

OKLAHOMA STATUTES

TITLE 28. FEES

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§28-1. Statutory allowances exclusive.

The officers and persons herein mentioned shall be entitled to receive for their services only the fees herein allowed, and no other, except as may be otherwise required by law.

R.L. 1910, § 3193. Amended by Laws 1967, c. 122, § 1, emerg. eff. April 27, 1967.

§28-2. Fees not collected during term.

The fees of any officer earned but not collected during his term of office, shall be collected by his successor in office and paid into the county treasury, and all fees so collected shall be included in the report of the officer collecting the same.

R.L. 1910, § 3206.

§28-3. Failure of officers to make reports - Failure to charge fees.

Any county, township and district officer who is required by law to make monthly or quarterly reports to the board of county commissioners who fails or refuses to make such reports, or who makes a false or fraudulent report, shall be deemed guilty of a misdemeanor and in addition to any punishment the violator shall forfeit the office; and in no case shall any county officer retain any perquisites of the office; and if any officer neglect or refuse to charge the fees provided by law, the person shall forfeit double the amount thereof to be deducted from the person's salary, or to be collected by civil action against any such officer or a bondsman.

R.L. 1910, § 3213. Amended by Laws 2002, c. 460, § 24, eff. Nov. 1, 2002.

§28-4. Repealed by Laws, 1941, p. 462, §1.

§28-5. Penalty for charging fees on pensions.

No person authorized to administer oaths, shall be allowed to charge any discharged soldier or seaman, or widow, orphan or legal representative thereof, any fee for administering any oath or the giving of any certificate for the procuring of any pension, bounty, or back pay, nor for administering any oath or oaths and giving the certificate required upon any voucher for collection of periodical dues from the pension agent for any services rendered in perfecting any voucher; and any such officer who may charge any fee for any such services shall be deemed guilty of a misdemeanor, and fined in any sum not less than Ten Dollars (\$10.00) nor more than Twenty-five Dollars (\$25.00).

R.L. 1910, § 3222.

§28-6. Responsibility of county for fees.

The county shall be responsible for the fees, salaries and expenses of county officers, unless otherwise provided by law. R.L. 1910, § 3229. Amended by Laws 1967, c. 122, § 2, emerg. eff. April 27, 1967.

§28-7. Officers to post list of fees.

Each officer herein named shall cause a list of fees allowed by law to be charged by him, to be posted in his office in some conspicuous place, under penalty of Five Dollars (\$5.00) for each day he shall neglect so to do.

R.L. 1910, § 3239.

§28-8. Fees to be itemized on process.

No officer serving any process shall be entitled to any fees for the same, unless he return on such process the amount of his fees and the items thereof.

R.L. 1910, § 3240.

§28-9. Officer to receipt for fees paid.

Every officer charging fees shall give a receipt therefor.

R.L. 1910, § 3243. Amended by Laws 1967, c. 122, § 3, emerg. eff. April 27, 1967.

§28-10. Charging for constructive mileage - Penalty.

Any county, township or district officer who shall knowingly charge, receive or collect any fees for constructive service or mileage shall be deemed guilty of a misdemeanor, and in addition to his punishment shall forfeit his office and thereafter be forever barred from holding any office of honor, trust or profit in this state.

R.L. 1910, § 3247.

§28-11. Folio defined.

A folio shall consist of one page regardless of size.

R.L. 1910, § 3248. Amended by Laws 1967, c. 122, § 4, emerg. eff. April 27, 1967.

§28-12. Fees due when service rendered - Deposit for anticipated costs.

No fees allowed by law shall be due or demanded until the services for which such fees are chargeable shall have been performed, provided, however, that the court clerk may require a deposit for anticipated costs.

R.L. 1910, § 3249. Amended by Laws 1967, c. 122, § 5, emerg. eff. April 27, 1967.

§28-13. Penalty for improper charges.

Any public officer who shall knowingly charge, demand or receive any fees not provided by law, or who shall charge, demand or receive any greater fees than are provided in this article shall be deemed guilty of a misdemeanor, and shall, upon conviction, be fined in any sum not less than Five Hundred Dollars (\$500.00) for each and every offense and shall forfeit his office and shall be barred from holding any office of trust in this state thereafter.
R.L. 1910, § 3252.

§28-31. Fees of court clerks.

Notwithstanding any other provision of law, the clerk of the district court, or the clerk of any other court of record, shall charge and collect the following fees for services by them respectively rendered and none others, except as otherwise provided by law:

- Approving bond or undertaking, including certificate and seal.....\$3.00
- Making copy of an instrument of record or on file, first page.....\$1.00
- subsequent pages (each).....\$0.50
- Certifying to any instrument (each)..\$0.50
- Authentication of court records.....\$5.00
- Receiving and paying out money in pursuance of law or order of court....1% provided, however, that such charge shall not exceed \$300.00.
- Application, issuing, entering return and recording marriage license if the applicants submit a certificate that states the applicants have completed the premarital counseling program pursuant to Section 5.1 of Title 43 of the Oklahoma Statutes.....\$5.00
- Application, issuing, entering return and recording marriage license if the applicants do not submit a certificate that states the applicants have completed the premarital counseling program pursuant to Section 5.1 of Title 43 of the Oklahoma Statutes.....\$50.00
- Conveyance of full-blood Indian heirs to interest in inherited lands, same to be accounted for as other fees.....\$5.00
- Posting notice outside the courthouse\$10.00

Mailing, by any type of mail, writs, warrants, orders, process, command or notice for each person.....\$10.00, or actual expense, whichever is greater, except ordinary mailing of first-class mail in probate cases, for each case\$10.00, or actual expense, whichever is greater.
For the actual cost of all postage in each case in excess of.....\$10.00, or actual expense, whichever is greater.
For filing and indexing of disclaimers other than in pending probate or civil cases pursuant to the provisions of Section 751 et seq. of Title 60 of the Oklahoma Statutes.....\$5.00

Added by Laws 1967, c. 122, § 6, eff. April 27, 1967. Amended by Laws 1975, c. 293, § 1, eff. Oct. 1, 1975; Laws 1977, c. 207, § 4, eff. Oct. 1, 1977; Laws 1978, c. 212, § 8, eff. July 1, 1978; Laws 1979, c. 23, § 1, eff. July 1, 1979; Laws 1986, c. 242, § 1, emerg. eff. June 12, 1986; Laws 1987, c. 181, § 1, eff. July 1, 1987; Laws 1989, c. 205, § 5, eff. Nov. 1, 1989; Laws 1991, c. 111, § 1, eff. Sept. 1, 1991; Laws 1993, c. 292, § 10, eff. July 1, 1993; Laws 1997, c. 400, § 9, eff. July 1, 1997; Laws 1999, c. 174, § 3, eff. Nov. 1, 1999; Laws 2003, c. 440, § 3, eff. July 1, 2003; Laws 2004, c. 288, § 1, eff. Nov. 1, 2004.

§28-31.1. Clerk of district court - No fees in certain guardianship cases.

The clerk of the district court shall charge and collect no fees in any proceeding for guardianship of a minor over the age of seventeen (17) years, where there shall be attached to the petition for the appointment of guardian an affidavit that the minor has applied for enlistment in the armed forces of the United States and that the sole purpose of the proceeding is to secure legal permission for such enlistment.

Added by Laws 1951, p. 67, § 1.

§28-31.2. Garnishment proceedings - Court clerk not to charge poundage in certain cases.

If the debtor prevails, the court clerk shall not charge poundage on any funds deposited under garnishment proceedings.

Added by Laws 1986, c. 185, § 13, eff. Sept. 1, 1986.

§28-31.3. Court Clerk's Records Management and Preservation Fund.

A. For the purpose of preserving, maintaining, archiving and protecting recorded instruments within the office of the clerk of the

district court, including, but not limited to, records management, preservation, automation and modernization and related lawful expenditures, in addition to all other fees required by law, the clerk of the district court in each county shall collect the fees prescribed in subsection G of Section 152 of Title 28 of the Oklahoma Statutes.

B. There is hereby created a fund in each county to be known as the "Court Clerk's Records Management and Preservation Fund". Each fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of revenues from the fees prescribed in subsection G of Section 152 of Title 28 of the Oklahoma Statutes. All monies accruing to each fund shall be expended by the clerk of the district court and shall not be transferred to any other fund. Each fund shall be retained and used for the preservation of court records maintained within the county in which such fees are collected.

C. Each clerk of the district court shall compile a report to the board of county commissioners within each county on a monthly basis detailing the funds collected, funds expended and the nature of each expenditure. The report shall constitute a full accounting record of these transactions. A copy of the report shall be furnished to the Administrative Director of the Courts for review. Added by Laws 2019, c. 38, § 2, eff. Nov. 1, 2019.

§28-32. County clerk - Fees.

A. Notwithstanding any other provision of law county clerks shall charge and collect the following flat fees to be uniform throughout the state regardless of the recording method used, and the county clerks shall not be required to itemize or charge these fees pursuant to any other schedule, except as specifically provided by law:

1. For recording the first page of deeds, mortgages and any other instruments not subject to the fee imposed by Section 1-9-525 of Title 12A of the Oklahoma Statutes.....\$8.00
2. For recording each additional page of same instrument.....\$2.00
3. For furnishing hard copies of microfilmed records to bonded abstractors only, per page\$1.00
4. For furnishing photographic copies of photographic records, or of typewritten script or printed records, per page.....\$1.00
5. For recording plat of one block or less. \$10.00
6. For recording plat of more than one block..... \$25.00
7. For certifying to any copy per page..... \$1.00

8. For recording an assignment of Tax Sale Certificate to be paid by the party purchasing\$5.00
9. For recording of any mark or brand and giving certificate for same.....\$5.00
10. For recording each certificate for estrays and forwarding description of same, as required by law.....\$1.00
11. a. For recording and filing of mechanics' or materialmen's liens which includes the release thereof \$10.00
- b. For preparing and mailing notice of mechanics' or materialmen's lien \$8.00 plus the actual cost of postage
- c. For each additional page or exhibit \$2.00
12. For recording and filing of fictitious name partnership certificates.....\$5.00
To this fee shall be added the fees required by Sections 81 through 84.1 of Title 54 of the Oklahoma Statutes.
13. For recording the first page of deeds, mortgages, and any other instruments which are nonconforming pursuant to subsection C of Section 298 of Title 19 of the Oklahoma Statutes..... \$25.00
14. For recording each additional page of an instrument which is nonconforming pursuant to subsection C of Section 298 of Title 19 of the Oklahoma Statutes..... \$10.00

B. The fees prescribed in paragraph 4 of subsection A of this section shall be deposited into the County Clerk's Lien Fee Account, created pursuant to Section 265 of Title 19 of the Oklahoma Statutes.

C. For the purpose of preserving, maintaining, and archiving recorded instruments including, but not limited to, records management, records preservation, automation, modernization, and related lawful expenditures, in addition to all other fees required by law, the county clerk shall collect Ten Dollars (\$10.00) for each instrument recorded with the Registrar of Deeds.

D. There is hereby created a fund to be known as the "County Clerk's Records Management and Preservation Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of the fees and monies accruing to the fund, as prescribed in subsection C of this section with all monies accruing to the fund to be expended by the clerk and not transferred to any other fund. The intent of this section is to increase the net funding level available to the county clerk to maintain and preserve public records.

