# CHAPTER 814

# COURT COSTS, FEES, AND SURCHARGES

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## SUBCHAPTER I

## GENERAL PROVISIONS AND COSTS IN CIVIL ACTIONS AND SPECIAL PROCEEDINGS

**NOTE: Subch. I (title) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**
**COSTS IN CIVIL ACTIONS AND SPECIAL PROCEEDINGS**

### 814.01 Costs allowed to plaintiff.

**(1)** Except as otherwise provided in this chapter, costs shall be allowed of course to the plaintiff upon a recovery.

**(3)** In an action for assault and battery, false imprisonment, libel, slander, malicious prosecution, invasion of privacy or seduction, a plaintiff who recovers less than $50 damages shall recover no more costs than damages.

**History:** Sup. Ct. Order, 67 Wis. 2d 585, 761 (1975); Stats. 1975 s. 814.01; 1981 c. 317.

This section does not provide for the awarding of costs to a party in an arbitration proceeding. This section requires a litigated court proceeding. Finkenbinder v. State Farm Mutual Auto Insurance Co., 215 Wis. 2d 145, 572 N.W.2d 501 (Ct. App. 1997), 97-0357.

For purposes of sub. (1), a prevailing plaintiff is a plaintiff who is awarded a recovery in a judgment, not a plaintiff who obtains a recovery as a result of a recovery dispute resolved by a trial. In this case, the circuit court correctly entered a judgment incorporating the parties' stipulations. Regardless of the jury's zero dollar verdict on the question of the plaintiff's pain and suffering resulting from the defendant's negligence, the plaintiff made a "recovery" when the court entered a final judgment that included a recovery in the stipulated amount of $10,052.07. Estate of Radley v. Ives, 2011 WI App 144, 337 Wis. 2d 677, 807 N.W.2d 633, 09-0653.

### 814.02 Costs limited, discretionary.

**(1)** When several actions are brought against parties who might have been joined as defendants and the actions are consolidated under s. 805.05 (1) no costs, other than disbursements, shall be allowed to the plaintiff in excess of what the plaintiff would be entitled to had the plaintiff brought but one action.

**(2)** In equitable actions and special proceedings costs may be allowed or not to any party, in whole or in part, in the discretion of the court, and in any such case the court may award to the successful party such costs (exclusive of disbursements) not exceeding $100, as the court deems reasonable and just, in view of the nature of the case and the work involved. This subsection refers only to such costs and fees as may be taxed by the authority of the statutes, independent of any contract of the parties upon the subject, which contract shall apply unless the court finds that the provisions thereof are inequitable or unjust.

**History:** Sup. Ct. Order, 67 Wis. 2d 585, 761, 780 (1975); Stats. 1975 s. 814.02; 1993 a. 486.

A stipulation in a note or mortgage to pay certain attorney's fees other than taxable costs will be enforced when the amount stipulated to be paid is reasonable. Lakeshore Commercial Finance Corp. v. Bradford Arms Corp., 45 Wis. 2d 313, 173 N.W.2d 165 (1970).

Neither this section or s. 814.036 grants the trial court the power to allow costs that are not explicitly authorized by statute. Kleinke v. Farmers Cooperative Supply & Shipping, 202 Wis. 2d 138, 549 N.W.2d 714 (1996), 95-0856.

The court exercises its discretion under this section by determining what is a necessary cost. Aspen Services, Inc. v. IT Corp., 220 Wis. 2d 491, 583 N.W.2d 849 (Ct. App. 1998), 97-0897.

*Kleinke*, 202 Wis. 2d 138 (1996), instructs that the trial court's discretion is limited to when the court may allow costs and not what costs are allowed. The trial court erred in awarding costs for the transcription of materials on a computer disk that were made for the convenience of the moving party. Transcripts obtained solely for the convenience of counsel are not necessary disbursements under sub. (2) and thus not taxable costs. Alswager v. Roundy's Inc., 2005 WI App 3, 278 Wis. 2d 598, 692 N.W.2d 333, 03-2274.

