

1 SB74
2 164633-1
3 By Senator Albritton
4 RFD: Judiciary
5 First Read: 03-MAR-15

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8 SYNOPSIS: Under existing law, the district court has
9 jurisdiction over cases where the amount in
10 controversy is \$10,000 or less, and the small
11 claims division of the district court has
12 jurisdiction over cases where the amount in
13 controversy does not exceed \$3,000.

14 Under existing law, a plaintiff filing a
15 case in the district court is charged a filing fee.
16 The amount of the filing fee is less for cases
17 filed in the small claims division of the district
18 court.

19 This bill would increase the jurisdiction of
20 the small claims division of the district court to
21 cover all cases where the amount in controversy is
22 \$6,000 or less.

23 This bill would revise the filing fee and
24 filing fee distribution statutes to reflect the new
25 jurisdiction of the small claims division, but
26 would keep the filing fees and distribution of

1 filing fees at the same amounts as before the
2 revisions provided in this act.

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4 A BILL
5 TO BE ENTITLED
6 AN ACT

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8 To amend Sections 12-11-30, 12-12-31, 12-19-71, and
9 12-19-72, Code of Alabama 1975, to provide further for the
10 jurisdiction of the small claims division of the district
11 court and for the filing fees associated with filing a case in
12 the district court.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Sections 12-11-30, 12-12-31, 12-19-71,
15 and 12-19-72, Code of Alabama 1975, are amended to read as
16 follows:

17 "§12-11-30.

18 "(1) CIVIL. The circuit court shall have exclusive
19 original jurisdiction of all civil actions in which the matter
20 in controversy exceeds ten thousand dollars (\$10,000),
21 exclusive of interest and costs, and shall exercise original
22 jurisdiction concurrent with the district court in all civil
23 actions in which the matter in controversy exceeds ~~three~~
24 ~~thousand dollars (\$3,000)~~ six thousand dollars (\$6,000),
25 exclusive of interest and costs.

26 "(2) CRIMINAL. The circuit court shall have
27 exclusive original jurisdiction of all felony prosecutions and

1 of misdemeanor or ordinance violations which are lesser
2 included offenses within a felony charge or which arise from
3 the same incident as a felony charge; except, that the
4 district court shall have concurrent jurisdiction with the
5 circuit court to receive pleas of guilty in felony cases not
6 punishable by sentence of death. The circuit court may, on
7 conviction of a defendant, upon a showing of inability to make
8 immediate payment of fine and costs, continue the case from
9 time to time to permit the fine and costs to be paid.

10 "(3) APPELLATE. The circuit court shall have
11 appellate jurisdiction of civil, criminal, and juvenile cases
12 in district court and prosecutions for ordinance violations in
13 municipal courts, except in cases in which direct appeal to
14 the Courts of Civil or Criminal Appeals is provided by law or
15 rule. Appeals to the circuit court shall be tried de novo,
16 with or without a jury, as provided by law.

17 "(4) SUPERINTENDENCE OF DISTRICT, MUNICIPAL AND
18 PROBATE COURTS. The circuit court shall exercise a general
19 superintendence over all district courts, municipal courts,
20 and probate courts.

21 "(5) CONTEMPTS. The circuit court may punish
22 contempts by fines not exceeding one hundred dollars (\$100)
23 and by imprisonment not exceeding five days. The power of the
24 circuit court to enforce its orders and judgements by
25 determinations of civil contempt shall be unaffected by this
26 section.

1 "(6) GENERAL. The circuit court shall have other
2 powers as provided by law.

3 "§12-12-31.

4 "(a) The district court shall exercise exclusive
5 jurisdiction over all civil actions in which the matter in
6 controversy, exclusive of interest and costs, does not exceed
7 ~~three thousand dollars (\$3,000)~~ six thousand dollars (\$6,000).
8 These actions shall be placed on a small claims docket by each
9 district court and shall be processed according to uniform
10 rules of simplified civil procedure as may be promulgated by
11 the Supreme Court.

12 "(b) A party, including an individual, partnership,
13 or corporation, may appear in cases on the small claims docket
14 of district court with or without representation by an
15 attorney. If a partnership appears without representation by
16 an attorney, the person representing the partnership shall be
17 a partner or employee of the partnership and if a corporation
18 appears without representation by an attorney, the person
19 representing the corporation shall be an officer or full-time
20 employee of the corporation.

21 "(c) No party shall seek or recover any judgment in
22 a case on the small claims docket which includes an award of
23 attorney fees unless the party is represented by a licensed
24 attorney.

25 "(d) No action shall be filed or prosecuted on the
26 small claims docket by an assignee of the claim which is the
27 subject matter of the action without being represented by a

1 licensed attorney; nor shall any person, firm or corporation,
2 excluding licensed attorneys, file or prosecute such an action
3 on behalf of the original owner of the claim.