E. The fees and costs prescribed in this section shall not apply to child support enforcement offices operated by or on behalf of the Department of Human Services' Child Support Enforcement Division. County clerks shall not charge any fees or costs to such offices, the Division, or the Department.

R.L. 1910, § 3204. Amended by Laws 1947, p. 247, § 1, emerg. eff. April 29, 1947; Laws 1949, p. 219, § 1, emerg. eff. April 21, 1949; Laws 1967, c. 291, § 1, emerg. eff. May 8, 1967; Laws 1976, c. 162, § 1, emerg. eff. May 31, 1976; Laws 1977, c. 207, § 5, eff. Oct. 1, 1977; Laws 1978, c. 63, § 1, eff. Oct. 1, 1978; Laws 1979, c. 273, § 1, emerg. eff. June 5, 1979; Laws 1982, c. 43, § 1; Laws 1985, c. 166, § 1, operative July 1, 1985; Laws 1990, c. 273, § 14, eff. Sept. 1, 1990; Laws 1992, c. 202, § 1; Laws 1993, c. 292, § 11, eff. July 1, 1993; Laws 1997, c. 233, § 3, eff. July 1, 1997; Laws 1998, c. 92, § 1, eff. Nov. 1, 1998; Laws 2000, c. 371, § 168, eff. July 1, 2001; Laws 2001, c. 407, § 2, eff. July 1, 2001; Laws 2002, c. 22, § 11, emerg. eff. March 8, 2002; Laws 2004, c. 288, § 2, eff. Nov. 1, 2004; Laws 2019, c. 68, § 1, eff. Nov. 1, 2019.

NOTE: Laws 1998, c. 19, § 1 repealed by Laws 1998, c. 412, § 8, eff. Nov. 1, 1998. Laws 2001, c. 354, § 6 repealed by Laws 2002, c. 22, § 34, emerg. eff. March 8, 2002.

§28-32.1. Repealed by Laws 1949, p. 220, §2.

§28-32.2. Expired.

§28-32.3. Payment of fees by debit or credit card.

Notwithstanding any other provision of law, a county clerk may accept payment for fees by automated clearing house or by a nationally recognized debit or credit card. If payment is made by a credit or debit card, the county clerk shall add an amount equal to the amount of the service charge incurred for the acceptance of the payment. A county clerk may enter into contracts for credit card processing services according to applicable county purchasing laws or may enter into agreements with the State Treasurer to participate in any credit card processing agreements entered into by the State Treasurer. County clerks may establish prepaid fee accounts in a manner as prescribed by the Office of the State Auditor and Inspector.

Added by Laws 2004, c. 179, § 2, eff. Nov. 1, 2004.

§28-33. Register to keep account of fees.

He shall keep an account of said fees in a book provided for that purpose, showing the amount charged and the amount received, from whom and for what purpose, and the date thereof. The footings for each month shall, at the close thereof, be legibly and correctly entered in said book, opposite the month during which the same have

been collected or charged, showing the amount charged, the amount received, and the amount remaining due and unpaid.
R.L. 1910, § 3205.

§28-34. Repealed by Laws 1967, c. 291, § 2, eff. May 8, 1967.

§28-35. Clerk to keep account of fees.

He shall keep an account of said fees in a book to be provided for that purpose, showing the amount charged and the amount received, from whom, and for what purpose, and the date thereof. The footings for each month shall, at the close thereof, be legibly and correctly entered in said book opposite the month during which the same have been collected or charged, showing the amount charged, the amount received, and the amount remaining due and unpaid.
R.L. 1910, § 3208.

§28-36. Verification of signatures without fee.

The county clerks of the respective counties of this state are hereby authorized to verify, free of charge, signatures to any forms required by law to be filed with the State of Oklahoma or the United States or their agencies.
Added by Laws 1935, p. 177, § 1.

§28-37. Monthly accounting by county clerk and registrar of deeds.

At each monthly meeting of the board of county commissioners, or, if monthly meetings are not held, at each quarterly meeting, the county clerk and the registrar of deeds shall each file a verified report of the work of the preceding month or quarter showing the total fees charged and the total fees collected and shall pay all of such fees into the county treasury and file duplicate receipts therefor with the county clerk.
R.L. 1910, § 3214. Amended by Laws 1968, c. 412, § 8, emerg. eff. May 17, 1968.

§28-38. Repealed by Laws 1968, c. 383, § 3, eff. Jan. 13, 1969.

§28-39. Repealed by Laws 1969, c. 214, § 5, operative July 1, 1969.

§28-39.1. Repealed by Laws 1971, c. 105, § 6, eff. Oct. 1, 1971.

§28-39.2. Repealed by Laws 1971, c. 105, § 6, eff. Oct. 1, 1971.

§28-39.3. Repealed by Laws 1971, c. 105, § 6, eff. Oct. 1, 1971.

§28-39.4. Repealed by Laws 1979, c. 221, § 18, emerg. eff. May 30, 1979.

§28-40. Repealed by Laws 1979, c. 221, § 18, emerg. eff. May 30, 1979.

§28-41. Repealed by Laws 1979, c. 221, § 18, emerg. eff. May 30, 1979.

§28-42. Repealed by Laws 1967, c. 122, § 13, eff. April 27, 1967.

§28-43. Treasurer's fees.

The county treasurer shall charge and collect the following fees and none other, unless otherwise specifically provided by law:

- For issuing warrants for collection of delinquent taxes on personal property \$10.00
- For each certificate of sale of land.....\$10.00
- For each certificate of redemption.....\$5.00
- For making tax deed, for first tract, including acknowledgment \$10.00
- For each additional tract in the same deed.....\$0.00

R.L. 1910, § 3209. Amended by Laws 1990, c. 6, § 1.

§28-44. Treasurer to keep account of fees.

He shall keep an account of said fees in a book to be provided for that purpose, showing the amount charged and the amount received, from whom and for what purpose, and the date thereof. The footings of each month shall, at the close thereof, be legibly and correctly entered in said book, opposite the month during which the same have been collected or charged, showing the amount earned, the amount received, and the amount unpaid.

R.L. 1910, § 3210.

§28-45. Treasurer's quarterly report.

He shall, on the first Monday of January and the first Monday after the first Tuesday of April, and the first Mondays of July and October of each year, make out and present to the board of county commissioners a detailed statement of the amount of fees received by him during the preceding quarter, together with the amount of fees earned, which are due and unpaid, which report shall be made under oath and filed with the county clerk.

R.L. 1910, § 3211.

§28-46. Fees of county surveyor.

The county surveyor shall receive Five Dollars (\$5.00) per day for the time actually and necessarily employed in going to and making a survey and returning to his office. For copy of plat of land or certificate of survey, Two Dollars (\$2.00); making out complete report in all surveys made by authority for county or township, Two

Dollars (\$2.00); for recording surveys, per folio, twenty cents (\$0.20).

R.L. 1910, § 3220.

§28-47. Repealed by Laws 2001, c. 406, § 26, emerg. eff. June 4, 2001.

§28-48. Fees of commissioner for partition.

Each commissioner for the partition of real estate shall receive for each day, Two Dollars (\$2.00), traveling fees the same as are allowed to sheriffs; but this section shall not limit the right of parties to agree upon a higher rate of compensation for the commissioners in any case.

R.L. 1910, § 3223.

§28-49. Fees of appraisers.

Except in probate cases, each appraiser in civil actions may receive up to One Hundred Fifty Dollars (\$150.00) for each day's service.

R.L.1910, § 3224. Amended by Laws 1953, p. 116, § 1; Laws 1967, c. 59, § 1, emerg. eff. April 17, 1967; Laws 1985, c. 25, § 1, eff. Nov. 1, 1985; Laws 2003, c. 24, § 1, eff. Nov. 1, 2003.

§28-49.1. Appraisers and commissioners, compensation of.

Any appraiser or commissioner appointed by the district court in condemnation or escheat cases shall be paid for services rendered and expense incurred an amount as determined by the district judge, before whom such proceedings is pending.

Added by Laws 1947, p. 247, § 1. Amended by Laws 1953, p. 116, § 2; Laws 1963, c. 39, § 1, emerg. eff. April 19, 1963; Laws 1975, c. 9, § 1, eff. Oct. 1, 1975.

§28-49.2. Expenses.

In addition to the fee provided in Section 1 of this act, any person so appointed shall be entitled to receive compensation for expenses incurred by such person in making any such appraisal or partition as now provided by law.

Added by Laws 1947, p. 247, § 2.

§28-50. Fees of public weigher - Lien for fee.

A public weigher, or any deputy weigher, shall receive for his services in weighing any article, the following schedule of fees: ten cents (\$0.10) for each load or draft weight separately: Provided, that such public weigher shall not be allowed compensation for any extra weighing which may be essential in determining the net weight of any article or load. The public weigher, or any deputy weigher, shall be allowed and is hereby granted a lien upon any article or

product weighed for the fees above mentioned, and such fee shall attach to and follow such article into the hands of the purchaser, and shall not be barred or canceled by any sale or transfer of such article during the day upon which the article is weighed: Provided, that deputy weighers shall be allowed to retain as their compensation the sum of eight cents (\$0.08) for each load or draft weighed separately; the residue of the price allowed hereunder shall be paid by the deputies to the county weigher at the close of the month.
R.L. 1910, § 3226.

§28-51. Repealed by Laws 1968, c. 295, § 6 and Laws 1968, c. 383, § 3, eff. Jan. 13, 1969.

§28-52. Repealed by Laws 1968, c. 295, § 6 and Laws 1968, c. 383, § 3, eff. Jan. 13, 1969.

§28-53. Repealed by Laws 1968, c. 295, § 6 and Laws 1968, c. 383, § 3, eff. Jan. 13, 1969.

§28-54. Repealed by Laws 1971, c. 105, § 6, eff. Oct. 1, 1971.

§28-55. Renumbered as § 155.1 by Laws 1971, c. 105, § 7, eff. Oct. 1, 1971.

§28-56. Marriage ceremony fees.

When a marriage is to be performed by any judge, the court clerk of the county where the marriage is performed shall collect a fee of Ten Dollars (\$10.00), in addition to the fee provided for in Section 31 of this title for every marriage ceremony so performed, which fee shall be deposited in the court fund. No judge shall perform a marriage ceremony without proof of the payment of this fee.
Added by Laws 1969, c. 256, § 2, emerg. eff. April 24, 1969. Amended by Laws 1985, c. 41, § 1, eff. Nov. 1, 1985.

§28-60. Fees of county assessors.

All county assessors shall charge and collect the following flat fees to be uniform throughout the state, and the county assessor shall not be required to itemize or charge these fees pursuant to any other schedule, except as specifically provided by law:

For furnishing all records available for copying;
in paper form and in a size 8 1/2" x 14" or smaller,
and in one color on white paper, per page the fee shall be as provided in the Oklahoma Open Records Act, Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes;
For furnishing standard maps; in paper form and
in one color on white paper or blue line,
per map and in the following standard sizes when available:

1. 'A' size approximately 8 1/2" x 11"..... \$5.00
2. 'B' size approximately 11" x 17"
- 'C' size approximately 17" x 22"
- 'D' size approximately 22" x 34"..... \$7.00
3. 'E' size approximately 34" x 44"..... \$10.00

Individual property owners obtaining records for their own records shall be exempt from the provisions of this section.

Added by Laws 1994, c. 200, § 1.

§28-61. Account of county assessor fees.