### 814.03 Costs to defendant.

**(1)** If the plaintiff is not entitled to costs under s. 814.01 (1) or (3), the defendant shall be al-

lowed costs to be computed on the basis of the demands of the complaint.

**(2)** Where there are several defendants who are not united in interest and who make separate defenses by separate answers, if the plaintiff recovers against some but not all of such defendants, the court may award costs to any defendant who has judgment in the defendant's favor.

**(3)** Notwithstanding subs. (1) and (2), where the department of health services or a county is joined as a plaintiff pursuant to ss. 49.89 (2) and 803.03 (2) (a) because of the provision of benefits under subch. IV of ch. 49, the department of health services or the county shall not be liable for costs to any prevailing defendant.

**History:** Sup. Ct. Order, 67 Wis. 2d 585, 761, 780 (1975); Stats. 1975 s. 814.03; 1987 a. 345; 1993 a. 486, 496; 1997 a. 27; 1999 a. 9; 2007 a. 20 s. 9121 (6) (a).

This section contemplates the awarding of costs only to successful parties. DeGroff v. Schmude, 71 Wis. 2d 554, 238 N.W.2d 730 (1976).

A prevailing defendant is entitled to costs from all plaintiffs including subrogated plaintiffs who elected not to participate in the trial. Sampson v. Logue, 184 Wis. 2d 20, 515 N.W.2d 917 (Ct. App. 1994).

This section is mandatory, not discretionary. Taylor v. St. Croix Chippewa Indians of Wisconsin, 229 Wis. 2d 688, 599 N.W.2d 924 (Ct. App. 1999), 98-3334.

**814.035 Costs upon counterclaims and cross complaints. (1)** Except as otherwise provided in this section, costs shall be allowed on counterclaims and cross complaints as if separate actions had been brought thereon.

**(2)** When the causes of action stated in the complaint and counterclaim and cross complaint arose out of the same transaction or occurrence, costs in favor of the successful party upon the complaint and counterclaim and cross complaint so arising shall be in the discretion of the court.

**(3)** Costs recovered by opposing parties shall be offset.

**History:** Sup. Ct. Order, 67 Wis. 2d 585, 761 (1975); Stats. 1975 s. 814.035.

An award of statutory costs to the lessee and denial of costs to the lessor was, under s. 271.035 (2) and (3) [now subs. (2) and (3)], a matter within the trial court's discretion. Costs are purely discretionary when both parties recover on their respective claims in one action. Mid-Continent Refrigerator Co. v. Straka, 47 Wis. 2d 739, 178 N.W.2d 28 (1970).

When judgment was ordered for a defendant in the plaintiff's action and also for the defendant on one of several counterclaims, costs were properly awarded to the defendant as to each. Arrowhead Growers Sales Co. v. Central Sands Produce, Inc., 48 Wis. 2d 383, 180 N.W.2d 567 (1970).

**814.036 Omnibus costs provision.** If a situation arises in which the allowance of costs is not covered by ss. 814.01 to 814.035, the allowance shall be in the discretion of the court.

**History:** Sup. Ct. Order, 67 Wis. 2d 585, 761, 780 (1975); Stats. 1975 s. 814.036.

A prevailing plaintiff in a habeas corpus proceeding may not be awarded costs. State ex rel. Korne v. Wolke, 79 Wis. 2d 22, 255 N.W.2d 446 (1977).

Circuit courts have authority to impose costs on an attorney whose actions result in a mistrial. Schultz v. Darlington Mutual Insurance Co., 181 Wis. 2d 646, 511 N.W.2d 879 (1994).

Photocopy and facsimile expenses may be taxed under this section. Wausau Medical Center, S.C. v. Asplund, 182 Wis. 2d 274, 514 N.W.2d 34 (Ct. App. 1994).

