

CWest's Arkansas Code Annotated [Currentness](#)

Title 21. Public Officers and Employees

 ▣ [Chapter 6. Fees](#) ▣ [Subchapter 4. Officers of the Court](#) ➔ **§ 21-6-403. Circuit court clerks--Uniform filing fees**

(a)(1) The uniform filing fees to be charged by the clerks of the circuit courts for initiating or reopening a cause of action in the circuit courts in the state shall be as prescribed in this section.

(2) No portion of the filing fees shall be refunded.

(b) The uniform filing fees are:

(1) For initiating a cause of action in the circuit court, including appeals
\$150.00

(2) For filing a mortgagee's or trustee's notice of default and intention to sell pursuant to [§ 18-50-104](#)
140.00

(3) For reopening a cause of action in the circuit court.....
50.00

(4) For any cause of action which by court order is transferred from any district or circuit court to a circuit court
50.00.

(c) No fee shall be charged or collected by the clerks of the circuit courts when the court, by order, pursuant to [Rule 72 of the Arkansas Rules of Civil Procedure](#), allows an indigent person to prosecute a cause of action in forma pauperis.

(d) No initial filing fee shall be charged for domestic violence petitions filed pursuant to [§ 9-15-201 et seq.](#) Established filing fees may be assessed pursuant to [§§ 5-26-310](#) and [9-15-202\(c\)](#).

(e) No fee shall be charged or collected by the clerks of the circuit courts for reopening a cause of action in the circuit court under the following circumstances:

(1) Application is made for revocation of conditional release of insanity acquittees pursuant to § 5-2-316; or

(2) An agreed order or an order of income withholding is presented to be filed, and no service of process is required.

(f) No county shall authorize, and no circuit court clerk shall assess or collect, any other filing fees than those authorized by this section unless specifically provided by state law.

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

(h) As used in this section, “circuit court clerk” means the circuit clerk and, with respect to probate matters, any county clerk who serves as ex officio clerk of the probate division of the circuit court.

CREDIT(S)

Acts of 1977, Act 333, § 1; Acts of 1981, Act 824, § 2; Acts of 1981 (Ex. Sess.), Act 16, §§ 9, 11; Acts of 1981, (Ex. Sess.), Act 27, § 4; Acts of 1989, Act 534, § 1; Acts of 1989 (3rd Ex. Sess.), Act 34, § 3; Acts of 1995, Act 1256, § 3, eff. April 13, 1995; Acts of 1997, Act 788, § 25, eff. July 1, 1997; Acts of 1997, Act 1341, § 25, eff. July 1, 1997; Acts of 1999, Act 1081, § 4, eff. July 30, 1999; Acts of 2003, Act 1185, § 259, eff. July 16, 2003; Acts of 2003, Act 1765, § 27, eff. July 16, 2003; Acts of 2005, Act 65, § 1, eff. Aug. 12, 2005; Acts of 2005, Act 431, § 1, eff. Aug. 12, 2005; Acts of 2005, Act 1893, § 1, eff. Aug. 12, 2005; Acts of 2007, Act 663, § 15, eff. Jan. 1, 2008; Acts of 2009, Act 475, § 1, eff. July 31, 2009.

Formerly A.S.A. 1947, § 12-1710.2.

HISTORICAL AND STATUTORY NOTES

Arkansas Code Revision Commission

Technical changes were made in 2003, 2005, and 2007 to conform with the official Arkansas Code of 1987 as approved by the Arkansas Code Revision Commission.

CROSS REFERENCES

County administration of justice funds, see §§ 16-10-307 and 16-10-603.

Revenue classification, special revenues, see § 19-6-301.

State Administration of Justice Fund, see §§ 16-10-306 and 19-5-993.

Support for Arkansas publicly funded law schools, see § 16-10-314.

Support for State Crime Laboratory, see § 16-10-313.

ADMINISTRATIVE CODE REFERENCES

Finance and administration department, state administration of justice fund, see [Code Ark. R. 006 05 065](#).

LIBRARY REFERENCES

[Clerks of Courts](#)  17.

Westlaw Topic No. 79.

[C.J.S. Courts](#) §§ 242 to 243.

RESEARCH REFERENCES

Treatises and Practice Aids

[3A Trial Handbook for Arkansas Lawyers](#) § 97:7, Allowance of Fees and Costs.

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1. Validity

Fee which was being charged by circuit court for filing an appeal in the circuit court from a misdemeanor conviction in the municipal court was not being imposed because individual wanted a jury, but was being imposed as a filing fee no matter whether individual was tried by a jury or by the judge, and thus was not unconstitutional as abridging individual's right to a jury trial. Ark.Stats. §§ 12-1710(h), 12-1710.2; [U.S.C.A. Const.Amend. 6. Neeley v. Barber, 1986, 288 Ark. 384, 706 S.W.2d 358. Jury](#)  31.3(2)

2. Initiating causes of action

Filing an appeal from a misdemeanor conviction in the municipal court was “initiating a cause of action” in the circuit court within statute [Ark.Stats. §§ 12-1710(h), 12-1710.2] authorizing an advance fee to be charged by the circuit court for initiating a cause of action in the circuit court. [Neeley v. Barber, 1986, 288 Ark. 384, 706 S.W.2d 358. Criminal Law](#)  1075

3. Court costs

Court could assess as costs filing fee and service fees for subpoenas, but could not assess expert witness fees and deposition expenses. A.C.A. § 21-6-403; Rules [Civ.Proc., Rules 45, 54\(d\)](#). [Wood v. Tyler, 1994, 877 S.W.2d 582, 317 Ark. 319. Costs](#)  174(2); [Costs](#)  176; [Costs](#)  187; [Costs](#)  193

A.C.A. § 21-6-403, AR ST § 21-6-403

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