The county assessor shall keep an account of said fees in a book to be provided for that purpose, showing the amount charged and the amount received, from whom, and for what purpose, and the date thereof. The footings for each month shall, at the close thereof, be legibly and correctly entered in said book opposite the month during which the same have been collected or charged, showing the amount charged, the amount received, and the amount remaining due and unpaid.

Added by Laws 1994, c. 200, § 2.

§28-81. Witness fees.

A. Whenever, under the laws of this state, a person may be compelled by order, subpoena, or other lawful compulsion to appear as a witness, whether or not testimony or other evidence is actually adduced, the witness shall receive the following:

1. For a witness who appears from another state or foreign country in a criminal proceeding in this state, the amount specified in Section 718 of Title 22 of the Oklahoma Statutes;
2. For a witness who appears from this state in a criminal proceeding in another state, the amount specified in Section 722 of Title 22 of the Oklahoma Statutes;
3. For a witness who appears from this state pursuant to an order, subpoena, or other lawful means for compelling the appearance of the witness, Ten Dollars (\$10.00) for each day of attendance, plus reimbursement as prescribed by law for travel expenses at rates not to exceed those prescribed by law for reimbursement for state employees.

B. In computing mileage allowances for witnesses, parts of a mile shall be rounded to the nearest whole number of miles. Where the total mileage actually and necessarily traveled is less than one and one-half miles, no mileage shall be allowed.

C. No witness shall receive per diem or mileage in more than one case covering the same period of time, or the same travel, and each witness shall be required to make oath that the fees claimed have not been claimed or received in any other case, and no juror while serving as a juror or party to a civil action shall receive compensation as a witness.

D. The fees and expenses allowed by this section shall be paid as follows:

1. In civil cases, the fees for one day's attendance shall be paid pursuant to Section 2004.1 of Title 12 of the Oklahoma Statutes and fees for subsequent attendance shall be paid on the day before each additional day of attendance unless the witness agrees to another time for payment;

2. In criminal cases, the witness shall be paid at the conclusion of each day of attendance unless the witness agrees to another time for payment; or

3. In all other cases, the witness shall be paid at the conclusion of attendance unless the witness agrees to another time for payment.

E. Any error in computing the number of miles allowable shall not be sufficient grounds for failure to obey the order, subpoena, or other lawful compulsion if a per diem has been tendered to the witness.

F. A person who is compelled to appear as a witness pursuant to subsection A of this section to give factual testimony in any civil proceeding other than one in which the state is a party, but therein qualifies and testifies as an expert witness, shall receive a reasonable expert witness fee from the party seeking the expert testimony in addition to the fees required pursuant to subsections A and B of this section.

R.L.1910, § 3231. Amended by Laws 1967, c. 122, § 8, emerg. eff. April 27, 1967; Laws 1977, c. 253, § 1, eff. Oct. 1, 1978; Laws 1989, c. 70, § 1, eff. Nov. 1, 1989; Laws 1994, c. 229, § 6, eff. Sept. 1, 1994; Laws 2002, c. 460, § 25, eff. Nov. 1, 2002; Laws 2008, c. 175, § 1, eff. Nov. 1, 2008.

§28-82. Monies from which fees and mileage paid - Taxation as costs upon conclusion of proceedings.

A. Any witness appearing in obedience to an order, subpoena, or other lawful compulsion at any stage of a criminal case or proceeding, grand jury proceeding and in any civil case or proceeding in which the party seeking the attendance of the witness is represented by the district attorney, shall be paid, from any monies available for the operations of the district attorney's office in the county where attendance is required, the fees and mileage at the rate prescribed by law.

B. Any witness appearing in obedience to an order, subpoena, or other lawful compulsion at any stage of a criminal case or proceeding in which the party seeking the attendance of the witness is represented by the Indigent Defense System or its agent shall be paid from the court fund. The court clerk shall report the amount of witness fees paid pursuant to this subsection monthly to the Administrative Office of the Courts. The Administrative Office of

the Courts shall bill the Indigent Defense System for the cost of the witness fees which shall be paid from funds available for expenditure by the Indigent Defense System. Payment by the Indigent Defense System to the Administrative Office of the Courts shall be made within ten (10) days of the receipt of the billing.

C. Any witness appearing in obedience to an order, subpoena, or other lawful compulsion in an administrative proceeding, medicaid fraud investigation, or multicounty grand jury proceeding shall be paid by the party seeking the attendance of the witness. If the party seeking the attendance is the Attorney General or represented by the Attorney General, the witness shall be paid from funds available for expenditure by the Attorney General. If an administrative agency seeking the attendance of the witness is not represented by the Attorney General, the witness shall be paid from funds available for expenditure by the administrative agency.

D. Any witness appearing in obedience to an order, subpoena, or other lawful compulsion issued by a court of this state for which no provision of this section is applicable, shall be paid in the discretion of the court from funds which are subject to the court's orders.

E. Upon conclusion of the proceedings, such fees and mileage shall be taxed as costs in the case, and collected and deposited as other costs in the case.

R.L. 1910, § 3232. Amended by Laws 1925, c. 134, p. 199, § 1; Laws 1935, p. 5, § 1; Laws 1965, c. 488, § 1; Laws 1970, c. 156, § 1, eff. July 1, 1970; Laws 1975, c. 227, § 1, eff. Oct. 1, 1975; Laws 1977, c. 253, § 2, eff. Oct. 1, 1978; Laws 1992, c. 282, § 2, eff. Sept. 1, 1992; Laws 1993, c. 227, § 6, eff. July 1, 1993; Laws 1994, c. 229, § 7, eff. Sept. 1, 1994.

§28-83. Repealed by Laws 1989, c. 70, § 2, eff. Nov. 1, 1989.

§28-84. Certificates to be issued to witnesses.

The clerk of the district court shall, upon proof of claim, issue to witnesses, mentioned in the two preceding sections, certificates showing the names of witnesses, number of days' attendance, distance traveled and the amount of such fees and mileage; such clerks shall keep a record of the certificates so issued.

R.L. 1910, § 3234.

§28-84.1. Employee of state or political subdivision testifying on matter pertaining to their employment - Witness fees - Other reimbursement.

A. Any employee of the state or any political subdivision thereof who is subpoenaed as a witness to testify on any matter pertaining to their employment, including any investigation conducted by the employee as a duty of said employment for which he is fully

compensated, shall not be entitled to receive the witness fee and reimbursement for mileage provided for in Section 81 of this title, except as provided for in subsection B of this section. However, if the employee is required by the subpoena to testify in a county other than his county of residence or employment, he shall be entitled to receive reimbursement pursuant to the State Travel Reimbursement Act in accordance with Section 82 of this title. No such witness shall receive such reimbursement in more than one case covering the same period of time or the same travel. Each such witness shall be required to make oath that the amounts claimed for reimbursement have not been claimed or received in any other case or from any other source.

B. It is the intent of the Legislature that court appearances should not adversely affect the education of students enrolled in school districts in this state. To the extent possible, court appearances of public school district employees should be scheduled to minimize the disruption of class time. If a school district employee is subpoenaed to appear as a witness in a civil court proceeding, except in a proceeding in which the school district or the state is a party, the school district shall be entitled to a witness fee equal to the amount of the substitute teacher cost, not to exceed One Hundred Dollars (\$100.00) per day.

Added by Laws 1984, c. 92, § 1, eff. July 1, 1984. Amended by Laws 1985, c. 166, § 5, operative July 1, 1985; Laws 2005, c. 192, § 2, eff. Nov. 1, 2005; Laws 2010, c. 316, § 1, eff. Nov. 1, 2010.

§28-85. Warrants for fees of jurors and witnesses for which county liable.

The county clerk of each county of this state, on demand, shall issue warrants to jurors and witnesses in payment for jury and witness fees, in all criminal cases in which the county is liable, on presentation of a certificate of attendance, issued by the clerk of the district court, or the clerk of the county court, showing the name of the witness or juror, the number of days in attendance, the distance traveled and the amount of such fees and mileage. The warrant so issued shall be signed by the county clerk and shall show on the face thereof the purpose for which the same was issued.

R.L. 1910, § 3235. Amended by Laws 1913, c. 27, p. 50, § 1.

§28-86. Jurors' fees - Parking - Persons excused from serving - Lengthy Trial Fund - Wage replacement or supplementation.

A. Jurors shall be paid the following fees out of the local court fund:

1. For each day's attendance before any court of record, Twenty Dollars (\$20.00); and

2. For mileage going to and returning from jury service each day, pursuant to the provisions of the State Travel Reimbursement Act.

B. The Court Fund Board of the district court may contract for or provide reimbursement for parking for district court jurors to be paid from the Court Fund. Parking so provided to jurors shall be in lieu of any reimbursement to jurors for parking fees.

C. The provisions of this section shall not apply to any person who is summoned for jury duty and who is excused from serving pursuant to the provisions of subsection A of Section 28 of Title 38 of the Oklahoma Statutes, beginning on the day the person is excused from service.

D. The Supreme Court shall promulgate rules to establish a Lengthy Trial Fund that shall be used to provide full or partial wage replacement or wage supplementation to jurors who serve as petit jurors for more than ten (10) days.

1. The court rules shall provide for the selection and appointment of an Administrator for the fund; procedures for the administration of the fund, including payments of salaries of the Administrator and other necessary personnel; procedures for the accounting, auditing and investment of money in the Lengthy Trial Fund; and a report by the Supreme Court on the administration of the Lengthy Trial Fund included in its annual report on the judicial branch, setting forth the money collected for and disbursed from the fund.

2. The clerk of the court shall collect from each attorney who files a civil case, unless otherwise exempted under the provisions of this section, a fee of Ten Dollars (\$10.00) per case to be paid into the Lengthy Trial Fund. A lawyer will be deemed to have filed a case at the time the first pleading or other filing on which an individual lawyer's name appears is submitted to the court for filing and opens a new case. All such fees shall be forwarded to the Administrator of the Lengthy Trial Fund for deposit.

3. The Administrator shall use the fees deposited in the Lengthy Trial Fund to pay full or partial wage replacement or supplementation to jurors whose employers pay less than full regular wages when the period of jury service lasts more than ten (10) days.

4. The court may pay replacement or supplemental wages of up to Two Hundred Dollars (\$200.00) per day per juror beginning on the eleventh day of jury service. In addition, for any jurors who qualify for payment by serving on a jury for more than ten (10) days, the court may, upon finding that such service posed a significant financial hardship to a juror, even in light of payments made with respect to jury service after the tenth day, award replacement or supplemental wages of up to Fifty Dollars (\$50.00) per day from the fourth to the tenth day of jury service.

5. Any juror who is serving or has served on a jury that qualifies for payment from the Lengthy Trial Fund, provided the service commenced on or after January 1, 2005, may submit a request for payment from the Lengthy Trial Fund on a form provided by the Administrator. Payment shall be limited to the difference between the state-paid jury fee and the actual amount of wages a juror earns, up to the maximum level payable, minus any amount the juror actually receives from the employer during the same time period. The form shall disclose the juror's regular wages, the amount the employer will pay during the term of jury service starting on the eleventh day and thereafter, the amount of replacement or supplemental wages requested, and any other information the Administrator deems necessary for proper payment. The juror shall be required to submit verification from the employer as to the wage information provided to the Administrator, including but not limited to the employee's most recent earnings statement or similar document, prior to initiation of payment from the fund. If an individual is self-employed or receives compensation other than wages, the individual may provide a sworn affidavit attesting to his or her approximate gross weekly income, together with such other information as the Administrator may require, in order to verify weekly income.

