

SB84 ENROLLED



1 SB84
2 4CSEI3I-2
3 By Senators Bell, Orr
4 RFD: Finance and Taxation General Fund
5 First Read: 08-Feb-24



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1 Enrolled, An Act,

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4 Relating to filing fees; to amend Section 12-19-71,
5 Code of Alabama 1975; to prohibit filing fees for certain
6 motions for qualified domestic relations orders filed within
7 120 days of the final order; and to make nonsubstantive,
8 technical revisions to update the existing code language to
9 current style.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Section 12-19-71, Code of Alabama 1975, is
12 amended to read as follows:

13 "§12-19-71

14 (a) The filing fees ~~which~~ that shall be collected in
15 civil cases shall be:

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

24 (2) One hundred nine dollars (\$109) for cases filed on
25 the small claims docket of the district court in which the
26 matter in controversy, exclusive of interest, costs, and
27 attorney fees, exceeds one thousand five hundred dollars
28 (\$1,500) but does not exceed three thousand dollars (\$3,000);



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29 provided, however, if attorney fees have been allowed by
30 applicable state law or contract, the amount of these fees
31 shall be added to the amount of the matter in controversy
32 above in determining the jurisdictional amount.

33 (3) One hundred ninety-eight dollars (\$198) for cases
34 otherwise filed in the district court, including cases on the
35 small claims docket, in which the matter in controversy,
36 exclusive of interest, costs, and attorney fees, exceeds three
37 thousand dollars (\$3,000) but does not exceed twenty thousand
38 dollars (\$20,000); provided, however, if attorney fees have
39 been allowed by applicable state law or contract, the amount
40 of these fees shall be added to the amount of the matter in
41 controversy above in determining the jurisdictional amount.

42 (4) Two hundred ninety-seven dollars (\$297) for cases
43 filed in the circuit court other than cases filed on the
44 domestic relations docket of the circuit court.
45 Notwithstanding any other provision of law, the docket fee
46 shall be one hundred ninety-seven dollars (\$197) for civil
47 cases in circuit court in which the matter of controversy,
48 exclusive of interest, costs, and attorney fees, does not
49 exceed fifty thousand dollars (\$50,000); provided, however, if
50 attorney fees have been allowed by applicable state law or
51 contract, the amount of these fees shall be added to the
52 amount of the matter in controversy above in determining the
53 jurisdictional amount. However, if any plaintiff files an
54 addendum to increase the damages requested to an amount that
55 exceeds fifty thousand dollars (\$50,000), or if the plaintiff
56 fails to specify the amount in the filing, then the fee shall



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57 be two hundred ninety-seven dollars (\$297) and distributed as
58 provided for in subdivision (4) of Section 12-19-72.

59 (5) One hundred forty-five dollars (\$145) for cases
60 filed on the domestic relations docket of the circuit court in
61 which the circuit clerk determines that the cases are
62 uncontested at the time of filing. A case is considered
63 uncontested if a complaint, an answer, and an agreement of the
64 parties is filed in the circuit court.

65 (6) One hundred forty-five dollars (\$145) for cases
66 filed on the domestic relations docket of the circuit court in
67 which the circuit clerk determines that the cases are
68 contested at the time of filing.

69 (7) a. Except as provided in paragraph b., Two
70 hundred forty-eight dollars (\$248) for cases filed in the
71 domestic relations docket of the circuit court seeking to
72 modify or enforce an existing domestic relations court order.

73 b. No filing fee may be collected for a motion for a
74 qualified domestic relations order that is filed within 120
75 days of the date of the final order. For the purposes of this
76 section, the term "qualified domestic relations order" has the
77 same meaning as 26 U.S.C. § 414(p).

78 (8) Two hundred ninety-seven dollars (\$297) for a
79 counterclaim, a cross claim, a third party complaint, a third
80 party motion, or an action for a declaratory judgment filed in
81 a civil action of the circuit court other than cases filed on
82 the domestic relations docket of the circuit court.

83 (9) Two hundred ninety-seven dollars (\$297) on a motion
84 or complaint to appear as an intervenor or a third party



85 plaintiff in a civil action of the circuit court other than
86 cases filed on the domestic relations docket of the circuit
87 court.

88 (10) ~~a. Fifty~~ Except as provided in paragraph b., fifty
89 dollars (\$50) on a dispositive motion filed by any party in a
90 civil action of the district or circuit court seeking any of
91 the following:

92 ~~(a) a1. A judgment on the pleadings pursuant to Rule~~
93 ~~12(c), Alabama Rules of Civil Procedure; .~~

94 ~~(b) a2. A default judgment pursuant to Rule 55(b),~~
95 ~~Alabama Rules of Civil Procedure; or .~~

96 ~~(c) a3. A summary judgment pursuant to Rule 56, Alabama~~
97 ~~Rules of Civil Procedure, and filed by any party in a civil~~
98 ~~action of the district or circuit court, except for .~~

99 b. The filing fee in paragraph a. may not be collected
100 in small claims cases where the amount in controversy does not
101 exceed three thousand dollars (\$3,000).

102 (11) In addition to the filing fees provided in
103 subdivisions (1), (2), and (3), an additional fifty dollars
104 (\$50) shall be charged for each additional plaintiff in those
105 cases filed; provided, however, that regardless of the number
106 of additional plaintiffs, not more than five hundred dollars
107 (\$500) in total additional plaintiff filing fees ~~shall~~ may be
108 charged in any one case filed. The court may remit any of the
109 additional fifty dollar (\$50) charges if any of the additional
110 plaintiffs provide proof to the court that ~~such~~ the fees
111 should not be charged. Nothing in this subdivision shall be
112 interpreted as establishing a maximum number of plaintiffs.



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113 (12) In addition to the filing fees provided in
114 subdivision (4), an additional one hundred dollars (\$100)
115 shall be charged for each additional plaintiff in those cases
116 filed; provided, however, that regardless of the number of
117 additional plaintiffs, not more than one thousand dollars
118 (\$1,000) in total additional plaintiff filing fees ~~shall~~ may
119 be charged in any one case filed. The court may remit any of
120 the additional one hundred dollar (\$100) charges if any of the
121 additional plaintiffs provide proof to the court that ~~such~~ the
122 fees should not be charged. Nothing in this subdivision shall
123 be interpreted as establishing a maximum number of plaintiffs.

124 (13) An additional one hundred dollars (\$100) to be
125 paid at the time the jury is demanded by any party demanding a
126 jury.

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

130 (c) (1) Notwithstanding any other provision of Act
131 2004-636 to the contrary, there shall be no increase in the
132 filing fee for any workers' compensation case filed in circuit
133 court.

134 (2) Notwithstanding any other provision of Act 2004-636
135 to the contrary, Act 2004-636 shall not affect any local court
136 filing fees established by local act unless specifically
137 provided for in Act 2004-636.

138 (d) Nothing in Act 2004-636 shall limit a judge's
139 authority to allow a civil case to proceed at no cost to a
140 party upon the judge's approval of an affidavit of substantial



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141 hardship."

142 Section 2. This act shall become effective on October

143 1, 2024.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB84
Senate 15-Feb-24
I hereby certify that the within Act originated in and passed
the Senate.

Patrick Harris,
Secretary.

House of Representatives
Passed: 08-May-24

By: Senator Bell