

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 317
HOUSE BILL 2564

AN ACT

AMENDING SECTIONS 12-284, 12-284.03 AND 22-281, ARIZONA REVISED STATUTES;
RELATING TO COURT FEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 12-284, Arizona Revised Statutes, is amended to
3 read:

4 12-284. Fees

5 A. Except as otherwise provided by law, the clerk of the superior
6 court shall receive fees classified as follows:

7 Class	Description	Fee
8 A	Initial case filing fee	
9	Tax case	\$ 166.00 188.00
10	Filing complaint, notice of appeal	
11	under section 12-904 or petition	166.00 188.00
12	Filing intervenor	166.00 188.00
13	Additional plaintiffs	166.00 188.00
14	Filing foreign judgment	166.00 188.00
15	Ownership of real property becomes an	
16	issue plaintiff	166.00 188.00
17	Appellant	
18	(except under sections 12-1809 and 13-3602)	166.00 188.00
19	Change of venue to this county	166.00 188.00
20	Petition for change of name	166.00 188.00
21	Filing a process server application	166.00 188.00
22 B	Subsequent case filing fee	
23	Filing answer, notice of appearance	
24	under section 12-907 or initial appearance	\$ 88.00 100.00
25	Additional defendants	88.00 100.00
26	Notice of appeal to appellate courts	
27	(except under section 12-2107)	88.00 100.00
28	Cross-appeal by appellee (except under section	
29	12-2107)	88.00 100.00
30	Ownership of real property becomes an	
31	issue defendant	88.00 100.00
32	Jurisdiction exceeded appellee	
33	(within 20 days of filing)	88.00 100.00
34	Response to show cause that does one or more	
35	of the following:	
36	1. Requests affirmative relief or	
37	counterrelief	
38	2. Attacks the sufficiency of process	
39	or the proceedings	
40	3. Takes other affirmative action	88.00 100.00
41 C	Initial case filing fee	
42	Filing petition for annulment	\$ 131.00 149.00
43	Filing for dissolution/legal separation petition	131.00 149.00
44	Petition in formal testacy or appointment	
45	proceeding	131.00 149.00

1	Application for informal probate or informal	
2	appointment	131.00 149.00
3	Petition for supervised administration petition	
4	to appoint guardian	131.00 149.00
5	Petition to appoint conservator or make other	
6	protective order	131.00 149.00
7	Opposing petition in testacy or appointment	
8	proceedings or appointment of guardian or	
9	conservator	131.00 149.00
10	Single estate application or petition under	
11	title 14, chapter 3, section 14-3938	131.00 149.00
12	Domestic relations case for which a fee is not	
13	specifically prescribed	131.00 149.00
14	D Subsequent case filing fee	
15	Filing answer to annulment	\$ 66.00 74.00
16	Filing for dissolution/legal separation answer	66.00 74.00
17	Any person opposing contested petition if no	
18	prior payment made	66.00 74.00
19	Postadjudication petitions in	
20	domestic relations cases	66.00 74.00
21	Postjudgment activities in probate cases	66.00 74.00
22	E Minimum clerk fee	
23	Filing power of attorney	\$ 26.00 30.00
24	Change of venue to another county transmittal	
25	fee	26.00 30.00
26	Change of venue to another county pursuant to	
27	section 12-404 transmittal fee	26.00 30.00
28	Filing transcript and docketing judgment from	
29	any courts	26.00 30.00
30	Issuance of writs of: attachment, execution,	
31	possession, restitution, prohibition and	
32	enforcement of order of judgment-garnishment	26.00 30.00
33	Certified copy or abstract of marriage	
34	application or license	26.00 30.00
35	Certificate of correctness of copy of record	26.00 30.00
36	Justice of peace certificate	26.00 30.00
37	Each certificate of clerk to any matter in	
38	clerk's record not specifically provided	26.00 30.00
39	Filing any paper or performing any act for which	
40	a fee is not specifically prescribed	26.00 30.00
41	Subpoena - (civil)	26.00 30.00
42	Research in locating a document (per year or	
43	source researched)	26.00 30.00
44	Exemplification (per certification)	26.00 30.00
45	Authentication (per certification)	26.00 30.00

1	Seal a court file	26.00	30.00
2	Reopen a sealed court file	26.00	30.00
3	Retrieve bank records	26.00	30.00
4	Reel of film alpha index per year (plus per		
5	page fee below)	26.00	30.00
6	Payment history report	26.00	30.00
7	Certification under one document certification	26.00	30.00
8	Civil traffic appeal	26.00	30.00
9	F Per page fee		
10	Making copies (on appeal and on request)		
11	per page	\$	.50
12	Making extra copies per page		.50
13	Making photographic or photostatic copies		
14	per page		.50
15	Comparison fee of papers furnished by applicant		
16	per page		.50
17	Alpha index per page		.50
18	G Special fees		
19	Small claim tax case	\$	22.00 24.00
20	Marriage license and return of a		
21	marriage license	72.00	83.00
22	Postage and handling		7.00
23	Notary services		7.00
24	Stop payment on check	14.00	16.00

