

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: H3/7/01
A Bill

HOUSE BILL 1955

5 By: Representative House
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8 **For An Act To Be Entitled**

9 AN ACT TO AMEND ARKANSAS CODE 16-14-105
10 PERTAINING TO UNIFORM FILING FEES AND COURT
11 COSTS; AND FOR OTHER PURPOSES.
12

13 **Subtitle**

14 TO AMEND ARKANSAS CODE 16-14-105
15 PERTAINING TO UNIFORM FILING FEES AND
16 COURT COSTS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code 16-14-105, pertaining to uniform filing fees
22 and court costs, is amended to read as follows:

23 16-14-105. Uniform filing fees and court costs.

24 (a)(1) The uniform filing fees to be charged by the clerks of the
25 probate court for initiating a cause of action in probate court in this state
26 shall be one hundred dollars (\$100), and no portion of the filing fee shall
27 be refunded.

28 (2) The filing fee for reopening a cause of action in the
29 probate court shall be thirty dollars (\$30.00); provided, however, that this
30 fee shall not apply to revocation of conditional release of insanity
31 acquittees pursuant to § 5-2-316.

32 (3) The uniform filing fees to be charged by the clerks of the
33 county court for initiating a cause of action in the county court shall be
34 thirty dollars (\$30.00), and no portion of the filing fee shall be refunded.

35 ~~(3)~~ (4) No county shall authorize, and no county court clerk,
36 chancery or probate court clerk shall assess or collect, any other filing

1 fees than those authorized, unless specifically provided by state law.

2 (b) Uniform court costs shall be established as follows:

- 3 (1) Dissolutions of incorporation ~~\$10.00~~ \$25.00;
- 4 (2) Articles of incorporation ~~\$15.00~~ \$25.00;
- 5 (3) Amendments to articles of
- 6 incorporation ~~\$15.00~~ \$25.00;
- 7 (4) Filing last will and testament for
- 8 safekeeping ~~\$2.00~~ \$5.00;
- 9 (5) Authentication certificate ~~\$3.50~~ \$5.00;
- 10 (6) Certify and seal document ~~\$3.00~~ \$5.00;
- 11 (7) Marriage license ~~\$20.00~~ \$30.00;
- 12 (8) Certified copy of marriage license \$5.00;
- 13 (9) Underage marriages - Petition and
- 14 order ~~\$5.00~~ \$10.00;
- 15 (10) Small estates ~~\$10.00~~ \$25.00;
- 16 (11) Assumed names ~~\$10.00~~ \$25.00;
- 17 (12) Limited partnerships ~~\$10.00~~ \$25.00;
- 18 (13) Alcoholics and insane persons ~~\$10.00~~ \$25.00;
- 19 (14) Clerk's tax deed \$5.00;
- 20 (15) Recording doctors' and nurses'
- 21 credentials \$5.00;
- 22 (16) Recording ministers' credentials \$5.00;
- 23 (17) Filing affidavit of claim against
- 24 an estate ~~\$3.00~~ \$5.00;
- 25 (18) Filing power of attorney \$10.00;
- 26 (19) For filing and recording all accounts
- 27 and settlements ~~\$25.00~~ \$50.00;
- 28 (20) Certified copies of all letters ~~\$3.00~~ \$5.00;
- 29 (21) For issuing subpoena or summons ~~\$3.00~~ \$5.00;
- 30 (22) For putting up advertisement of settlement of
- 31 executors, administrators, and guardians ~~\$3.00~~ \$5.00;
- 32 (23) For preparing notices of settlements to be published in
- 33 paper each month ~~\$2.00~~ \$5.00; and
- 34 (24) For filing exceptions, etc. ~~\$3.50~~ \$5.00.

35 (c) Any fee not specifically provided for in subsections (a) and (b)
 36 of this section shall be set by the probate court if it is a probate matter

1 or by the county judge if it is a county court matter.

2 (d) The probate court may waive the filing fee in cases of involuntary
3 admission upon a finding that the petition is being brought for the benefit
4 of the respondent and it would be inequitable to require the petitioner to
5 pay the fee.

6 (e) The fee provisions provided for in this section shall be in lieu
7 of any and all fees now established by law.

8 (f)(1) All fees with the exception of the probate filing fees
9 collected under this section shall be paid into the county treasury to the
10 credit of the fund to be known as the "county clerk's cost fund". With the
11 exception of those funds referred to in subsection (f)(2) of this section,
12 all funds deposited into the county clerk's cost fund are general revenues of
13 the county and may be used for any legitimate county purpose.

14 (2) At least thirty-five percent (35%) of the moneys collected
15 annually shall be used to purchase, maintain, and operate an automated
16 records system. The acquisition and update of software for the automated
17 records system shall be a permitted use of these funds. Funds set aside for
18 automation may be allowed to accumulate from year to year, or at the
19 discretion of the clerk, may be transferred to county general by a budgeted
20 appropriated transfer.

21 (3) In those counties having combined offices of circuit and
22 county clerk, the clerk shall elect to use the automation fund authorized by
23 this section or the automation fund allowed by § 21-6-306, the Recorder's
24 Cost Fund. The clerk's election shall be made in writing and filed in the
25 office of the circuit clerk. Under no circumstances shall the clerk be
26 allowed to utilize both the automation fund as authorized by § 21-6-306 and
27 the county clerk's cost fund as authorized in this subchapter.

28 /s/ House
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