6. The following attorneys and causes of action are exempt from payment of the Lengthy Trial Fund fee:

- a. government attorneys entering appearances in the course of their official duties,
- b. pro se litigants,
- c. cases in small claims court or the state equivalent thereof, or
- d. claims seeking Social Security disability determinations, individual veterans' compensation or disability determinations, recoupment actions for government backed educational loans or mortgages, child custody and support cases, actions brought in forma pauperis, and any other filings designated by rule that involve minimal use of court resources and that customarily are not afforded the opportunity for a trial by jury.

7. Until June 30, 2018, the Office of Management and Enterprise Services shall, at the request of the Administrative Director of the Courts, transfer any monies from the Lengthy Trial Fund to the Supreme Court Administrative Revolving Fund or the Interagency Reimbursement Fund as necessary to perform the duties imposed upon the Supreme Court, Court of Civil Appeals and district courts by law. R.L. 1910, § 3236. Amended by Laws 1923, c. 6, p. 5, § 1, emerg. eff. Feb. 13, 1923; Laws 1947, p. 248, § 1, emerg. eff. May 16, 1947; Laws 1963, c. 79, § 1, emerg. eff. May 21, 1963; Laws 1967, c. 122, § 9, emerg. eff. April 27, 1967; Laws 1968, c. 199, § 1, eff. Jan. 13,

1969; Laws 1977, c. 189, § 1, eff. Oct. 1, 1977; Laws 1981, c. 217, § 1, eff. Oct. 1, 1981; Laws 1996, c. 339, § 7, eff. Nov. 1, 1996; Laws 1997, c. 400, § 10, emerg. eff. July 1, 1997; Laws 2004, c. 525, § 2, eff. Jan. 1, 2005; Laws 2015, c. 343, § 5, emerg. eff. June 1, 2015; Laws 2016, c. 249, § 5, emerg. eff. May 5, 2016; Laws 2017, c. 12, § 5, emerg. eff. Apr. 6, 2017.

§28-86.1. Jurors' and witnesses' fees - Donation to agencies for the prevention of child abuse.

The clerk of the district court of each county of this state may provide forms for jurors and witnesses individually to voluntarily designate any fees due to them to be donated to an agency or agencies established for the prevention of child abuse. All designated fees shall be placed by the district court clerk into a special account within the county treasury. The board of county commissioners shall make disbursement from the account as recommended by a committee which shall consist of five (5) members as follows:

1. One member shall be the district court clerk or a designee;
2. One member shall be the Presiding Judge of the Juvenile Bureau or the judge of the district court who has juvenile docket responsibility or a designee;
3. One member shall be a community volunteer with expertise in child abuse appointed by the board of county commissioners;
4. One member shall be the district attorney or a designee; and
5. One member shall be the chair of the board of county commissioners or a designee.

Added by Laws 1994, c. 343, § 20, eff. Sept. 1, 1994.

§28-87. Clerk's record of jurors and witnesses.

The clerk of the district court shall keep a record of the attendance of jurors at each term, and of the attendance and fees of witnesses when claimed during the term.

R.L. 1910, § 3237.

§28-88. Statement to commissioners.

Within ten (10) days after the close of each term of a court of record, the clerk thereof shall return to the board of county commissioners a statement of the attendance of jurors at such term and their mileage as taken by him, together with a statement of the attendance and mileage of witnesses in all criminal cases claimed, and for which the county is liable.

R.L. 1910, § 3238.

§28-91. State Fire Marshal investigation - Expert witness fee.

In civil cases in which the state is not a party, if the State Fire Marshal or an employee of the Office of State Fire Marshal is subpoenaed as a witness to testify on any matter pertaining to a fire

investigation conducted by the Office of State Fire Marshal, the party causing the subpoena to be issued shall pay an expert witness fee to be set by the State Fire Marshal. Said fee shall be paid to the court clerk before the witness is required to testify. The court clerk shall remit the fee to the State Treasurer to be deposited to the General Revenue Fund of the state.

Notice of receipt of the required fee shall be transmitted by the court clerk to the State Fire Marshal or employee who has been subpoenaed. If the expert witness fee is not received before the witness is required to testify, the witness shall not be compelled to obey the subpoena.

If the expert witness fee is paid and, for any reason, the witness fails to obey the subpoena, said fee shall be returned to the party causing the subpoena to be issued.

Added by Laws 1987, c. 205, § 32, operative July 1, 1987.

§28-101. Fees and costs in criminal cases part of penalty - Enforcement by imprisonment - Persons unable to pay.

The fees herein provided for the clerk of the district court and the sheriff, as provided in this act, and all costs in the prosecution of all criminal actions shall, in case of conviction of the defendant, be adjudged a part of the penalty of the offense of which the defendant may be convicted, whether the punishment for such offense be either imprisonment, or fine, or both, and fixed either by the verdict of the jury, or judgment of the court, trying the case, and if the defendant shall refuse to pay the fine, fees or costs, the payment of such fees and costs, in addition to the payment of the fine assessed, shall be enforced by imprisonment until the same shall be satisfied at a rate of Twenty-five Dollars (\$25.00) per day of such fees and costs, or fine, or both, or shall be satisfied at a rate of Fifty Dollars (\$50.00) per day of such fees and costs, or fine, or both, should the defendant perform useful labor. If the defendant is without means to pay the fine, fees or costs, the total amount owed shall be entered upon the judgment docket and thereupon the same remedies shall be available for the enforcement of said judgment as are available to any other judgment creditor.

The term "all costs in the prosecution of all criminal actions", as used in this section, shall include only the following taxable items:

1. Court clerk's costs and fees authorized by statute;
2. Sheriff's fees;
3. Fees and mileage of witnesses; and
4. Cost deposits in the appellate court, whether on appeal, in an original proceeding or in any postconviction challenge, if waived on the basis of a pauper's affidavit.

R.L. 1910, § 3196. Amended by Laws 1913, c. 112, p. 203, § 1, emerg. eff. March 29, 1913; Laws 1968, c. 383, § 1, eff. Jan. 13, 1969; Laws

1969, c. 202, § 3, emerg. eff. April 18, 1969; Laws 1971, c. 341, § 1, emerg. eff. June 24, 1971; Laws 1973, c. 147, § 1, emerg. eff. May 14, 1973; Laws 2008, c. 413, § 3, eff. Nov. 1, 2008.

§28-102. Costs in civil proceeding to be proved by affidavit - Taxation and collection.

All fees and sums paid by either party for fees of witnesses and other necessary expenses, in any civil action or proceeding, shall be proved by affidavit of the party or of some person knowing the same to have been paid; and all such fees shall be taxed and collected from the party ordered or adjudged to pay the costs.

R.L. 1910, § 3241.

§28-103. Bill of costs or fees.

Any person liable for any costs or fees shall be entitled to receive, on demand, a certified bill of the same, in which the items of service and the charge therefor shall be specially stated.

R.L. 1910, § 3242.

§28-104. Repealed by Laws 1968, c. 295, § 6, eff. Jan. 13, 1969.

§28-105. Collection on execution.

It shall be the duty of the sheriff or other officer collecting costs on executions, in this state, to pay the costs collected to the clerk of the court from which the execution issued, or to the justice, and take a receipt therefor.

R.L. 1910, § 3245. Amended by Laws 1967, c. 122, § 10, emerg. eff. April 27, 1967.

§28-106. Clerk to hold costs or fees for person entitled - Time for filing claims.

It shall be the duty of the court clerk receiving any costs or fees belonging to any other person, to deposit the same in the court fund subject to the order of the person entitled thereto, and to pay the same over on request; and if such costs or fees shall not be claimed by the end of the fiscal year following the fiscal year of receipt, except in all cases where jurisdiction is continuing, and by the end of the fiscal year after the year in which final judgment is granted, they shall become the property of the court fund, provided that any unexpended court costs or money belonging to litigants shall be mailed by the court clerk to the proper attorney of record.

R.L. 1910, § 3246. Amended by Laws 1949, p. 219, § 1; Laws 1967, c. 122, § 11; Laws 1969, c. 211, § 1, emerg. eff. April 18, 1969; Laws 2004, c. 288, § 3, eff. Nov. 1, 2004.

§28-111. Fees chargeable by Secretary of State.

A. In addition to other fees provided for by law, the Secretary of State shall collect the following fees:

1. For affixing the certificate of the Secretary of State and the seal of the State of Oklahoma, Ten Dollars (\$10.00);

2. For copying any paper or document, One Dollar (\$1.00) per page, provided the minimum charge shall not be less than Two Dollars (\$2.00);

3. For filing an effective financing statement in the Office of the Secretary of State pursuant to Section 1-9-320.6 of Title 12A of the Oklahoma Statutes, Ten Dollars (\$10.00);

4. For filing a continuation statement, partial release, assignment of or amendment to an effective financing statement filed in the Office of the Secretary of State pursuant to Section 1-9-320.6 of Title 12A of the Oklahoma Statutes, Ten Dollars (\$10.00);

5. For filing a termination statement for an effective financing statement filed in the Office of the Secretary of State pursuant to Section 1-9-320.6 of Title 12A of the Oklahoma Statutes, Ten Dollars (\$10.00);

6. For registering a buyer of farm products, commission merchant, selling agent or other interested party as provided for in Section 1-9-320.6 of Title 12A of the Oklahoma Statutes, Fifty Dollars (\$50.00) per year;

7. For distributing a copy of the master list or portions thereof to registrants, as provided for in Section 1-9-320.6 of Title 12A of the Oklahoma Statutes, in accordance with the following fee schedule. Such fees may be paid annually or semiannually:

a. For information requested for five or less counties:

| | Number of Farm Products | Paper |
|-----|----------------------------|----------------|
| (1) | 1 to 5 products..... | \$150 per year |
| (2) | 6 to 10 products..... | \$200 per year |
| (3) | 11 to 20 products..... | \$250 per year |
| (4) | over 20 products..... | \$300 per year |

b. For information requested for six to twenty-five counties:

| | Number of Farm Products | Paper |
|-----|----------------------------|----------------|
| (1) | 1 to 10 products..... | \$200 per year |
| (2) | 11 to 20 products..... | \$250 per year |
| (3) | over 20 products..... | \$300 per year |

c. For information requested for twenty-six to fifty counties:

| | Number of Farm Products | Paper |
|-----|----------------------------|----------------|
| (1) | 1 to 10 products..... | \$250 per year |
| (2) | 11 to 20 products..... | \$300 per year |
| (3) | over 20 products..... | \$350 per year |

d. For information requested for over fifty counties:

Number of Farm

Products

Paper

- (1) 1 to 10 products.....\$300 per year
- (2) 11 to 20 products.....\$350 per year
- (3) over 20 products.....\$400 per year;

- 8. a. The Secretary of State is authorized to provide for the distribution of the master list or portions thereof to those persons specified in paragraph 7 of this subsection through electronic data equipment or other communication media in such form and manner as is specified by the Secretary of State.
- b. The Secretary of State is authorized to establish a fee system for such transfer of information pursuant to this paragraph. Such fee shall not exceed the amount necessary to cover the costs of the Secretary of State in providing such transfer of information.
- c. In providing for the transfer of the information specified by this paragraph, the Secretary of State shall ensure the integrity of confidential information within the Office of the Secretary of State through data security measures, internal controls and appropriate data base management;

9. For issuing a written confirmation of the existence or nonexistence of active effective financing statements on file for a debtor in the Office of the Secretary of State, Six Dollars (\$6.00);

10. The Secretary of State shall collect a fee of Twenty-five Dollars (\$25.00) for every apostille issued. For the purposes of this paragraph, an apostille is a special certificate attached to a public record, as required by the 1961 Hague Convention, Fed. R. Civ. P. 44 (28 U.S.C.A.), to certify the authenticity of the signature, the capacity in which the person signing the document has acted and, where appropriate, the identity of the seal or stamp which it bears; provided, however, a fee of Ten Dollars (\$10.00) shall be collected for any apostille requested for an international adoption not to exceed One Hundred Dollars (\$100.00) for the adoption of each child; and

11. For each service rendered and not specified in this section, such fees as are allowed for similar services in other cases.

