend Section 12-19-70 of the Code of Alabama  
12 1975, to provide further for waiving the docket fee in a civil  
13 case due to financial hardship of the filing party.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Section 12-19-70 of the Code of Alabama  
16 1975, is amended to read as follows:

17 "§12-19-70.

18 "(a) There shall be a consolidated civil filing fee,  
19 known as a docket fee, collected from a plaintiff at the time  
20 a complaint is filed in circuit court or in district court.

21 "(b) The docket fee may be waived initially and  
22 taxed as costs at the conclusion of the case if the court  
23 finds that payment of the fee will constitute a substantial  
24 hardship pursuant to the income guidelines provided in  
25 paragraphs a. and b. of subdivision (4) of Section 15-12-1. A  
26 verified statement of substantial hardship, signed by the  
27 ~~plaintiff and approved by the court~~ party claiming hardship,

1 shall be filed with the clerk of court. The accompanying  
2 pleading shall be considered filed on the date that the  
3 verified statement of substantial hardship is filed with the  
4 court. If, within 90 days of the filing, the court makes a  
5 written finding that the party claiming hardship has the  
6 resources to pay the docket fee without substantial hardship,  
7 the party shall have 30 days from the date of the written  
8 finding of the court to submit payment of the docket fee or  
9 the case shall be dismissed for lack of jurisdiction. Until  
10 such time as the plaintiff pays the docket fee, the court  
11 shall stay the proceedings and the summons or other process  
12 for service shall not issue.

13 "(c) If, within 90 days of the filing, the court  
14 does not make a written finding that the party claiming  
15 hardship has the resources to pay the fee without substantial  
16 hardship, the hardship shall be deemed granted.

17 "(d) If a hardship is granted pursuant to subsection  
18 (c), the party claiming the hardship shall file written notice  
19 with the clerk's office that 90 days has passed since the time  
20 of filing the affidavit of substantial hardship."

21 Section 2. This act shall become effective  
22 immediately following its passage and approval by the  
23 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate  
committee on Judiciary..... 05-MAR-19

Read for the second time and placed on the calen-  
dar 2 amendments..... 20-MAR-19

Read for the third time and passed as amended .... 21-MAR-19

Yeas 28  
Nays 0

Patrick Harris,  
Secretary.