This section only gives a court discretion as to when it may allow costs and not as to what costs may be allowed. Neither this section or s. 814.02 grants the trial court the power to allow costs that are not explicitly authorized by statute. Kleinke v. Farmers Cooperative Supply & Shipping, 202 Wis. 2d 138, 549 N.W.2d 714 (1996), 95-0856.

An award of statutory costs after arbitration is not explicitly authorized by statute and is not within the court's discretion under this section. Lane v. Williams, 2000 WI App 263, 240 Wis. 2d 255, 621 N.W.2d 922, 00-0852.

*Kleinke*, 202 Wis. 2d 138 (1996), addressed what costs may be taxed when this section or s. 814.04 are relied upon; it did not consider what costs may be recovered as a component of damages in a bad faith claim. As with attorney fees, a prevailing plaintiff may recover, as compensatory damages, all reasonable expenses incurred in litigating the bad faith claim. Allied Processors, Inc. v. Western National Mutual Insurance Co., 2001 WI App 129, 246 Wis. 2d 579, 629 N.W.2d 329, 00-1490.

**814.04 Items of costs.** Except as provided in ss. 93.20, 100.195 (5m) (b), 100.30 (5m), 106.50 (6) (i) and (6m) (a), 115.80 (9), 767.553 (4) (d), 769.313, 802.05, 814.245, 895.035 (4), 895.044, 895.443 (3), 895.444 (2), 895.445 (3), 895.446 (3), 895.506, 943.212 (2) (b), 943.245 (2) (d), 943.51 (2) (b), and 995.10 (3), when allowed costs shall be as follows:

**(1)** ATTORNEY FEES. (a) When the amount recovered or the value of the property involved is greater than the maximum amount specified in s. 799.01 (1) (d), attorney fees shall be $500; when it is equal to or less than the maximum amount specified in s. 799.01 (1) (d), but is $1,000 or more, attorney fees shall be $300; when it is less than $1,000, attorney fees shall be $100. In all other cases in which there is no amount recovered or that do not involve property, attorney fees shall be $300.

(c) No attorney fees may be taxed on behalf of any party unless the party appears by an attorney other than himself or herself.

**(2)** DISBURSEMENTS. All the necessary disbursements and fees allowed by law; the compensation of referees; a reasonable disbursement for the service of process or other papers in an action when the same are served by a person authorized by law other than an officer, but the item may not exceed the authorized sheriff's fee for the same service; amounts actually paid out for certified and other copies of papers and records in any public office; postage, photocopying, telephoning, electronic communications, facsimile transmissions, and express or overnight delivery; the electronic filing fee prescribed in s. 801.18 (7) (c); depositions including copies; plats and photographs, not exceeding $100 for each item; an expert witness fee not exceeding $300 for each expert who testifies, exclusive of the standard witness fee and mileage which shall also be taxed for each expert; and in actions relating to or affecting the title to lands, the cost of procuring an abstract of title to the lands. Guardian ad litem fees shall not be taxed as a cost or disbursement.

**(4)** INTEREST ON VERDICT. Except as provided in s. 807.01 (4), if the judgment is for the recovery of money, interest at an annual rate equal to 1 percent plus the prime rate in effect on January 1 of the year in which the judgment is entered if the judgment is entered on or before June 30 of that year or in effect on July 1 of the year in which the judgment is entered if the judgment is entered after June 30 of that year, as reported by the federal reserve board in federal reserve statistical release H. 15, on the amount of the money judgment from the time of verdict, decision, or report until judgment is entered shall be computed by the clerk and added to the costs.

**(6)** JUDGMENT BY DEFAULT. If the judgment is by default or upon voluntary dismissal by the adverse party the costs taxed under sub. (1) shall be one-half what they would have been had the matter been contested.

**(7)** JUDGMENT OFFER NOT ACCEPTED. If the offer of judgment pursuant to s. 807.01 is not accepted and the plaintiff fails to recover a more favorable judgment the plaintiff shall not recover costs but the defendant shall have full costs to be computed on the demand of the complaint.