B. All fees shall be properly accounted for and shall be paid into the State Treasury monthly. The fees generated by paragraphs 1, 2, 10 and 11 of subsection A of this section shall be deposited to the credit of the Revolving Fund for the Office of the Secretary of State created pursuant to Section 276.1 of Title 62 of the Oklahoma Statutes. The fees generated by paragraphs 3 through 9 of subsection A of this section and other fees collected by the central filing system shall be deposited to the credit of the Central Filing System

Revolving Fund created pursuant to Section 276.3 of Title 62 of the Oklahoma Statutes.

R.L. 1910, § 3253. Amended by Laws 1917, c. 144, p. 230, § 1; Laws 1972, c. 126, § 1, emerg. eff. April 7, 1972; Laws 1979, c. 259, § 7; Laws 1984, c. 229, § 13, operative July 1, 1984; Laws 1987, c. 69, § 11; Laws 1987, c. 208, § 118, operative July 1, 1987; Laws 1987, c. 236, § 106, emerg. eff. July 20, 1987; Laws 1988, c. 206, § 11, operative July 1, 1988; Laws 1989, c. 91, § 1, operative July 1, 1989; Laws 1994, c. 267, § 2, eff. July 1, 1994; Laws 1996, c. 69, § 16, eff. Nov. 1, 1996; Laws 2000, c. 385, § 15, eff. Nov. 1, 2000; Laws 2001, c. 406, § 14, emerg. eff. June 4, 2001; Laws 2004, c. 182, § 1, emerg. eff. May 3, 2004; Laws 2015, c. 73, § 1, eff. Nov. 1, 2015.

NOTE: Laws 2000, c. 371, § 169 repealed by Laws 2001, c. 5, § 11, emerg. eff. March 21, 2001. Laws 2001, c. 5, § 10 repealed by Laws 2002, c. 22, § 34, emerg. eff. March 8, 2002.

§28-112. Secretary to keep record of all fees.

He shall keep an account of all fees in a book provided for that purpose, showing the amount charged and the amount received, from whom and for what purpose, and the date thereof. The footings for each month shall, at the close thereof, be legibly and correctly entered in said book, opposite the month during which the same have been collected or charged, showing the amount charged, the amount received and the amount remaining due and unpaid.

R.L. 1910, § 3254.

§28-113. Repealed by Laws 1979, c. 30, § 164, emerg. eff. April 6, 1979.

§28-114. Fees to be paid into the Treasury.

He shall, at the time of making such report, pay into the State Treasury all monies received by him as fees during the preceding quarter.

R.L. 1910, § 3256.

§28-115. Repealed by Laws 1979, c. 30, § 164, emerg. eff. April 6, 1979.

§28-121. Fees for printing legal notices.

A. In all cases where publication of legal notices is required or allowed by law, the person or official desiring publication shall be required to pay:

1. For all matters other than tabular matter, fourteen cents (\$0.14) per word for first insertion, and thirteen cents (\$0.13) per word for each subsequent insertion, with each separate group of

numerals included in the matter to be counted as one word, regardless of the number of digits involved;

2. Effective November 1, 2005, for all matters other than tabular matter, fifteen cents (\$0.15) per word for first insertion, and fourteen cents (\$0.14) per word for each subsequent insertion, with each separate group of numerals included in the matter to be counted as one word, regardless of the number of digits involved; and

3. For all tabular matter, in not to exceed eight-point type, including but not limited to, lists of persons, firms, and corporations whose personal property taxes are delinquent and lists of lands and town lots upon which taxes are delinquent, seventy cents (\$0.70) per line per newspaper column in width, for first insertion, and sixty-five cents (\$0.65) per line per newspaper column in width, for each subsequent insertion.

B. The county treasurer shall collect the cost of publication of lists of lands and town lots sold for delinquent taxes at original sale or resale from the individuals purchasing the lands and town lots at the sale or resale involved, and shall deposit all monies collected to the credit of the fund of the county which paid the cost of publication. The publisher of the notice shall be paid for the publication of the notice from the general fund of the county or, if monies are not available in the general fund of the county at the time of publication, from the "Resale-Property Fund" of the county. R.L.1910, § 3258. Amended by Laws 1919, c. 167, p. 241, § 1; Laws 1929, c. 248, p. 318, § 1; Laws 1953, p. 116, § 1; Laws 1967, c. 218, § 1, emerg. eff. May 1, 1967; Laws 1973, c. 31, § 1, emerg. eff. April 18, 1973; Laws 1977, c. 35, § 1; Laws 1979, c. 76, § 1, eff. July 1, 1979; Laws 1981, c. 31, § 1, emerg. eff. April 7, 1981; Laws 1982, c. 22, § 1; Laws 1988, c. 159, § 1, operative July 1, 1988; Laws 1994, c. 93, § 1, eff. July 1, 1994; Laws 2000, c. 135, § 1, eff. Nov. 1, 2000; Laws 2004, c. 65, § 1, eff. Nov. 1, 2004.

§28-151. Collection of fees, fines, costs and assessments.

A. It shall be the duty of the clerks of the district court and other trial courts of record of this state to charge and collect the fees imposed by this title and other fees, assessments and payments as imposed by the Oklahoma Statutes, fines, costs and assessments imposed by the district courts or appellate courts, and none others, in all cases, except those in which the defendant is charged with a misdemeanor or traffic violation, and except cases under the Small Claims Procedure Act, Section 1751 et seq. of Title 12 of the Oklahoma Statutes. This section shall not apply to municipal courts not of record in this state.

B. 1. As authorized by the Administrative Office of the Courts, the court clerk may accept a nationally recognized credit or debit card or other electronic payment method for any lawful purpose, including, but not limited to, payment for any fee, fine, forfeiture

payment, cost, penalty assessment or other charge or collection to be assessed or collected by the court clerk under the laws of this state. The court clerk shall not collect a fee for the acceptance of the nationally recognized credit or debit card. Prior to the distribution of any fees provided for by law, the court clerk shall apportion on a pro rata basis the costs associated with the administration, acceptance, processing, and verification of the credit card or debit card among all state, municipal or other government entities or funds that are entitled by law to receive any payments from the court clerk from any fee, fine, forfeiture payment, cost, penalty assessment or other collection. All credit and debit card costs shall be deducted from the fees, fines, forfeiture payments, costs, penalty assessments or other collections before transmittal is made to state, municipal or government entities or funds pursuant to the provisions of any law of this state that direct a court clerk to pay any amount or any portion of any fee, fine, forfeiture payment, cost, penalty assessment, or other collection to another state, municipal, or other government entity or fund. Each state, municipal, or other government entity or fund entitled to payment shall then receive only its statutory share less its prorated share of the credit or debit card costs. For purposes of this subsection, "nationally recognized credit card" means any instrument or device, whether known as a credit card, credit plate, charge plate, or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining goods, services, or anything else of value. "Debit card" means an identification card or device issued to a person by a business organization which permits such person to obtain access to or activate a consumer banking electronic facility. The Administrative Office of the Courts is authorized to negotiate and organize statewide contracts for the acceptance and processing of credit and debit cards and equipment related thereto.

2. Written procedures for acceptance or rejection of credit cards shall be established by the Office of the State Auditor and Inspector with approval and direction to court clerks to be issued by the Administrative Office of the Courts.

C. Payment for any fee provided for in this title may be made by a personal or business check. The court clerk, at the court clerk's discretion, may:

1. Add an amount equal to the amount of the service charge incurred, not to exceed three percent (3%) of the amount of the check as a service charge for the acceptance and verification of the check; or

2. Add an amount of no more than Five Dollars (\$5.00) as a service charge for the acceptance and verification of a check. For purposes of this subsection, "personal or business check" shall not mean a money order, cashier's check, or bank certified check.

D. The Supreme Court is authorized to institute a cost collection program for collection of fees, fines, costs and assessments provided for in this title.
Added by Laws 1968, c. 359, § 1, eff. July 1, 1968. Amended by Laws 1992, c. 357, § 10, eff. July 1, 1992; Laws 1996, c. 339, § 8, eff. Nov. 1, 1996; Laws 1997, c. 239, § 1, eff. July 1, 1997; Laws 2005, c. 192, § 3, eff. Nov. 1, 2005; Laws 2007, c. 247, § 1, eff. July 1, 2007; Laws 2019, c. 232, § 2, eff. Nov. 1, 2019.

§28-151.1. Statement of ownership of monies - Use for legal notices.

The clerk of the district court shall accept monies only as ordered by the court or as required by law. Upon delivery of monies, a written statement of ownership of the monies, including the name and mailing address of the owner, shall be provided to the court clerk. Unless amended through judicial proceeding, the court clerk shall use this information for case-related mailings and other legal notices, including notice of proceedings relating to unclaimed property.

Added by Laws 2000, c. 172, § 3, eff. Nov. 1, 2000.

§28-152. Flat fee schedule - In forma pauperis.

A. In any civil case filed in a district court, the court clerk shall collect, at the time of filing, the following flat fees, none of which shall ever be refundable, and which shall be the only charge for court costs, except as is otherwise specifically provided for by law:

1. Actions for divorce, alimony without divorce, separate maintenance, custody or support.....\$183.00
2. Any ancillary proceeding to modify or vacate a divorce decree providing for custody or support.....\$43.00
3. Probate and guardianship.....\$135.00
4. Annual guardianship report.....\$33.00
5. Any proceeding for sale or lease of real or personal property or mineral interest in probate or guardianship.....\$43.00
6. Any proceeding to revoke the probate of a will\$43.00
7. Judicial determination of death.....\$58.00
8. Adoption.....\$105.00
9. Civil actions for an amount of Ten Thousand Dollars (\$10,000.00) or less and condemnation.....\$150.00
10. Civil actions for an amount of Ten Thousand One Dollars (\$10,001.00) or more\$163.00
11. Garnishment.....\$23.00
12. Continuing wage garnishment.....\$63.00
13. Any other proceeding after judgment.....\$33.00
14. All others, including but not limited to actions for forcible entry and detainer, judgments from all other courts, including the Workers' Compensation Court.....\$85.00

15. Notice of renewal of judgment.....\$23.00

B. In addition to the amounts collected pursuant to paragraphs 1, 3, 7, 8, 9, 10 and 14 of subsection A of this section, the sum of Six Dollars (\$6.00) shall be assessed and credited to the Law Library Fund.

C. In addition to the amounts collected pursuant to subsections A and B of this section, the sum of Twenty-five Dollars (\$25.00) shall be assessed and credited to the Oklahoma Court Information System Revolving Fund created pursuant to Section 1315 of Title 20 of the Oklahoma Statutes.