4 "(e) No action may be filed or prosecuted on the
5 small claims docket by any individual whose license to
6 practice law, at the time of filing or prosecution, has been
7 revoked, suspended, or otherwise impaired for disciplinary
8 reasons by the Alabama Board of Bar Commissioners or the
9 Alabama Supreme Court.

10 "(f) Notwithstanding any other provision of law, the
11 docket fee for cases on the small claims docket in which the
12 matter in controversy exceeds one thousand five hundred
13 dollars (\$1,500) shall be the same as the docket fee set for
14 cases in the district court that are not small claims cases.

15 "§12-19-71.

16 "(a) The filing fees which shall be collected in
17 civil cases shall be:

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

26 "(2) One hundred nine dollars (\$109) for cases filed
27 on the small claims docket of the district court in which the

1 matter in controversy, exclusive of interest, costs, and
2 attorney fees, exceeds one thousand five hundred dollars
3 (\$1,500) but does not exceed three thousand dollars (\$3,000);
4 provided, however, if attorney fees have been allowed by
5 applicable state law or contract, the amount of these fees
6 shall be added to the amount of the matter in controversy
7 above in determining the jurisdictional amount.

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

18 "(4) Two hundred ninety-seven dollars (\$297) for
19 cases filed in the circuit court other than cases filed on the
20 domestic relations docket of the circuit court.

21 Notwithstanding any other provision of law, the docket fee
22 shall be one hundred ninety-seven dollars (\$197) for civil
23 cases in circuit court in which the matter of controversy,
24 exclusive of interest, costs, and attorney fees does not
25 exceed fifty thousand dollars (\$50,000); provided, however, if
26 attorney fees have been allowed by applicable state law or
27 contract, the amount of these fees shall be added to the

1 amount of the matter in controversy above in determining the
2 jurisdictional amount. However, if any plaintiff files an
3 addendum to increase the damages requested to an amount that
4 exceeds fifty thousand dollars (\$50,000), or if the plaintiff
5 fails to specify the amount in the filing, then the fee shall
6 be two hundred ninety-seven dollars (\$297) and distributed as
7 provided for in subdivision (4) of Section 12-19-72.

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

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

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

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

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

6 "(10) Fifty dollars (\$50) on a dispositive motion
7 seeking (a) a judgment on the pleadings pursuant to Rule
8 12(c), Alabama Rules of Civil Procedure, (b) a default
9 judgment pursuant to Rule 55(b), Alabama Rules of Civil
10 Procedure, and/or (c) a summary judgment pursuant to Rule 56,
11 Alabama Rules of Civil Procedure, and filed by any party in a
12 civil action of the district or circuit court, except for
13 small claims cases where the amount in controversy does not
14 exceed three thousand dollars (\$3,000).

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

26 "(12) In addition to the filing fees provided in
27 subdivision (4), an additional one hundred dollars (\$100)

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

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

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

16 "(c) (1) Notwithstanding any other provision of Act
17 2004-636 to the contrary, there shall be no increase in the
18 filing fee for any workers' compensation case filed in circuit
19 court.

20 "(2) Notwithstanding any other provision of Act
21 2004-636 to the contrary, Act 2004-636 shall not affect any
22 local court filing fees established by local act unless
23 specifically provided for in Act 2004-636.

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

1 "§12-19-72.

2 "The filing fees collected in civil cases shall be
3 distributed as follows:

4 "(1) For cases filed on the small claims docket of
5 the district court in which the matter in controversy,
6 exclusive of interest, costs, and attorney fees, totals one
7 thousand five hundred dollars (\$1,500) or less, seventeen
8 dollars (\$17) to the Fair Trial Tax Fund; thirteen dollars
9 (\$13) to the State General Fund; and five dollars (\$5) to the
10 county general fund.

11 "(2) For cases on the small claims docket of the
12 district court in which the matter in controversy, exclusive
13 of interest, costs, and attorney fees, exceeds one thousand
14 five hundred dollars (\$1,500) but does not exceed three
15 thousand dollars (\$3,000), twenty-one dollars (\$21) to the
16 Fair Trial Tax Fund; seventy-five dollars (\$75) to the State
17 General Fund; five dollars (\$5) to the Advanced Technology and
18 Data Exchange Fund; and eight dollars (\$8) to the county
19 general fund.

20 "(3) For other district court cases, including small
21 claims cases, in which the matter in controversy, exclusive of
22 interest, costs, and attorney fees, exceeds three thousand
23 dollars (\$3,000) but does not exceed ten thousand dollars
24 (\$10,000), twenty-one dollars (\$21) to the Fair Trial Tax
25 Fund; one hundred fifty-nine dollars fifty cents (\$159.50) to
26 the State General Fund, eighty-four dollars fifty cents
27 (\$84.50) of which shall be for judicial and public safety

1 functions; five dollars (\$5) to the Advanced Technology and
2 Data Exchange Fund; and twelve dollars fifty cents (\$12.50) to
3 the county general fund.