25 B. The clerk of the superior court shall receive the fees
 26 prescribed in subsection A of this section for the following services:

27 1. Making copies of papers and records required to be made by the
 28 clerk on appeal, and copies of papers and records in the clerk's office
 29 made on request in other cases, for each legal size page of original.

30 2. Making extra copies of the papers and records mentioned in
 31 paragraph 1 of this subsection, required or requested for each page of
 32 copy of such papers and records.

33 3. In a clerk's office, in which a photographic or photostatic
 34 method of recording is used or is available for use in cooperation with
 35 other public offices, preparing copies enumerated in paragraphs 1 and 2 of
 36 this subsection for each page of copy or fraction of a page of copy.
 37 Portions of several pages of records may be combined in one page of copy.
 38 The clerk may prepare an abstract of marriage in lieu of a reproduction of
 39 the recorded marriage license. The fee shall apply to matters whether
 40 recorded in such office by longhand, typing, electronic, photographic or
 41 photostatic methods. The fees for copies are exclusive of the fees for
 42 certification or authentication.

43 4. Issuing a certificate as to official capacity of a justice of
 44 the peace and affixing a seal to the certificate.

1 5. Each subpoena issued in a civil proceeding or filing any paper
2 or performing any act for which a fee is not specifically prescribed by
3 law, but the clerk shall not charge for the clerk's services in
4 administering the oath in connection with any affidavit, petition, letters
5 or other pleading or document ~~which~~ THAT, after administration of the oath
6 ~~therefor~~, is promptly filed by the clerk and becomes a part of a case or
7 matter of record in the office of the clerk.

8 C. In addition to the fees required by subsection A of this
9 section, the clerk shall charge and collect a surcharge of fifteen dollars
10 for each filing of a postadjudication petition in a domestic relations
11 case for which a fee presently is charged under class D in subsection A of
12 this section. The surcharge shall be used exclusively to fund domestic
13 relations education and mediation programs established pursuant to section
14 25-413. Each month the clerk shall transmit the monies the clerk collects
15 pursuant to this subsection to the county treasurer for deposit in the
16 domestic relations education and mediation fund established by section
17 25-413.

18 D. Excluding the monies that are collected pursuant to subsection C
19 of this section, each month the clerk shall transmit seventy-five ~~per cent~~
20 PERCENT of the monies collected for subsequent case filing fees for
21 postadjudication petitions in domestic relations cases under class D in
22 subsection A of this section to the county treasurer for deposit in the
23 expedited child support and parenting time fund established pursuant to
24 section 25-412. The remaining twenty-five ~~per cent~~ PERCENT of the monies
25 collected pursuant to this subsection shall be distributed pursuant to
26 section 12-284.03.

27 E. At the commencement of each action for annulment, dissolution of
28 marriage, legal separation, maternity or paternity, the petitioner shall
29 pay to the clerk of the court the initial case filing fee for the action
30 provided in subsection A of this section. At the time of filing a
31 response, the respondent shall pay to the clerk of the court the
32 subsequent case filing fee for the action provided in subsection A of this
33 section. In each county where the superior court has established a
34 conciliation court, the petitioner and respondent shall each pay to the
35 clerk a sixty-five dollar fee. The monies from the additional fee shall
36 be used to carry out the purposes of the conciliation court pursuant to
37 title 25, chapter 3, article 7.

38 F. In garnishment matters:

39 1. A fee shall not be charged for filing an affidavit seeking only
40 the release of exempt wages.

41 2. A fee shall not be charged for filing a garnishee's answer, for
42 filing a judgment against the garnishee or for the issuance or return of
43 process incident to such a judgment.

44 3. For any contest relating to or any controversion of a
45 garnishment matter, unless the contesting party has paid an appearance fee

1 in that cause, the required appearance fee shall be paid, except that the
2 garnishee shall not pay a clerk's fee.

3 G. A person who is cited to appear and defend an order to show
4 cause shall not be charged an appearance fee. The person may stipulate to
5 or consent to the entry of an order without the payment of an appearance
6 fee. An appearance fee shall be paid if the person is present in person
7 or by an attorney and does one or more of the following:

- 8 1. Requests affirmative relief or counterrelief.
- 9 2. Attacks the sufficiency of process or the proceedings.
- 10 3. Takes other affirmative action.