D. In addition to the amounts collected pursuant to subsection A of this section, the sum of Five Dollars (\$5.00) shall be assessed and credited to the Oklahoma court-appointed special advocates (OCASA).

E. In addition to the amounts collected pursuant to subsection A of this section, the sum of Two Dollars (\$2.00) shall be assessed and credited as follows:

1. One Dollar and fifty-five cents (\$1.55) of such amount shall be credited to the Council on Judicial Complaints Revolving Fund; and

2. Forty-five cents (\$0.45) of such amount shall be credited to the Supreme Court Revolving Fund to be used to reimburse district courts for expenses related to services of interpreters and translators. Vouchers for such expenses shall be submitted by the district court and approved by the Chief Justice of the Supreme Court or another justice designated by the Chief Justice.

F. In addition to the amounts collected pursuant to paragraphs 1, 3, 8, 9, 10 and 14 of subsection A of this section, each county may assess, upon approval by the board of county commissioners, a sum not to exceed Ten Dollars (\$10.00) per case to be credited to the Sheriff's Service Fee Account in the county in which the action arose for the purpose of enhancing existing or providing additional courthouse security.

G. Until November 1, 2023, in addition to the amounts collected pursuant to subsection A of this section, the sum of Ten Dollars (\$10.00) shall be assessed and credited to the Court Clerk's Records Management and Preservation Fund created in Section 31.3 of this title.

H. In any case in which a litigant claims to have a just cause of action and that, by reason of poverty, the litigant is unable to pay the fees and costs provided for in this section and is financially unable to employ counsel, upon the filing of an affidavit in forma pauperis executed before any officer authorized by law to administer oaths to that effect and upon satisfactory showing to the court that the litigant has no means and is, therefore, unable to pay the applicable fees and costs and to employ counsel, no fees or costs shall be required. The opposing party or parties may file with the court clerk of the court having jurisdiction of the cause an

affidavit similarly executed contradicting the allegation of poverty. In all such cases, the court shall promptly set for hearing the determination of eligibility to litigate without payment of fees or costs. Until a final order is entered determining that the affiant is ineligible, the clerk shall permit the affiant to litigate without payment of fees or costs. Any litigant executing a false affidavit or counter affidavit pursuant to the provisions of this section shall be guilty of perjury.

I. Payments to the court clerk for fees and costs assessed pursuant to this section may be made by a nationally recognized credit or debit card or other electronic payment method as provided in paragraph 1 of subsection B of Section 151 of this title. Added by Laws 1968, c. 359, § 2, eff. July 1, 1968. Amended by Laws 1969, c. 202, § 1, emerg. eff. April 18, 1969; Laws 1975, c. 293, § 2, eff. Oct. 1, 1975; Laws 1978, c. 212, § 9, eff. July 1, 1978; Laws 1983, c. 273, § 7, operative July 1, 1983; Laws 1987, c. 181, § 2, eff. July 1, 1987; Laws 1988, c. 329, § 128, eff. Nov. 1, 1988; Laws 1989, c. 236, § 4, eff. July 1, 1989; Laws 1990, c. 109, § 2, eff. Sept. 1, 1990; Laws 1995, c. 286, § 9, eff. July 1, 1995; Laws 1997, c. 320, § 5, eff. Nov. 1, 1997; Laws 1997, c. 366, § 54, eff. Nov. 1, 1997; Laws 2000, c. 38, § 4, emerg. eff. April 7, 2000; Laws 2001, c. 404, § 5, eff. Nov. 1, 2001; Laws 2003, c. 440, § 4, eff. July 1, 2003; Laws 2004, c. 525, § 3, eff. July 1, 2004; Laws 2005, c. 192, § 4, eff. Nov. 1, 2005; Laws 2007, c. 247, § 2, eff. July 1, 2007; Laws 2010, c. 420, § 1, eff. July 1, 2010; Laws 2011, c. 114, § 1, eff. Nov. 1, 2011; Laws 2015, c. 384, § 1, eff. Nov. 1, 2015; Laws 2016, c. 210, § 13, emerg. eff. April 26, 2016; Laws 2016, c. 362, § 3, eff. July 1, 2016; Laws 2019, c. 38, § 1, eff. Nov. 1, 2019; Laws 2019, c. 354, § 7, eff. July 1, 2019. NOTE: Laws 2015, c. 323, § 1 repealed by Laws 2016, c. 210, § 14, emerg. eff. April 26, 2016.

§28-152.1. Civil actions - Charges in addition to flat fee.

A. In civil cases, the court clerk shall collect and deposit in the court fund the following charges in addition to the flat fee:

1. For posting notices and filing certificates required by statute
\$30.00
2. For the filing of any counterclaim or setoff pursuant to Section 1758 of Title 12 of the Oklahoma Statutes
\$20.00
3. For mailing by any type of mail writs, warrants, orders, process, command, or notice for each person \$10.00
4. For the actual cost of all postage in each case in excess of \$10.00

5. For serving or endeavoring to serve each writ, warrant, order, process, command, or notice for each person in one or more counties. \$50.00
provided that if more than one person is served at the same address, one flat fee of Fifty Dollars (\$50.00) may be charged
6. For sheriff's fees on court-ordered sales of real or personal property \$75.00
7. When a jury is requested \$349.00
8. For issuing each summons for each person \$10.00
9. For services of a court reporter at each trial held in the case \$20.00
10. For filing a motion for summary judgment or summary disposition of issue(s) \$50.00

The fees prescribed in paragraphs 5 and 6 of this subsection shall be paid by the court clerk into the Sheriff's Service Fee Account, created pursuant to the provisions of Section 514.1 of Title 19 of the Oklahoma Statutes, of the sheriff in the county where service is made or attempted or where the sheriff's sale occurs. All other fees shall be deposited into the local court fund in the county where collected.

B. The fee prescribed in paragraph 7 of subsection A of this section shall be paid at the time of the pretrial conference by the party requesting a jury.

Added by Laws 1971, c. 105, § 1, eff. Oct. 1, 1971. Amended by Laws 1975, c. 293, § 3, eff. Oct. 1, 1975; Laws 1978, c. 212, § 10, eff. July 1, 1978; Laws 1978, c. 305, § 2, eff. July 1, 1978; Laws 1980, c. 18, § 1, eff. Oct. 1, 1980; Laws 1983, c. 273, § 8, operative July 1, 1983; Laws 1984, c. 268, § 3, eff. Nov. 1, 1984; Laws 1986, c. 61, § 1, eff. Nov. 1, 1986; Laws 1986, c. 223, § 19, operative July 1, 1986; Laws 1987, c. 181, § 3, eff. July 1, 1987; Laws 1988, c. 63, § 1, eff. Nov. 1, 1988; Laws 1988, c. 327, § 2, operative Aug. 1, 1988; Laws 1989, c. 205, § 6, eff. Nov. 1, 1989; Laws 1996, c. 339, § 9, eff. Nov. 1, 1996; Laws 1997, c. 400, § 11, eff. July 1, 1997; Laws 1999, c. 58, § 1, eff. Nov. 1, 1999; Laws 2000, c. 38, § 5, emerg. eff. April 7, 2000; Laws 2001, c. 404, § 6, eff. Nov. 1, 2001; Laws 2003, c. 440, § 5, eff. July 1, 2003; Laws 2004, c. 5, § 21, emerg. eff. March 1, 2004; Laws 2006, c. 195, § 1, eff. Nov. 1, 2006; Laws 2010, c. 51, § 1, eff. Nov. 1, 2010; Laws 2010, c. 420, § 2, eff. July 1, 2010; Laws 2016, c. 362, § 4, eff. July 1, 2016.

NOTE: Laws 2003, c. 348, § 1 repealed by Laws 2004, c. 5, § 22, emerg. eff. March 1, 2004.

§28-152.2. Fee for posting notice.

In all applications filed with the district court clerk when posting of notices is required by statute, the district court clerk shall cause said notice to be posted, and a fee of twenty cents (\$0.20) per mile shall be paid out of the local court fund to the person performing said service.

Added by Laws 1971, c. 105, § 2, eff. Oct. 1, 1971. Amended by Laws 1983, c. 273, § 9, operative July 1, 1983.

§28-152.3. Poundage fee and court costs in condemnation proceedings.

Every condemnor, be it the state, a political subdivision thereof, or a private entity, shall be liable for poundage fee and court costs in a condemnation proceeding; provided, however, that in an inverse condemnation proceeding the condemnor shall not be liable for the poundage fee and court costs incurred by the condemnee if the court or a jury finds there has been no taking or damage of the condemnee's property, or any interest therein, by the condemnor. Those public entities which are restricted by law from advancing costs shall be allowed to file the condemnation proceeding without costs prepayment, but at the termination of each such case, the court clerk will render to the condemnor an itemized bill for costs and shall claim payment of all costs due in the case.

Added by Laws 1975, c. 293, § 7, eff. Oct. 1, 1975. Amended by Laws 1991, c. 97, § 1, eff. Sept. 1, 1991.

§28-152.4. License fees.

In any proceeding for issuance of a license other than a marriage license, the court clerk shall collect at the time of filing the application for said license, court costs in the same amounts as required in civil cases in addition to other fees prescribed by law.

Added by Laws 1986, c. 223, § 20, operative July 1, 1986.

§28-152A. Civil warrant, body attachment or bench warrant, fee for issuance of.

For the issuance of each civil warrant, body attachment, or bench warrant requiring the arrest of a party to an action for failure to pay court costs, fines, fees, or assessments, the court clerk shall charge and collect a fee of Five Dollars (\$5.00). The fee shall be included in the execution bond amount on the face of the civil warrant, body attachment, or bench warrant which is issued for the defendant's failure to pay and shall be in addition to the delinquent amount owed by the defendant. This fee shall be deposited in the court clerk's revolving fund pursuant to the provisions of Section 220 of Title 19 of the Oklahoma Statutes.

Added by Laws 1995, c. 132, § 3, eff. Nov. 1, 1995.

§28-153. Costs in criminal cases

A. The clerks of the courts shall collect as costs in every criminal case for each offense of which the defendant is convicted, irrespective of whether or not the sentence is deferred, the following flat charges and no more, except for standing and parking violations and for charges otherwise provided for by law, which fee shall cover docketing of the case, filing of all papers, issuance of process, warrants, orders, and other services to the date of judgment:

1. For each defendant convicted of exceeding the speed limit by at least one (1) mile per hour but not more than ten (10) miles per hour, whether charged individually or conjointly with others
\$77.00
2. For each defendant convicted of a misdemeanor traffic violation other than an offense provided for in paragraph 1 or 5 of this subsection, whether charged individually or conjointly with others
\$98.00
3. For each defendant convicted of a misdemeanor, other than for driving under the influence of alcohol or other intoxicating substance or an offense provided for in paragraph 1 or 2 of this subsection, whether charged individually or conjointly with others \$93.00
4. For each defendant convicted of a felony, other than for driving under the influence of alcohol or other intoxicating substance, whether charged individually or conjointly with others
\$103.00
5. For each defendant convicted of the misdemeanor of driving under the influence of alcohol or other intoxicating substance, whether charged individually or conjointly with others \$433.00
6. For each defendant convicted of the felony of driving under the influence of alcohol or other intoxicating substance, whether charged individually or conjointly with others \$433.00
7. For the services of a court reporter at each preliminary hearing and trial held in the case \$20.00

8. For each time a jury is requested
\$30.00
9. A sheriff's fee for serving or endeavoring to serve each writ, warrant, order, process, command, or notice or pursuing any fugitive from justice
 - a. within the county.....\$50.00, or
mileage as established by the Oklahoma Statutes, whichever is greater, or
 - b. outside of the county.\$50.00, or
actual, necessary expenses, whichever is greater

10. For the services of a language interpreter, other than an interpreter appointed pursuant to the provisions of the Oklahoma Interpreter for the Deaf Act, at each hearing held in the case, the actual cost of the interpreter.

