

1 HOUSE BILL NO. 261

2 INTRODUCED BY R. LYNCH

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS REGARDING CLERK OF COURT FEES FOR
5 TRANSMITTING RECORDS OR FILES OR TRANSFERRING A CASE TO ANOTHER COURT; AMENDING
6 SECTION 25-1-201, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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10 **Section 1.** Section 25-1-201, MCA, is amended to read:11 **"25-1-201. Fees of clerk of district court.** (1) The clerk of district court shall collect the following fees:

12 (a) at the commencement of each action or proceeding, except a petition for dissolution of marriage, from
13 the plaintiff or petitioner, \$90; for filing a complaint in intervention, from the intervenor, \$80; for filing a petition for
14 dissolution of marriage, \$170; for filing a petition for legal separation, \$150; and for filing a petition for a contested
15 amendment of a final parenting plan, \$120;

16 (b) from each defendant or respondent, on appearance, \$60;

17 (c) on the entry of judgment, from the prevailing party, \$45;

18 (d) (i) except as provided in subsection (1)(d)(ii), for preparing copies of papers on file in the clerk's office
19 in all criminal and civil proceedings, \$1 a page for the first 10 pages of each file, for each request, and 50 cents
20 for each additional page;

21 (ii) for a copy of a marriage license, \$5, and for a copy of a dissolution decree, \$10;

22 (iii) for providing copies of papers on file in the clerk's office by facsimile, e-mail, or other electronic means
23 in all criminal and civil proceedings, 25 cents per page;

24 (e) for each certificate, with seal, \$2;

25 (f) for oath and jurat, with seal, \$1;

26 (g) for a search of court records, \$2 for each name for each year searched, for a period of up to 7 years,
27 and an additional \$1 for each name for any additional year searched;

28 (h) for filing and docketing a transcript of judgment or transcript of the docket from all other courts, the
29 fee for entry of judgment provided for in subsection (1)(c);

30 (i) for issuing an execution or order of sale on a foreclosure of a lien, \$5;

1 (j) for transmission of records or files or transfer of a case to another court, from the party requesting the
2 transfer, \$5 plus the actual costs of transmitting the records or files to the new court by the most cost-effective
3 means available;

4 (k) for filing and entering papers received by transfer from other courts, \$10;

5 (l) for issuing a marriage license, \$53;

6 (m) on the filing of an application for informal, formal, or supervised probate or for the appointment of
7 a personal representative or the filing of a petition for the appointment of a guardian or conservator, from the
8 applicant or petitioner, \$70, which includes the fee for filing a will for probate;

9 (n) on the filing of the items required in 72-4-303 by a domiciliary foreign personal representative of the
10 estate of a nonresident decedent, \$55;

11 (o) for filing a declaration of marriage without solemnization, \$53;

12 (p) for filing a motion for substitution of a judge, \$100;

13 (q) for filing a petition for adoption, \$75;

14 (r) for filing a pleading by facsimile or e-mail in all criminal and civil proceedings, 50 cents per page.

15 (2) Except as provided in subsections (3) and (5) through (7), fees collected by the clerk of district court
16 must be deposited in the state general fund as specified by the supreme court administrator.

17 (3) (a) Of the fee for filing a petition for dissolution of marriage, \$5 must be deposited in the children's
18 trust fund account established in 52-7-102, \$19 must be deposited in the civil legal assistance for indigent victims
19 of domestic violence account established in 3-2-714, and \$30 must be deposited in the partner and family
20 member assault intervention and treatment fund established in 40-15-110.

21 (b) Of the fee for filing a petition for legal separation, \$5 must be deposited in the children's trust fund
22 account established in 52-7-102 and \$30 must be deposited in the partner and family member assault intervention
23 and treatment fund established in 40-15-110.

24 (4) If the moving party files a statement signed by the nonmoving party agreeing not to contest an
25 amendment of a final parenting plan at the time the petition for amendment is filed, the clerk of district court may
26 not collect from the moving party the fee for filing a petition for a contested amendment of a parenting plan under
27 subsection (1)(a).

28 (5) Of the fee for filing an action or proceeding, except a petition for dissolution of marriage, \$9 must be
29 deposited in the civil legal assistance for indigent victims of domestic violence account established in 3-2-714.

30 (6) The fees collected under subsections (1)(d), (1)(g), (1)(j), and (1)(r) must be deposited in the county

1 district court fund. If a district court fund does not exist, the fees must be deposited in the county general fund to
2 be used for district court operations.

3 (7) Of the fee for issuance of a marriage license and the fee for filing a declaration of marriage without
4 solemnization, \$13 must be deposited in the domestic violence intervention account established by 44-4-310 and
5 \$10 must be deposited in the county district court fund. If a district court fund does not exist, the fees must be
6 deposited in the county general fund to be used for district court operations.

7 (8) Any filing fees, fines, penalties, or awards collected by the district court or district court clerk not
8 otherwise specifically allocated must be deposited in the state general fund."

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10 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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