

SB84 INTRODUCED



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



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SYNOPSIS:

Under existing law, there is a two hundred forty-eight dollar (\$248) filing fee for cases filed in the domestic relations docket of the circuit court seeking to modify or enforce an existing domestic relations court order.

This bill would provide that no filing fee is required if a motion for a qualified domestic relations order is filed within 120 days of the final order.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL
TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:



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

31 "§12-19-71

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

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

42 (2) One hundred nine dollars (\$109) for cases filed on
43 the small claims docket of the district court in which the
44 matter in controversy, exclusive of interest, costs, and
45 attorney fees, exceeds one thousand five hundred dollars
46 (\$1,500) but does not exceed three thousand dollars (\$3,000);
47 provided, however, if attorney fees have been allowed by
48 applicable state law or contract, the amount of these fees
49 shall be added to the amount of the matter in controversy
50 above in determining the jurisdictional amount.

51 (3) One hundred ninety-eight dollars (\$198) for cases
52 otherwise filed in the district court, including cases on the
53 small claims docket, in which the matter in controversy,
54 exclusive of interest, costs, and attorney fees, exceeds three
55 thousand dollars (\$3,000) but does not exceed twenty thousand
56 dollars (\$20,000); provided, however, if attorney fees have



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57 been allowed by applicable state law or contract, the amount
58 of these fees shall be added to the amount of the matter in
59 controversy above in determining the jurisdictional amount.

60 (4) Two hundred ninety-seven dollars (\$297) for cases
61 filed in the circuit court other than cases filed on the
62 domestic relations docket of the circuit court.

63 Notwithstanding any other provision of law, the docket fee
64 shall be one hundred ninety-seven dollars (\$197) for civil
65 cases in circuit court in which the matter of controversy,
66 exclusive of interest, costs, and attorney fees, does not
67 exceed fifty thousand dollars (\$50,000); provided, however, if
68 attorney fees have been allowed by applicable state law or
69 contract, the amount of these fees shall be added to the
70 amount of the matter in controversy above in determining the
71 jurisdictional amount. However, if any plaintiff files an
72 addendum to increase the damages requested to an amount that
73 exceeds fifty thousand dollars (\$50,000), or if the plaintiff
74 fails to specify the amount in the filing, then the fee shall
75 be two hundred ninety-seven dollars (\$297) and distributed as
76 provided for in subdivision (4) of Section 12-19-72.

77 (5) One hundred forty-five dollars (\$145) for cases
78 filed on the domestic relations docket of the circuit court in
79 which the circuit clerk determines that the cases are
80 uncontested at the time of filing. A case is considered
81 uncontested if a complaint, an answer, and an agreement of the
82 parties is filed in the circuit court.

83 (6) One hundred forty-five dollars (\$145) for cases
84 filed on the domestic relations docket of the circuit court in



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85 which the circuit clerk determines that the cases are
86 contested at the time of filing.

87 (7) a. Except as provided in paragraph b., ~~Two~~two
88 hundred forty-eight dollars (\$248) for cases filed in the
89 domestic relations docket of the circuit court seeking to
90 modify or enforce an existing domestic relations court order.

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

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

101 (9) Two hundred ninety-seven dollars (\$297) on a motion
102 or complaint to appear as an intervenor or a third party
103 plaintiff in a civil action of the circuit court other than
104 cases filed on the domestic relations docket of the circuit
105 court.

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

110 ~~(a)~~ a1. A judgment on the pleadings pursuant to Rule
111 12(c), Alabama Rules of Civil Procedure~~†.~~

112 ~~(b)~~ a2. A default judgment pursuant to Rule 55(b),



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113 Alabama Rules of Civil Procedure; ~~or.~~

114 ~~(c) a~~3. A summary judgment pursuant to Rule 56, Alabama
115 Rules of Civil Procedure, ~~and filed by any party in a civil~~
116 ~~action of the district or circuit court, except for.~~

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

120 (11) In addition to the filing fees provided in
121 subdivisions (1), (2), and (3), an additional fifty dollars
122 (\$50) shall be charged for each additional plaintiff in those
123 cases filed; provided, however, that regardless of the number
124 of additional plaintiffs, not more than five hundred dollars
125 (\$500) in total additional plaintiff filing fees ~~shall~~ may be
126 charged in any one case filed. The court may remit any of the
127 additional fifty dollar (\$50) charges if any of the additional
128 plaintiffs provide proof to the court that ~~such~~ the fees
129 should not be charged. Nothing in this subdivision shall be
130 interpreted as establishing a maximum number of plaintiffs.

131 (12) In addition to the filing fees provided in
132 subdivision (4), an additional one hundred dollars (\$100)
133 shall be charged for each additional plaintiff in those cases
134 filed; provided, however, that regardless of the number of
135 additional plaintiffs, not more than one thousand dollars
136 (\$1,000) in total additional plaintiff filing fees ~~shall~~ may
137 be charged in any one case filed. The court may remit any of
138 the additional one hundred dollar (\$100) charges if any of the
139 additional plaintiffs provide proof to the court that ~~such~~ the
140 fees should not be charged. Nothing in this subdivision shall



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141 be interpreted as establishing a maximum number of plaintiffs.

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

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

148 (c) (1) Notwithstanding any other provision of Act
149 2004-636 to the contrary, there shall be no increase in the
150 filing fee for any workers' compensation case filed in circuit
151 court.

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

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

160 Section 2. This act shall become effective on October
161 1, 2024.