B. In addition to the amount collected pursuant to paragraphs 2 through 6 of subsection A of this section, the sum of Six Dollars (\$6.00) shall be assessed and credited to the Law Library Fund pursuant to Section 1201 et seq. of Title 20 of the Oklahoma Statutes.

C. In addition to the amount collected pursuant to subsection A of this section, the sum of Twenty Dollars (\$20.00) shall be assessed and collected in every traffic case for each offense other than for driving under the influence of alcohol or other intoxicating substance; the sum of Thirty Dollars (\$30.00) shall be assessed and collected in every misdemeanor case for each offense; the sum of Thirty Dollars (\$30.00) shall be assessed and collected in every misdemeanor case for each offense for driving under the influence of alcohol or other intoxicating substance; the sum of Fifty Dollars (\$50.00) shall be assessed and collected in every felony case for each offense; and the sum of Fifty Dollars (\$50.00) shall be assessed and collected in every felony case for each offense for driving under the influence of alcohol or other intoxicating substance.

D. In addition to the amounts collected pursuant to subsections A and B of this section, the sum of Twenty-five Dollars (\$25.00) shall be assessed and credited to the Oklahoma Court Information System Revolving Fund created pursuant to Section 1315 of Title 20 of the Oklahoma Statutes.

E. In addition to the amount collected pursuant to paragraphs 1 through 6 of subsection A of this section, the sum of Ten Dollars (\$10.00) shall be assessed and credited to the Sheriff's Service Fee Account in the county in which the conviction occurred for the

purpose of enhancing existing or providing additional courthouse security.

F. In addition to the amounts collected pursuant to paragraphs 1 through 6 of subsection A of this section, the sum of Three Dollars (\$3.00) shall be assessed and credited to the Office of the Attorney General Victim Services Unit.

G. In addition to the amounts collected pursuant to paragraphs 1 through 6 of subsection A of this section, the sum of Three Dollars (\$3.00) shall be assessed and credited to the Child Abuse Multidisciplinary Account. This fee shall not be used for purposes of hiring or employing any law enforcement officers.

H. In addition to the amount collected pursuant to paragraphs 5 and 6 of subsection A of this section, the sum of Fifteen Dollars (\$15.00) shall be assessed in every misdemeanor or felony case for each offense of driving under the influence of alcohol or other intoxicating substance and credited to the Oklahoma Impaired Driver Database Revolving Fund created pursuant to Section 8 of Enrolled House Bill No. 3146 of the 2nd Session of the 55th Oklahoma Legislature.

I. Prior to conviction, parties in criminal cases shall not be required to pay, advance, or post security for the services of a language interpreter or for the issuance or service of process to obtain compulsory attendance of witnesses.

J. The amounts to be assessed as court costs upon filing of a case shall be those amounts above-stated in paragraph 3 or 4 of subsection A and subsections B, C, D and E of this section.

K. The fees collected pursuant to this section shall be deposited into the court fund, except the following:

1. A court clerk issuing a misdemeanor warrant is entitled to ten percent (10%) of the sheriff's service fee, provided for in paragraph 9 of subsection A of this section, collected on a warrant referred to the contractor for the misdemeanor warrant notification program governed by Sections 514.4 and 514.5 of Title 19 of the Oklahoma Statutes. This ten-percent sum shall be deposited into the issuing Court Clerk's Revolving Fund, created pursuant to Section 220 of Title 19 of the Oklahoma Statutes, of the court clerk issuing the warrant with the balance of the sheriff's service fee to be deposited into the Sheriff's Service Fee Account, created pursuant to the provisions of Section 514.1 of Title 19 of the Oklahoma Statutes, of the sheriff in the county in which service is made or attempted. Otherwise, the sheriff's service fee, when collected, shall be deposited in its entirety into the Sheriff's Service Fee Account of the sheriff in the county in which service is made or attempted;

2. The sheriff's fee provided for in Section 153.2 of this title;

3. The witness fees paid by the district attorney pursuant to the provisions of Section 82 of this title which, if collected by the

court clerk, shall be transferred to the district attorney's office in the county where witness attendance was required. Fees transferred pursuant to this paragraph shall be deposited in the district attorney's maintenance and operating expense account;

4. The fees provided for in subsection C of this section shall be forwarded to the District Attorneys Council Revolving Fund to defray the costs of prosecution; and

5. The following amounts of the fees provided for in paragraphs 2, 3, 5 and 6 of subsection A of this section, when collected, shall be deposited in the Trauma Care Assistance Revolving Fund, created pursuant to the provisions of Section 1-2530.9 of Title 63 of the Oklahoma Statutes:

- a. Ten Dollars (\$10.00) of the Ninety-eight-Dollar fee provided for in paragraph 2 of subsection A of this section,
- b. Ten Dollars (\$10.00) of the Ninety-three-Dollar fee provided for in paragraph 3 of subsection A of this section,
- c. One Hundred Dollars (\$100.00) of the Four-Hundred-Thirty-three-Dollar fee provided for in paragraph 5 of subsection A of this section, and
- d. One Hundred Dollars (\$100.00) of the Four-Hundred-Thirty-three-Dollar fee provided for in paragraph 6 of subsection A of this section.

L. Costs required to be collected pursuant to this section shall not be dismissed or waived; provided, if the court determines that a person needing the services of a language interpreter is indigent, the court may waive all or part of the costs or require the payment of costs in installments.

M. As used in this section, "convicted" means any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere or otherwise, and any deferred judgment or suspended sentence.

N. A court clerk may accept in payment for any fee, fine, forfeiture payment, cost, penalty assessment or other charge or collection to be assessed or collected by a court clerk pursuant to this section a nationally recognized credit card or debit card or other electronic payment method as provided in paragraph 1 of subsection B of Section 151 of this title.

O. Upon receipt of payment of fines and costs for offenses charged prior to July 1, 1992, the court clerk shall apportion and pay Thirteen Dollars (\$13.00) per conviction to the court fund. Added by Laws 1968, c. 359, § 3, eff. July 1, 1968. Amended by Laws 1969, c. 202, § 2, emerg. eff. April 18, 1969; Laws 1971, c. 105, § 3, eff. Oct. 1, 1971; Laws 1973, c. 147, § 2, emerg. eff. May 14, 1973; Laws 1975, c. 293, § 4, eff. Oct. 1, 1975; Laws 1978, c. 212, § 11, eff. July 1, 1978; Laws 1983, c. 273, § 10, operative July 1,

1983; Laws 1984, c. 268, § 4, eff. Nov. 1, 1984; Laws 1986, c. 8, § 1, emerg. eff. March 17, 1986; Laws 1986, c. 242, § 2, emerg. eff. June 12, 1986; Laws 1987, c. 181, § 4, eff. July 1, 1987; Laws 1990, c. 151, § 1; Laws 1991, c. 238, § 30, eff. July 1, 1991; Laws 1992, c. 303, § 27, eff. July 1, 1992; Laws 1992, c. 357, § 11, eff. July 1, 1992; Laws 1993, c. 227, § 7, eff. July 1, 1993; Laws 1994, c. 229, § 8, eff. Sept. 1, 1994; Laws 1995, c. 193, § 5, eff. July 1, 1995; Laws 1995, c. 286, § 10, eff. July 1, 1995; Laws 1996, c. 339, § 10, eff. Nov. 1, 1996; Laws 1999, c. 408, § 2, eff. Nov. 1, 1999; Laws 2000, c. 6, § 8, emerg. eff. March 20, 2000; Laws 2001, c. 404, § 7, eff. Nov. 1, 2001; Laws 2003, c. 474, § 6, eff. Nov. 1, 2003; Laws 2004, c. 5, § 23, emerg. eff. March 1, 2004; Laws 2004, c. 525, § 4, eff. July 1, 2004; Laws 2005, c. 1, § 31, emerg. eff. March 15, 2005; Laws 2005, c. 208, § 4, eff. Nov. 1, 2005; Laws 2006, c. 16, § 8, emerg. eff. March 29, 2006; Laws 2006, c. 195, § 2, eff. Nov. 1, 2006; Laws 2007, c. 1, § 18, emerg. eff. Feb. 22, 2007; Laws 2007, c. 247, § 3, eff. July 1, 2007; Laws 2008, c. 3, § 21, emerg. eff. Feb. 28, 2008; Laws 2016, c. 172, § 4, eff. Nov. 1, 2016; Laws 2016, c. 389, § 1, eff. July 1, 2016.

NOTE: Laws 1990, c. 109, § 3 repealed by Laws 1991, c. 238, § 37, eff. July 1, 1991. Laws 1999, c. 359, § 7 repealed by Laws 2000, c. 6, § 33, emerg. eff. March 20, 2000. Laws 2003, c. 440, § 6 repealed by Laws 2004, c. 5, § 24, emerg. eff. March 1, 2004. Laws 2004, c. 386, § 2 repealed by Laws 2005, c. 1, § 32, emerg. eff. March 15, 2005. Laws 2004, c. 451, § 1 repealed by Laws 2005, c. 1, § 33, emerg. eff. March 15, 2005. Laws 2005, c. 102, § 1 repealed by Laws 2005, c. 208, § 5, eff. Nov. 1, 2005. Laws 2005, c. 192, § 5 repealed by Laws 2006, c. 16, § 9, emerg. eff. March 29, 2006. Laws 2006, c. 61, § 6 repealed by Laws 2007, c. 1, § 19, emerg. eff. Feb. 22, 2007. Laws 2007, c. 199, § 3 repealed by Laws 2008, c. 3, § 22, emerg. eff. Feb. 28, 2008.

§28-153.1. Driving under influence of alcohol or other intoxicating substance within municipality - Costs.

In any case in which a defendant is charged with driving under the influence of alcohol or other intoxicating substance within a municipality with a municipal court:

1. Twenty-five percent (25%) of the costs charged in the case as provided for in Section 153 of this title shall be paid to the municipality if the arresting officer was an employee of the law enforcement agency of the municipality; and

2. Twenty-five percent (25%) of the costs charged in the case as provided for in Section 153 of this title shall be paid to the District Attorneys Council Revolving Fund to defray the costs of prosecution.

Added by Laws 1983, c. 273, § 11, operative July 1, 1983. Amended by Laws 1991, c. 238, § 31, eff. July 1, 1991; Laws 1992, c. 303, § 28,

eff. July 1, 1992; Laws 2004, c. 321, § 1, eff. Nov. 1, 2004; Laws 2016, c. 172, § 5, eff. Nov. 1, 2016.

§28-153.2. Sheriff's Service Fee.

In any criminal case in which a defendant is arrested for a violation of state law, Five Dollars (\$5.00) of the costs charged in said case as provided for in Section 153 of Title 28 of the Oklahoma Statutes shall be paid to the Sheriff's Service Fee Account of the sheriff of the county in which the arrest was made. This fee shall be in addition to the fee authorized by Section 153 of Title 28 of the Oklahoma Statutes and shall be used to defer the costs associated with arrest.

