

HOUSE BILL NO. 206

INTRODUCED BY FLYNN, MURPHY

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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; WHEN A COMPLAINT IS FILED, THE~~
FOLLOWING FEE TO BE PAID BY THE PLAINTIFF:

(A) \$30 IN 2013;

(B) \$35 IN 2014;

(C) \$40 IN 2015;

(D) \$45 IN 2016; AND

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

(2) ~~\$40~~ \$20 when the defendant appears, to be paid by the defendant;

(3) ~~\$40~~ \$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~~ 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) ~~\$40~~ \$20 for all services in an action ~~where in which~~ judgment is rendered by confession;

(5) ~~\$40~~ \$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) ~~\$40~~ \$20 from the plaintiff upon the filing of the sworn complaint; and

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

3 (2) The laws relating to paupers' affidavits apply to actions before the small claims court."
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5 NEW SECTION. **Section 3. Applicability.** [This act] applies to proceedings begun on or after [the
6 effective date of this act].

7 - END -