

HOUSE BILL NO. 206

INTRODUCED BY K. FLYNN

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 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;

(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 ~~where in which~~ judgment is entered by default, no charge except the \$25 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:

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

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

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

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

NEW SECTION. **Section 3. Applicability.** [This act] applies to proceedings begun on or after [the effective date of this act].

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