4 "(4) For cases filed in circuit court other than
5 cases filed on the domestic relations docket of the circuit
6 court, twenty-five dollars (\$25) to the Fair Trial Tax Fund;
7 two hundred forty-six dollars seventy-five cents (\$246.75) to
8 the State General Fund, one hundred forty-one dollars
9 seventy-five cents (\$141.75) of which shall be for judicial
10 and public safety functions; five dollars (\$5) to the Advanced
11 Technology and Data Exchange Fund; and twenty dollars
12 twenty-five cents (\$20.25) to the county general fund.

13 "(5) For other circuit court cases in which the
14 matter in controversy, exclusive of interest, costs, and
15 attorney fees, does not exceed fifty thousand dollars
16 (\$50,000), twenty-five dollars (\$25) to the Fair Trial Tax
17 Fund; one hundred fifty-three dollars fifty cents (\$153.50) to
18 the State General Fund, forty-eight dollars fifty cents
19 (\$48.50) of which shall be for judicial and public safety
20 functions; five dollars (\$5) to the Advanced Technology and
21 Data Exchange Fund; and thirteen dollars fifty cents (\$13.50)
22 to the county general fund.

23 "(6) For uncontested and contested cases filed on
24 the domestic relations docket in circuit court, twenty-five
25 dollars (\$25) to the Fair Trial Tax Fund; one hundred five
26 dollars (\$105) to the State General Fund; five dollars (\$5) to

1 the Advanced Technology and Data Exchange Fund; and ten
2 dollars (\$10) to the county general fund.

3 "(7) For cases filed on the domestic relations
4 docket of the circuit court seeking to modify or enforce an
5 existing domestic relations court order, twenty-five dollars
6 (\$25) to the Fair Trial Tax Fund; two hundred one dollars
7 (\$201) to the State General Fund, ninety-six dollars (\$96) of
8 which shall be for judicial and public safety functions; five
9 dollars (\$5) to the Advanced Technology and Data Exchange
10 Fund; and seventeen dollars (\$17) to the county general fund.

11 "(8) For a counterclaim, cross claim, third party
12 complaint, third party motion or an action for a declaratory
13 judgment filed in a civil action of the circuit court and for
14 a motion or complaint to appear as an intervenor or a third
15 party plaintiff in a civil action of the circuit court other
16 than cases filed on the domestic relations docket of the
17 circuit court, twenty-five dollars (\$25) to the Fair Trial Tax
18 Fund; two hundred thirty-six dollars seventy-five cents
19 (\$236.75) to the State General Fund, two hundred thirty-six
20 dollars seventy-five cents (\$236.75) of which shall be for
21 judicial and public safety functions; five dollars (\$5) to the
22 Advanced Technology and Data Exchange Fund; and thirty dollars
23 twenty-five cents (\$30.25) to the county general fund.

24 "(9) For any fifty dollar (\$50) fee collected for
25 each additional plaintiff in civil cases filed on the small
26 claims docket of the district court where the amount in
27 controversy does not exceed three thousand dollars (\$3,000),

1 forty-six dollars fifty cents (\$46.50) shall be distributed to
2 the State General Fund for judicial and public safety
3 functions and three dollars fifty cents (\$3.50) shall be
4 distributed to the county general fund.

5 "(10) For any fifty dollar (\$50) fee collected for
6 each additional plaintiff in civil cases ~~other than small~~
7 ~~claims cases~~ filed in the district court, including small
8 claims cases where the amount in controversy exceeds three
9 thousand dollars (\$3,000), as well as, any fifty dollar (\$50)
10 fee for any party filing a dispositive motion, i.e. a motion
11 for a judgment on the pleadings, a default judgment, or a
12 summary judgment, forty-five dollars (\$45) shall be
13 distributed to the State General Fund for judicial and public
14 safety functions and five dollars (\$5) shall be distributed to
15 the county general fund.

16 "(11) For any one hundred dollar (\$100) fee
17 collected for each additional plaintiff in civil cases filed
18 in the circuit court, ninety-three dollars (\$93) shall be
19 distributed to the State General Fund for judicial and public
20 safety functions and seven dollars (\$7) shall be distributed
21 to the county general fund.

22 "(12) Ten dollars (\$10) of all sums paid pursuant to
23 subdivision (13) of Section 12-19-71 shall be paid to the Fair
24 Trial Tax Fund; eighty-six dollars fifty cents (\$86.50) to the
25 State General Fund, forty-five dollars fifty cents (\$45.50) of
26 which shall be for judicial and public safety functions; and

1 three dollars fifty cents (\$3.50) shall be distributed to the
2 county general fund."

3 Section 2. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.