

1 HB297  
2 148922-1  
3 By Representative Clouse  
4 RFD: Judiciary  
5 First Read: 19-FEB-13

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SYNOPSIS: Under existing law, the small claims division of the district court has jurisdiction over cases where the amount in controversy does not exceed \$3,000.

Under existing law, a plaintiff filing a case in district court is charged a filing fee.

This bill would increase the jurisdiction of the small claims division of the district court to cases where the amount in controversy is \$6,000 or less and would provide that the circuit court has concurrent jurisdiction with the district court over cases where the amount in controversy exceeds \$6,000 but is less than \$10,000.

This bill would revise the filing fee and filing fee distribution statutes to reflect the new jurisdiction of the small claims division of the district court, but to keep the filing fees and distribution of filing fees at the same amounts as before the revisions provided in this act.

1 A BILL  
2 TO BE ENTITLED  
3 AN ACT  
4

5 To amend Sections 12-11-30, 12-12-30, 12-12-31,  
6 12-19-71, and 12-19-72, Code of Alabama 1975; to provide  
7 further for the jurisdiction of the circuit court, district  
8 court, and the small claims division of the district court and  
9 for the amount of fines for contempt.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

14 "§12-11-30.

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

23 "(2) CRIMINAL. The circuit court shall have  
24 exclusive original jurisdiction of all felony prosecutions and  
25 of misdemeanor or ordinance violations which are lesser  
26 included offenses within a felony charge or which arise from  
27 the same incident as a felony charge; except, that the

1 district court shall have concurrent jurisdiction with the  
2 circuit court to receive pleas of guilty in felony cases not  
3 punishable by sentence of death. The circuit court may, on  
4 conviction of a defendant, upon a showing of inability to make  
5 immediate payment of fine and costs, continue the case from  
6 time to time to permit the fine and costs to be paid.

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

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

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

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

26 "§12-12-30.

1           "The original civil jurisdiction of the district  
2 court of Alabama shall be uniform throughout the state,  
3 concurrent with the circuit court, except as otherwise  
4 provided, and shall include all civil actions in which the  
5 matter in controversy does not exceed ten thousand dollars  
6 (\$10,000), exclusive of interest and costs, and civil actions  
7 based on unlawful detainer; except, that the district court  
8 shall not exercise jurisdiction over any of the following  
9 matters:

10           "(1) Actions seeking equitable relief other than:

11           "a. Equitable questions arising in juvenile cases  
12 within the jurisdiction of the district court.

13           "b. Equitable defenses asserted or compulsory  
14 counterclaims filed by any party in any civil action within  
15 the jurisdiction of the district court.

16           "(2) Any actions enumerated in Rule 81 of the  
17 Alabama Rules of Civil Procedure other than any of the  
18 following:

19           "a. Actions based in negligence against  
20 municipalities.

21           "b. Actions seeking substitution of lost or  
22 destroyed records or instruments.

23           "c. Summary motion proceedings.

24           "d. Relieving disabilities of nonage.

25           "(3) Actions seeking declaratory judgments.

26           "(4) Appeals from probate or municipal courts.

27           "§12-12-31.

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

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

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

22           "(d) No action shall be filed or prosecuted on the  
23 small claims docket by an assignee of the claim which is the  
24 subject matter of the action without being represented by a  
25 licensed attorney; nor shall any person, firm or corporation,  
26 excluding licensed attorneys, file or prosecute such an action  
27 on behalf of the original owner of the claim.

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

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

12           "§12-19-71.

13           "(a) The filing fees which shall be collected in  
14 civil cases shall be:

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

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

1 provided, however, if attorney fees have been allowed by  
2 applicable state law or contract, the amount of these fees  
3 shall be added to the amount of the matter in controversy  
4 above in determining the jurisdictional amount.

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

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



1 exceeds fifty thousand dollars (\$50,000), or if the plaintiff  
2 fails to specify the amount in the filing, then the fee shall  
3 be two hundred ninety-seven dollars (\$297) and distributed as  
4 provided for in subdivision (4) of Section 12-19-72.

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

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

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

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

24 "(9) Two hundred ninety-seven dollars (\$297) on a  
25 motion or complaint to appear as an intervenor or a third  
26 party plaintiff in a civil action of the circuit court other

1 than cases filed on the domestic relations docket of the  
2 circuit court.