11 H. A petitioner shall not be charged a fee for requesting an order
12 of protection pursuant to section 13-3602 or an injunction against
13 harassment pursuant to section 12-1809. A defendant shall not be charged
14 an answer fee in an order of protection action if the defendant requests a
15 hearing pursuant to section 13-3602, subsection I or in an injunction
16 against harassment action if the defendant requests a hearing pursuant to
17 section 12-1809, subsection H.

18 I. A person who files a registrar's order pursuant to section
19 32-1166.06 shall not be charged a fee.

20 J. The clerk of the court shall charge and collect a forty-six
21 dollar filing fee for a petition for emancipation of a minor filed
22 pursuant to chapter 15 of this title. Each month the clerk shall transmit
23 the monies the clerk collects pursuant to this subsection to the county
24 treasurer for deposit in the emancipation administrative costs fund
25 established by section 12-2456.

26 K. Except for monies that are collected pursuant to subsections C,
27 D, E and J of this section, the clerk of the superior court shall transmit
28 monthly to the county treasurer all monies collected pursuant to this
29 section for distribution or deposit pursuant to section 12-284.03.

30 L. The supreme court may increase the fees prescribed in subsection
31 A of this section in an amount not to exceed the ~~per cent~~ PERCENT of
32 change in the average consumer price index as published by the United
33 States department of labor, bureau of labor statistics between that figure
34 for the latest calendar year and the calendar year in which the last fee
35 increase occurred.

36 Sec. 2. Section 12-284.03, Arizona Revised Statutes, is amended to
37 read:

38 12-284.03. Distribution of fees

39 A. Excluding the monies that are kept by the court pursuant to
40 subsection B of this section, the county treasurer shall transmit,
41 distribute or deposit all monies received from the clerk of the superior
42 court pursuant to section 12-284, subsection K as follows:

- 43 1. ~~1.28~~ 1.20 percent to the state treasurer for deposit in the
44 resource center fund established by and for the purposes of section
45 41-2402, subsection G.

2. ~~8.70~~ 8.18 percent to the state treasurer for deposit in the domestic violence services fund established by section 36-3002.

3. ~~1.89~~ 1.78 percent to the state treasurer for deposit in the child abuse prevention fund established by section 8-550.01.

4. In the county law library fund established by section 12-305, either:

(a) ~~7.47~~ 7.02 percent if the county treasurer is serving in a county with a population of more than five hundred thousand persons.

(b) ~~14.99~~ 14.09 percent if the county treasurer is serving in a county with a population of five hundred thousand persons or less.

5. ~~0.34~~ 0.32 percent to the state treasurer for deposit in the alternative dispute resolution fund established by section 12-135.

6. To the elected officials' retirement plan fund established by section 38-802, either of the following percentages, which shall be distributed to the fund pursuant to section 38-810:

(a) ~~23.31~~ 21.91 percent if the county treasurer is serving in a county with a population of more than five hundred thousand persons.

(b) ~~14.99~~ 14.09 percent if the county treasurer is serving in a county with a population of five hundred thousand persons or less.

7. ~~18.74~~ 17.62 percent to the state treasurer for deposit in the judicial collection enhancement fund established by section 12-113.

8. ~~0.25~~ 0.24 percent to the state treasurer for deposit in the confidential intermediary and fiduciary fund established by section 8-135.

9. In the county general fund, the following percentages:

(a) ~~30.66~~ 28.81 percent if the county treasurer is serving in a county with a population of more than five hundred thousand persons.

(b) ~~31.46~~ 29.56 percent if the county treasurer is serving in a county with a population of five hundred thousand persons or less.

10. 6.00 PERCENT TO THE ELECTED OFFICIALS' RETIREMENT PLAN FUND ESTABLISHED BY SECTION 38-802 FOR THE PURPOSE OF FUNDING A PORTION OF THE EMPLOYERS' CONTRIBUTIONS REQUIRED PURSUANT TO SECTION 38-810.

B. ~~7.36~~ 6.92 percent of the monies transmitted, distributed or deposited pursuant to subsection A of this section shall be kept and used by the court collecting the fees in the same manner as the seven dollars of the time payment fee prescribed by section 12-116, subsection B.