**(8)** ACTIONS FOR MUNICIPAL CORPORATIONS. In all actions brought for the benefit of any county, town, village, city or other municipal corporation of this state by a citizen taxpayer, the plaintiff shall be entitled to recover for the plaintiff's own use, in case the plaintiff shall prevail, the taxable costs of such action and such part of the recovery as the court considers reasonable, as attorney fees, not to exceed 20 percent of such recovery, and not to exceed $500.

**History:** Sup. Ct. Order, 50 Wis. 2d vii (1971); 1971 c. 141; Sup. Ct. Order, 67 Wis. 2d 585, 761, 780 (1975); Stats. 1975 s. 814.04; 1977 c. 209; 1979 c. 110 s. 60 (13); 1979 c. 271, 355; 1981 c. 123, 317; 1985 a. 52, 311; 1987 a. 348; 1991 a. 39, 65, 189, 295; 1993 a. 98, 326, 486, 490, 491; 1995 a. 24, 27, 133, 149, 262, 417; 1997 a. 55, 164, 254; 1999 a. 32, 82, 122, 190; 2001 a. 6, 16; 2003 a. 138; Sup. Ct. Order No. 03-06A, 2005 WI 86, 280 Wis. 2d xiii; 2005 a. 155, 325; 2005 a. 443 s. 265; 2005 a. 458; 2007 a. 96; 2009 a. 20; 2011 a. 2, 69, 118, 219; 2013 a. 165; Sup. Ct. Order No. 20-07, 2021 WI 37, 397 Wis. 2d xiii.

**Comment of Judicial Council, 1971:** Guardian ad litem fees shall not be taxed as a cost or disbursement. Present law permits guardian ad litem fees to be taxed as costs or disbursements. [Re Order effective July 1, 1971]

Fees for an expert witness may be taxed only for the day that the expert testifies, even though the expert is present in court on other days. McLoone Metal Graphics, Inc. v. Robers Dredge, Inc., 58 Wis. 2d 704, 207 N.W.2d 616 (1973).

A citizen who obtains an injunction in an action brought for the benefit of a mu-

nicipality may not recover attorney fees under sub. (8). Cobb v. Milwaukee County, 60 Wis. 2d 99, 208 N.W.2d 848 (1973).

Sub. (4), being a general statute, does not govern the rate of interest on a jury verdict in a condemnation action, which is covered by ss. 32.05 (11) (b) and 138.04. Weiland v. DOT, 62 Wis. 2d 456, 215 N.W.2d 455 (1974). See also Calaway v. Brown County, 202 Wis. 2d 736, 553 N.W.2d 809 (Ct. App. 1996), 95-2337.

Sub. (2) allows the recovery of costs, not exceeding $50, for each individual plat and photograph. Billingsley v. Zickert, 72 Wis. 2d 156, 240 N.W.2d 375 (1976).

When a plaintiff's damages were set by the first verdict, but the amount the plaintiff could recover was not set until the second verdict, the plaintiff was entitled to interest from the date of the first verdict. Nelson v. Travelers Insurance Co., 102 Wis. 2d 159, 306 N.W.2d 71 (1981).

The court erred by taxing as costs of suit guardian ad litem and attorney fees as a surcharge or penalty against a former guardian. Western Surety Co. v. P.A.H., 115 Wis. 2d 670, 340 N.W.2d 577 (Ct. App. 1983).

Photocopies may not be taxed as photographs. Ramsey v. Ellis, 163 Wis. 2d 378, 471 N.W.2d 289 (Ct. App. 1991).

The award of attorney fees, disbursements, and interest on a verdict are discussed. Zintek v. Perchik, 163 Wis. 2d 439, 471 N.W.2d 522 (Ct. App. 1991).

Photocopy and facsimile expenses may be taxed under s. 814.036. Wausau Medical Center v. Asplund, 182 Wis. 2d 274, 514 N.W.2d 34 (Ct. App. 1994).

