

## HOUSE BILL NO. 206

INTRODUCED BY FLYNN, MURPHY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING FEES IN JUSTICE'S COURT AND SMALL CLAIMS  
5 COURT; AMENDING SECTIONS 25-31-112 AND 25-35-608, MCA; AND PROVIDING AN EFFECTIVE DATE  
6 AND AN APPLICABILITY 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 25-31-112, MCA, is amended to read:  
11 **"25-31-112. Fees.** The following is the schedule of fees ~~which that~~, except as provided in 25-35-605,  
12 ~~shall must~~ be paid in every civil action in a justice's court:

13 (1) ~~\$25 \$50 when a complaint is filed, to be paid by the plaintiff; WHEN A COMPLAINT IS FILED, THE~~  
14 FOLLOWING FEE TO BE PAID BY THE PLAINTIFF:

15 (A) \$30 IN 2013;

16 (B) \$35 IN 2014; AND

17 (C) \$40 IN 2015 AND SUBSEQUENT YEARS;

18 ~~———— (D) \$45 IN 2016; AND~~

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

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

21 (3) ~~\$10 \$20~~ to be paid by the prevailing party when judgment is rendered. In cases ~~where in which~~  
22 judgment is entered by default, no charge except the ~~\$25~~ FEE PROVIDED IN SUBSECTION (1) for the filing of the  
23 complaint ~~shall may~~ be made for any services, including issuing and return of execution.

24 (4) ~~\$10 \$20~~ for all services in an action ~~where in which~~ judgment is rendered by confession;

25 (5) ~~\$10 \$20~~ for filing a notice of appeal and transcript on appeal, justifying and approving an undertaking  
26 on appeal, and transmitting papers to the district court with a certificate."

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28 **Section 2.** Section 25-35-608, MCA, is amended to read:  
29 **"25-35-608. Fees.** (1) The clerk of the justice's court shall collect a fee of:  
30 (a) ~~\$10 \$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. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE JULY 1, 2013.  
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7 NEW SECTION. Section 4. Applicability. [This act] applies to proceedings begun on or after [the  
8 effective date of this act].

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