

## HOUSE BILL NO. 206

INTRODUCED BY FLYNN, MURPHY

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING FEES IN JUSTICE'S COURT AND SMALL CLAIMS COURT; AMENDING SECTIONS 25-31-112 AND 25-35-608, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

**Section 1.** Section 25-31-112, MCA, is amended to read:

**"25-31-112. Fees.** The following is the schedule of fees ~~which that~~, except as provided in 25-35-605, ~~shall must~~ be paid in every civil action in a justice's court:

(1) ~~\$25 \$50 when a complaint is filed, to be paid by the plaintiff; WHEN A COMPLAINT IS FILED, THE FOLLOWING FEE TO BE PAID BY THE PLAINTIFF:~~

~~(A) \$30 IN BEGINNING JULY 1, 2013;~~

~~(B) \$35 IN BEGINNING JULY 1, 2014; AND~~

~~(C) \$40 IN BEGINNING JULY 1, 2015 AND SUBSEQUENT YEARS;~~

~~(D) \$45 IN 2016; AND~~

~~(E) \$50 IN 2017 AND SUBSEQUENT YEARS;~~

(2) ~~\$10 \$20~~ when the defendant appears, to be paid by the defendant;

(3) ~~\$10 \$20~~ to be paid by the prevailing party when judgment is rendered. IN CASES IN WHICH JUDGMENT IS ENTERED BY DEFAULT, NO CHARGE EXCEPT THE FEE PROVIDED IN SUBSECTION (1) FOR THE FILING OF THE COMPLAINT MAY BE MADE FOR ANY SERVICES, INCLUDING ISSUING AND RETURN OF EXECUTION. ~~In cases where in which judgment is entered by default, no charge except the \$25 FEE PROVIDED IN SUBSECTION (1) for the filing of the complaint shall may be made for any services, including issuing and return of execution.~~

(4) ~~\$10 \$20~~ for all services in an action where in which judgment is rendered by confession;

(5) ~~\$10 \$20~~ for filing a notice of appeal and transcript on appeal, justifying and approving an undertaking on appeal, and transmitting papers to the district court with a certificate."

**Section 2.** Section 25-35-608, MCA, is amended to read:

1           **"25-35-608. Fees.** (1) The clerk of the justice's court shall collect a fee of:

2           (a) ~~\$10~~ \$20 from the plaintiff upon the filing of the sworn complaint; and

3           (b) ~~\$5~~ \$10 from the defendant upon the defendant's appearance and contesting of the complaint or  
4 execution of a counterclaim.

5           (2) The laws relating to paupers' affidavits apply to actions before the small claims court."

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7           **NEW SECTION. SECTION 3. EFFECTIVE DATE.** [THIS ACT] IS EFFECTIVE JULY 1, 2013.

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9           **NEW SECTION. Section 4. Applicability.** [This act] applies to proceedings begun on or after [the  
10 effective date of this act].

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