3 "(10) Fifty dollars (\$50) on a dispositive motion  
4 seeking (a) a judgment on the pleadings pursuant to Rule  
5 12(c), Alabama Rules of Civil Procedure, (b) a default  
6 judgment pursuant to Rule 55(b), Alabama Rules of Civil  
7 Procedure, and/or (c) a summary judgment pursuant to Rule 56,  
8 Alabama Rules of Civil Procedure, and filed by any party in a  
9 civil action of the district or circuit court, except for  
10 small claims cases where the amount in controversy does not  
11 exceed three thousand dollars (\$3,000).

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

23 "(12) In addition to the filing fees provided in  
24 subdivision (4), an additional one hundred dollars (\$100)  
25 shall be charged for each additional plaintiff in those cases  
26 filed; provided, however, that regardless of the number of  
27 additional plaintiffs, not more than one thousand dollars

1 (\$1,000) in total additional plaintiff filing fees shall be  
2 charged in any one case filed. The court may remit any of the  
3 additional one hundred dollar (\$100) charges if any of the  
4 additional plaintiffs provide proof to the court that such  
5 fees should not be charged. Nothing in this subdivision shall  
6 be interpreted as establishing a maximum number of plaintiffs.

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

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

13 "(c) (1) Notwithstanding any other provision of Act  
14 2004-636 to the contrary, there shall be no increase in the  
15 filing fee for any workers' compensation case filed in circuit  
16 court.

17 "(2) Notwithstanding any other provision of Act  
18 2004-636 to the contrary, Act 2004-636 shall not affect any  
19 local court filing fees established by local act unless  
20 specifically provided for in Act 2004-636.

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

25 "§12-19-72.

26 "The filing fees collected in civil cases shall be  
27 distributed as follows:

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

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

17           "(3) For other district court cases, including small  
18 claims cases, in which the matter in controversy, exclusive of  
19 interest, costs, and attorney fees, exceeds three thousand  
20 dollars (\$3,000) but does not exceed ten thousand dollars  
21 (\$10,000), twenty-one dollars (\$21) to the Fair Trial Tax  
22 Fund; one hundred fifty-nine dollars fifty cents (\$159.50) to  
23 the State General Fund, eighty-four dollars fifty cents  
24 (\$84.50) of which shall be for judicial and public safety  
25 functions; five dollars (\$5) to the Advanced Technology and  
26 Data Exchange Fund; and twelve dollars fifty cents (\$12.50) to  
27 the county general fund.

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

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

20           "(6) For uncontested and contested cases filed on  
21 the domestic relations docket in circuit court, twenty-five  
22 dollars (\$25) to the Fair Trial Tax Fund; one hundred five  
23 dollars (\$105) to the State General Fund; five dollars (\$5) to  
24 the Advanced Technology and Data Exchange Fund; and ten  
25 dollars (\$10) to the county general fund.

26           "(7) For cases filed on the domestic relations  
27 docket of the circuit court seeking to modify or enforce an

1 existing domestic relations court order, twenty-five dollars  
2 (\$25) to the Fair Trial Tax Fund; two hundred one dollars  
3 (\$201) to the State General Fund, ninety-six dollars (\$96) of  
4 which shall be for judicial and public safety functions; five  
5 dollars (\$5) to the Advanced Technology and Data Exchange  
6 Fund; and seventeen dollars (\$17) to the county general fund.

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

20 "(9) For any fifty dollar (\$50) fee collected for  
21 each additional plaintiff in civil cases filed on the small  
22 claims docket of the district court where the amount in  
23 controversy does not exceed three thousand dollars (\$3,000),  
24 forty-six dollars fifty cents (\$46.50) shall be distributed to  
25 the State General Fund for judicial and public safety  
26 functions and three dollars fifty cents (\$3.50) shall be  
27 distributed to the county general fund.

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

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

18           "(12) Ten dollars (\$10) of all sums paid pursuant to  
19 subdivision (13) of Section 12-19-71 shall be paid to the Fair  
20 Trial Tax Fund; eighty-six dollars fifty cents (\$86.50) to the  
21 State General Fund, forty-five dollars fifty cents (\$45.50) of  
22 which shall be for judicial and public safety functions; and  
23 three dollars fifty cents (\$3.50) shall be distributed to the  
24 county general fund."

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

