

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3466

By: Moore

AS INTRODUCED

An Act relating to civil procedure; amending 12 O.S. 2021, Section 3252, which relates to requests for issuance of subpoenas; providing for payment of applicable fee; requiring assignment of certain number; requiring entry on docket; amending 28 O.S. 2021, Section 152.1, which relates to fees in civil actions; prescribing fee for issuance of foreign subpoena; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 12 O.S. 2021, Section 3252, is amended to read as follows:

Section 3252. A. To request issuance of a subpoena under this section, a party must submit a foreign subpoena to a clerk of court in the county in which discovery is sought to be conducted in this state and pay any applicable fee as prescribed by law. A request for the issuance of a subpoena under this act does not constitute an appearance in the courts of this state.

1 B. When a party submits a foreign subpoena to a clerk of court
2 in this state, the clerk, in accordance with that court's procedure,
3 shall ~~promptly~~ promptly:

4 1. Promptly issue a subpoena for service upon the person to
5 which the foreign subpoena is directed; and

6 2. Assign the subpoena a case file number and enter it on the
7 docket as a civil action for foreign subpoena.

8 C. A subpoena under subsection B of this section must:

9 1. Incorporate the terms used in the foreign subpoena; and

10 2. Contain or be accompanied by the names, addresses and
11 telephone numbers of all counsel of record in the proceeding to
12 which the subpoena relates and of any party not represented by
13 counsel.

14 SECTION 2. AMENDATORY 28 O.S. 2021, Section 152.1, is
15 amended to read as follows:

16 Section 152.1 A. In civil cases, the court clerk shall collect
17 and deposit in the court fund the following charges in addition to
18 the flat fee:

19 1. For posting notices and filing
20 certificates required by statute.....\$30.00

21 2. For the filing of any counterclaim or
22 setoff pursuant to Section 1758 of
23 Title 12 of the Oklahoma Statutes.....\$20.00

3. For mailing by any type of mail writs,
warrants, orders, process, command, or
notice for each person.....\$10.00
4. For the actual cost of all postage in
each case in excess of\$10.00
5. For serving or endeavoring to serve each
writ, warrant, order, process,
command, or notice for each person in
one or more counties.....\$50.00
provided that if more than one person is
served at the same address, one flat fee
of Fifty Dollars (\$50.00) may be charged
6. For sheriff's fees on court-ordered
sales of real or personal property.....\$75.00
7. When a jury is requested.....\$349.00
8. For issuing each summons for each person.....\$10.00
9. For services of a court reporter at each
trial held in the case.....\$20.00
10. For filing a motion for summary
judgment or summary disposition of
issue(s).....\$50.00
11. For issuance of a foreign subpoena.....\$50.00

The fees prescribed in paragraphs 5 and 6 of this subsection shall be paid by the court clerk into the Sheriff's Service Fee

1 Account, created pursuant to the provisions of Section 514.1 of
2 Title 19 of the Oklahoma Statutes, of the sheriff in the county
3 where service is made or attempted or where the sheriff's sale
4 occurs. All other fees shall be deposited into the local court fund
5 in the county where collected.

6 B. The fee prescribed in paragraph 7 of subsection A of this
7 section shall be paid at the time of the pretrial conference by the
8 party requesting a jury.

9 SECTION 3. This act shall become effective November 1, 2024.

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