

61-2704. Commencement of action; fees and costs; authorized only by legislative enactment; limit on number of claims. (a) An action seeking the recovery of a small claim shall be considered to have been commenced at the time a person files a written statement of the person's small claim with the clerk of the court if, within 90 days after the small claim is filed, service of process is obtained or the first publication is made for service by publication. Otherwise, the action is deemed commenced at the time of service of process or first publication. An entry of appearance shall have the same effect as service.

(b) Upon the filing of a plaintiff's small claim, the clerk of the court shall require from the plaintiff a docket fee of \$35 on and after July 1, 2014, if the claim does not exceed \$500; or \$55 on and after July 1, 2014, if the claim exceeds \$500; unless for good cause shown the judge waives the fee. The docket fee shall be the only costs required in an action seeking recovery of a small claim. No person may file more than 20 small claims under this act in the same court during any calendar year.

(c) Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2013, through July 1, 2015, the supreme court may impose an additional charge, not to exceed \$12.50 per docket fee, to fund the costs of non-judicial personnel.

History: L. 1973, ch. 239, § 4; L. 1974, ch. 242, § 1; L. 1982, ch. 116, § 11; L. 1986, ch. 222, § 2; L. 1990, ch. 202, § 35; L. 1992, ch. 128, § 16; L. 1996, ch. 234, § 17; L. 2000, ch. 177, § 8; L. 2006, ch. 20, § 1; L. 2006, ch. 195, § 19; L. 2007, ch. 195, § 32; L. 2008, ch. 95, § 15; L. 2009, ch. 116, § 25; L. 2009, ch. 143, § 22; L. 2010, ch. 62, § 17; L. 2011, ch. 87, § 17; L. 2012, ch. 66, § 18; L. 2013, ch. 125, § 18; L. 2014, ch. 82, § 37; July 1.

Revisor's Note:

Section was amended twice in the 2006 session, see also 61-2704a.

Section was also amended by L. 2009, ch. 82, § 7, but that version was repealed by L. 2009, ch. 143, § 37.