Added by Laws 1990, c. 151, § 2, operative July 1, 1990.

§28-153.3. Bond or security filing fee.

The district court clerk or municipal court clerk shall charge a fee of Thirty-five Dollars (\$35.00) for the initial filing of any bond or any security deposited with the district court clerk or municipal court clerk for the subsequent court appearance of the defendant, which fee shall be assessed as an additional court cost to the defendant. The district court clerk shall remit on a monthly basis Twenty-five Dollars (\$25.00) of every thirty-five-dollar fee imposed on a defendant booked into a jail to the Sheriff's Jail Fund as established by the county commissioners or to a special revenue fund of the entity operating a jail. The municipal court clerk shall make such remittance to a special revenue fund of the entity operating the jail for the municipality or to a fund designated by the municipal governing body for operating a jail housing municipal prisoners.

Added by Laws 2005, c. 386, § 3, eff. Nov. 1, 2005. Amended by Laws 2018, c. 164, § 1, eff. Nov. 1, 2018.

§28-154. Fees in lieu of other enumerated charges.

The flat fees herein provided for shall be in lieu of the charges enumerated in 28 O.S.1961, Section 31, as amended by Section 6, Chapter 122, O.S.L.1967, and the court clerks, from and after the effective date of this act, shall no longer be required to list, itemize or charge pursuant to the schedule therein enumerated, except for proceedings after judgment, and except as herein specifically set out.

Added by Laws 1968, c. 359, § 4, eff. July 1, 1968.

§28-155. Additional deposits in certain cases.

In addition to the flat fees herein provided for, the clerk shall require such additional deposits from time to time as might be needed to pay witness fees, appraisers' fees, mileage fees, or other authorized expenses.

Added by Laws 1968, c. 359, § 5, eff. July 1, 1968. Amended by Laws 1971, c. 105, § 4, eff. Oct. 1, 1971.

§28-155.1. Fees for preparing and transmitting record for appellate review.

A. In nonjury trials, the clerk of the district court shall charge the sum of Two Hundred Dollars (\$200.00) for preparing, assembling, indexing, and transmitting the record for appellate review. This fee shall be paid by the party taking the appeal and shall be entered as costs in the action. If more than one party to the action shall prosecute an appeal from the same judgment or order, the fee shall be paid by the party whose petition in error is determined by the district court or by the appellate court to commence the principal appeal. The fees collected hereunder shall be paid into the court fund.

B. In jury trials, the clerk of the district court shall charge the sum of Three Hundred Dollars (\$300.00) for preparing, assembling, indexing, and transmitting the record for appellate review. This fee shall be paid by the party taking the appeal and shall be entered as costs in the action. If more than one party to the action shall prosecute an appeal from the same judgment or order, the fee shall be paid by the party whose petition in error is determined by the district court or by the appellate court to commence the principal appeal. The fees collected hereunder shall be paid into the court fund.

Added by Laws 1969, c. 214, § 7. Amended by Laws 1971, c. 105, § 5. Renumbered from Title 28, § 55 by Laws 1971, c. 105, § 7. Amended by Laws 1975, c. 293, § 5, eff. Oct. 1, 1975; Laws 1978, c. 212, § 12, eff. July 1, 1978; Laws 1992, c. 134, § 3, eff. Sept. 1, 1992; Laws 1996, c. 339, § 11, eff. Nov. 1, 1996; Laws 2003, c. 440, § 7, eff. July 1, 2003.

§28-156. Notice of publication - Deposit or proof of direct billing.

A. In all cases or proceedings in the district courts or other courts of record, in which notice by publication is required or requested, the court clerk at the time of the filing of the petition shall:

1. Collect a deposit in the sum of Twenty-five Dollars (\$25.00) which shall be in addition to all other fees required by law and shall be used only for the purpose of paying the publisher's fee for publishing such notice or notices; or

2. Accept proof of a direct billing agreement between a publisher authorized to publish such notice or notices and the person filing the petition. Proof of such an agreement may consist of a list of persons with whom a publisher has such an agreement which shall be provided by the publisher to the court clerk and updated no more often than monthly nor less often than annually or by a letter

from the publisher addressed to the court clerk stating the existence of such an agreement.

B. In the event it cannot be ascertained at the time the petition is filed that notice by publication will be required or requested and the required deposit for publication is not paid at that time, the court clerk shall, upon the filing of an affidavit for service by publication, a verified petition or any other pleading requiring notice by publication, follow the procedure provided in subsection A of this section to secure payment for the publication.

C. Any deposit or part thereof which is not actually charged for publication costs shall be refunded.

D. Prior to accepting any final decree or dismissal for filing in any case in which notice by publication is required or requested, the court clerk shall collect for transmittal to the publisher such fees as are necessary to pay for all costs of publication or have on file a statement or receipt from the publisher that the same have been paid and, provided further, that proof of publication shall be held by the court clerk but not filed until such time as such publication fees have been collected in full or such statement or receipt from the publisher that the same have been paid has been filed.

Added by Laws 1968, c. 359, § 6, eff. July 1, 1968. Amended by Laws 1974, c. 175, § 1, emerg. eff. May 9, 1974; Laws 1993, c. 131, § 1, eff. Sept. 1, 1993.

§28-157. Charges not affected by this act.

The charges for filing mechanics' and materialmen's liens, notary public bonds, statutory bonds, licensing fees, transmittal of funds other than attorneys' fees (poundage) shall not be affected by this act, and in those counties where newspaper fees and library fees are presently authorized by law, the clerk shall be entitled to deduct from the flat fee herein established whatever charges for the same as are presently authorized by law.

Added by Laws 1968, c. 359, § 7, eff. July 1, 1968.

§28-158. Repealed by Laws 1970, c. 107, § 1, eff. April 1, 1970.

§28-159. Repealed by Laws 1970, c. 107, § 1, eff. April 1, 1970.

§28-160. Repealed by Laws 1983, c. 273, § 15, operative July 1, 1983.

§28-161. Repealed by Laws 1970, c. 107, § 1, effective April 1, 1970.

§28-162. Juvenile proceedings - Fees and costs

A. The clerks of the courts shall collect as costs in every juvenile delinquency, child in need of supervision, or deprived case in which the juvenile is adjudicated, irrespective of whether or not the sentence is deferred, or minor in need of treatment case pursuant to the Inpatient Mental Health and Substance Abuse Treatment of Minors Act, Section 5-501 et seq. of Title 43A of the Oklahoma Statutes, irrespective of whether the child is committed for inpatient mental health or substance abuse treatment, or in every such case in which a petition is filed at the demand of the parents of a juvenile and said petition is subsequently dismissed prior to adjudication at said parents' request, the following flat charge and no more, except for the charges provided for in this section, which fee shall cover docketing of the case, filing of all papers, issuance of process, warrants and orders, and other services to date of judgment:

For each case where one or more juveniles
are adjudicated deprived \$50.00
For each juvenile who is certified to stand
trial as an adult \$75.00
In each juvenile case wherein parental
rights are terminated \$50.00
For each juvenile adjudicated in need of
supervision \$50.00
For each child found to be a minor in need
of treatment \$50.00
For each juvenile adjudicated for an offense
which would be a misdemeanor if committed
by an adult, including violation of any
traffic law, whether charged individually
or conjointly with others \$50.00
For each juvenile adjudicated for an offense
which would be a felony if committed by an
adult, whether charged individually or
conjointly with others \$75.00
For the services of a court reporter at each
trial held in the case \$20.00
When a jury is requested \$30.00
A sheriff's fee for serving or endeavoring
to serve all writs, warrants, orders,
process, commands, or notices or pursuing
any fugitive from justice \$20.00 or

mileage as established
by Oklahoma Statutes,
whichever is greater.

B. In addition to the amount collected pursuant to subsection A of this section, the sum of Thirty Dollars (\$30.00) shall be assessed and collected for each juvenile case. The fees collected shall be

forwarded to the District Attorneys Revolving Fund to defray the costs of prosecution.

C. Costs assessed pursuant to subsections A and B of this section shall be levied against the juvenile, the parent, or both, but shall not be levied against the legal guardian or any state or private agency having custody of any juvenile subject to such proceedings.

D. Prior to adjudication, parties in juvenile delinquency, child in need of supervision, minor in need of treatment, and deprived cases shall not be required to pay, advance, or post security for the issuance or service of process to obtain compulsory attendance of witnesses. These fees shall be deposited into the court fund, except the sheriff's fee, when collected, shall be transferred to the general fund of the county in which service is made or attempted to be made.

E. The clerk of the district court shall charge the sum of One Hundred Dollars (\$100.00) for preparing, assembling, indexing, and transmitting the record for appellate review. This fee shall be paid by the party taking the appeal and shall be entered as costs in the action. If more than one party to the action shall prosecute an appeal from the same judgment or order, the fee shall be paid by the party whose petition in error is determined by the district court or by the appellate court to commence the principal appeal. The fees collected hereunder shall be paid into the court fund.

F. Fees and costs collected in juvenile cases may be withdrawn from the court fund and used for operations of the juvenile bureaus, in counties wherein a statutory juvenile bureau is in operation, upon approval by the Chief Justice of the Oklahoma Supreme Court.

G. In those seventy-four counties in which court services are provided by contract between the Oklahoma Supreme Court and the Department of Human Services, funds received from court costs in juvenile cases may be withdrawn from the court fund and paid to the Department of Human Services upon approval by the Chief Justice of the Oklahoma Supreme Court. Said funds are to be expended by the Department of Human Services to supplement community-based programs, such as youth services programs, day treatment programs and group home services. Specific annual training of Department workers in community-based services providing the above court-related services is also to be included for expenditure of funds received from court costs in juvenile cases by the Department of Human Services.

H. In those seventy-four counties in which court services are provided by contract between the Oklahoma Supreme Court and the Office of Juvenile Affairs, funds received from court costs or orders for care and maintenance in juvenile cases may be withdrawn from the court fund and paid to the Office of Juvenile Affairs upon approval by the Chief Justice of the Oklahoma Supreme Court. Said funds are to be expended by the Office of Juvenile Affairs to provide care and

maintenance and to supplement community-based programs, such as alternative education, juvenile offender community and victim restitution work programs, community sanction programs, youth services programs, day treatment programs, group home services, and detention services. Specific annual training of agency workers in community-based services providing the above court-related services is also to be included for expenditure of funds received from court costs in juvenile cases by the Office of Juvenile Affairs.

Added by Laws 1983, c. 250, § 1, operative July 1, 1983. Amended by Laws 1985, c. 164, § 2, eff. Nov. 1, 1985; Laws 1987, c. 181, § 5, eff. July 1, 1987; Laws 1991, c. 238, § 32, eff. July 1, 1991; Laws 1992, c. 303, § 29, eff. July 1, 1992; Laws 1993, c. 10, § 4, emerg. eff. March 21, 1993; Laws 1996, c. 339, § 12, eff. Nov. 1, 1996; Laws 1997, c. 293, § 39, eff. July 1, 1997; Laws 2002, c. 327, § 32, eff. July 1, 2002; Laws 2003, c. 474, § 7, eff. Nov. 1, 2003; Laws 2016, c. 389, § 2, eff. July 1, 2016.

NOTE: Laws 1992, c. 298, § 38 repealed by Laws 1993, c. 10, § 16, emerg. eff. March 21, 1993.