

SENATE BILL NO. 103

INTRODUCED BY R. TEMPEL

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE FEE FOR ISSUING AN EXECUTION OR ORDER OF SALE ON A FORECLOSURE OF A LIEN; PROVIDING THAT THE INCREASED FEE BE DEPOSITED IN THE COUNTY DISTRICT COURT FUND; AND AMENDING SECTION 25-1-201, MCA."

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

Section 1. Section 25-1-201, MCA, is amended to read:

"25-1-201. Fees of clerk of district court. (1) The clerk of district court shall collect the following fees:

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

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

(c) on the entry of judgment, from the prevailing party, \$50;

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

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

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

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

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

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

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

(i) for issuing an execution or order of sale on a foreclosure of a lien, ~~\$5~~ \$10;

(j) for transmission of records or files or transfer of a case to another court, \$5;

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

(l) for issuing a marriage license:

(i) when one or both parties to the marriage are present at the solemnization, \$53;

(ii) when neither party is present at the solemnization, \$83;

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

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

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

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

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

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

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

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

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

(4) If the moving party files a statement signed by the nonmoving party agreeing not to contest an

1 amendment of a final parenting plan at the time the petition for amendment is filed, the clerk of district court
2 may not collect from the moving party the fee for filing a petition for a contested amendment of a parenting plan
3 under subsection (1)(a).

4 (5) Of the fee for filing an action or proceeding, except a petition for dissolution of marriage, \$9
5 must be deposited in the civil legal assistance for indigent victims of domestic violence account established in
6 3-2-714.

7 (6) The fees collected under subsections (1)(d), (1)(g), (1)(j), and (1)(r) and \$5 collected under
8 (1)(i) must be deposited in the county district court fund. If a district court fund does not exist, the fees must be
9 deposited in the county general fund to be used for district court operations.

10 (7) Of the fee for issuance of a marriage license and the fee for filing a declaration of marriage
11 without solemnization, \$13 must be deposited in the domestic violence intervention account established by 44-
12 7-202 and \$10 must be deposited in the county district court fund, except that \$30 must be deposited in the
13 county district court fund when neither party to a marriage is present at the solemnization. If a district court fund
14 does not exist, the fees must be deposited in the county general fund to be used for district court operations.

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

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