Sec. 3. Section 22-281, Arizona Revised Statutes, is amended to read:

22-281. Fees and deposits

A. Justices of the peace shall receive fees established and classified as follows in civil actions:

1	Class Description	Fee
2	A Initial case filing fee	
3	Civil filing fees	\$ 65.00 73.00
4	B Subsequent case filing fee	
5	Civil filing fees - defendant	\$ 35.00 40.00
6	C Initial case filing fee	
7	Forcible entry and detainer filings	\$ 30.00 35.00
8	Small claims filing	23.00 25.00
9	D Subsequent case filing fee	
10	Small claims answer	\$ 13.00 15.00
11	Forcible entry and detainer	
12	filings - defendant	16.00 18.00
13	E Minimum clerk fee	
14	Document and transcript transfer on appeal	\$ 24.00 28.00
15	Certification of any documents	24.00 28.00
16	Issuance of writs	24.00 28.00
17	Filing any paper or performing any act for	
18	which a fee is not specifically prescribed	24.00 28.00
19	Subpoena (civil)	24.00 28.00
20	Research in locating a document	24.00 28.00
21	Seal a court file	24.00 28.00
22	Reopen a sealed court file	24.00 28.00
23	Record duplication	24.00 28.00
24	F Per page fee	
25	Copies of any documents per page	\$ 0.50
26	G Special fees	
27	Small claims service by mail	\$ 8.00

28 B. This section does not deprive the parties to the action of the
 29 privilege of depositing amounts with the justice, in addition to those set
 30 forth in this section, for use in connection with the payment of
 31 constable's and sheriff's fees for service of process, levying of writs
 32 and other services for which fees are otherwise provided by law.

33 C. Excluding the monies that are kept by the court pursuant to
 34 subsection D of this section, justices of the peace shall transmit monthly
 35 to the county treasurer all monies collected pursuant to subsection A of
 36 this section. The county treasurer shall distribute or deposit all of the
 37 monies received pursuant to this subsection as follows:

38 1. To the state treasurer for deposit in the judicial collection
 39 enhancement fund established by section 12-113, in the following
 40 percentages:

41 (a) ~~15.74~~ 14.80 percent if the county treasurer is serving in a
 42 county with a population of more than five hundred thousand persons.

43 (b) ~~17.27~~ 16.23 percent if the county treasurer is serving in a
 44 county with a population of five hundred thousand persons or less.

2. To the state treasurer for deposit in the alternative dispute resolution fund established by section 12-135, in the following percentages:

(a) ~~1.80~~ 1.69 percent if the county treasurer is serving in a county with a population of more than five hundred thousand persons.

(b) ~~2.01~~ 1.89 percent if the county treasurer is serving in a county with a population of five hundred thousand persons or less.

3. To the elected officials' retirement plan fund established by section 38-802, either of the following percentages, which shall be distributed to the fund pursuant to section 38-810:

(a) ~~23.31~~ 21.91 percent if the county treasurer is serving in a county with a population of more than five hundred thousand persons.

(b) ~~14.99~~ 14.09 percent if the county treasurer is serving in a county with a population of five hundred thousand persons or less.

4. To the county general fund, in the following percentages:

(a) ~~53.14~~ 49.95 percent if the county treasurer is serving in a county with a population of more than five hundred thousand persons.

(b) ~~59.05~~ 55.51 percent if the county treasurer is serving in a county with a population of five hundred thousand persons or less.

5. 6.00 PERCENT TO THE ELECTED OFFICIALS' RETIREMENT PLAN FUND ESTABLISHED BY SECTION 38-802 FOR THE PURPOSE OF FUNDING A PORTION OF THE EMPLOYERS' CONTRIBUTIONS REQUIRED PURSUANT TO SECTION 38-810.

D. In counties with a population of more than five hundred thousand persons, ~~6.01~~ 5.65 percent of the monies transmitted pursuant to subsection C of this section shall be kept and used by the court collecting the fees in the same manner as the seven dollars of the time payment fee prescribed by section 12-116, subsection B.

E. In counties with a population of five hundred thousand persons or less, ~~6.68~~ 6.28 percent of the monies transmitted pursuant to subsection C of this section shall be kept and used by the court collecting the fees in the same manner as the seven dollars of the time payment fee prescribed by section 12-116, subsection B.

F. The supreme court may increase the fees prescribed in subsection A of this section in an amount not to exceed the per cent of change in the average consumer price index as published by the United States department of labor, bureau of labor statistics between that figure for the latest calendar year and the calendar year in which the last fee increase occurred.

Sec. 4. Requirements for enactment; two-thirds vote

Pursuant to article IX, section 22, Constitution of Arizona, this act is effective only on the affirmative vote of at least two-thirds of the members of each house of the legislature and is effective immediately on the signature of the governor or, if the governor vetoes this act, on the subsequent affirmative vote of at least three-fourths of the members of each house of the legislature.

APPROVED BY THE GOVERNOR MAY 16, 2018.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 16, 2018.