There is no authority for awarding pretrial mediation fees as taxable costs. Kleinke v. Farmers Coop. Supply & Shipping, 202 Wis. 2d 138, 549 N.W.2d 714 (1996), 95-0856.

Postverdict, prejudgment interest on a verdict that was overturned by a judgment notwithstanding the verdict, but was ultimately reinstated on appeal, accrued from the date of the original verdict to the entry of judgment following the completion of the appeal. Management Computer v. Hawkins, Ash, Baptie & Co., 224 Wis. 2d 312, 592 N.W.2d 279 (Ct. App. 1998), 97-2470.

When multiple plaintiffs are required to bring their claims in a single action pursuant to s. 803.03, sub. (2) does not authorize multiple awards for the same disbursement to multiple plaintiffs. Paulson v. Allstate Insurance Co., 2002 WI App 168, 256 Wis. 2d 892, 649 N.W.2d 645, 01-0991.

Photocopies of sworn public documents are not a type of certified copies the cost of which are taxable under sub. (2). Affidavits filed by government workers are not certified copies. Milwaukee Metropolitan Sewerage District v. City of Milwaukee, 2003 WI App 209, 267 Wis. 2d 688, 671 N.W.2d 346, 02-2961.
Affirmed on other grounds. 2005 WI 8, 277 Wis. 2d 635, 691 N.W.2d 858, 02-2961.

When a garnishment summons and complaint recited that the total due on the creditor's claim was $11,716.16 and advised the garnishee defendant that if it failed to answer, judgment would be entered against it for that amount, the garnishee defendant was entitled to the maximum amount of costs allowable under sub. (1) (a). Hometown Bank v. Acuity Insurance, 2008 WI App 48, 308 Wis. 2d 503, 748 N.W.2d 203, 07-1048.

Actual attorney fees in the context of a bad faith claim are not a necessary cost of litigation to which a prevailing party is entitled. Instead, they are an item of damages intended to compensate the victims. In the absence of an express reservation of the right to recover actual attorney fees in an accepted offer of judgment, recovery of fees in a bad faith action is limited to only those plaintiffs who proceed to trial. Stewart v. Farmers Insurance Group, 2009 WI App 130, 321 Wis. 2d 391, 773 N.W.2d 513, 08-1605.

The phrase "actually paid out" in sub. (2) modifies the amounts paid "for certified and other copies of papers and records in any public office." Applying the phrase "actually paid out" as a limitation on other recoverable costs is not supported by the statute. Photocopy charges are not required to be "paid out" to a third-party vendor to be awarded under this section. Mercer v. City of Fond du Lac, 2010 WI App 15, 323 Wis. 2d 67, 780 N.W.2d 188, 09-0505.

When plaintiffs join together to file a single complaint, even though they could have commenced separate actions, they may recover their costs as if they had filed their complaints separately. 3301 Bay Road LLC v. Town of Delavan, 2014 WI App 18, 352 Wis. 2d 721, 845 N.W.2d 666, 12-2594.

**814.045 Attorney fees; reasonableness. (1)** Subject to sub. (2), in any action involving the award of attorney fees that are not governed by s. 814.04 (1) or involving a dispute over the reasonableness of attorney fees, the court shall, in determining whether to award attorney fees and in determining whether the attorney fees are reasonable, consider all of the following:

(a) The time and labor required by the attorney.

(b) The novelty and difficulty of the questions involved in the action.

(c) The skill requisite to perform the legal service properly.

(d) The likelihood that the acceptance of the particular case precluded other employment by the attorney.

(e) The fee customarily charged in the locality for similar legal services.

(f) The amount of damages involved in the action.

(g) The results obtained in the action.

(h) The time limitations imposed by the client or by the circumstances of the action.

(i) The nature and length of the attorney's professional relationship with his or her client.

(j) The experience, reputation, and ability of the attorney.

(k) Whether the fee is fixed or contingent.

(L) The complexity of the case.

(m) Awards of costs and fees in similar cases.

(n) The legitimacy or strength of any defenses or affirmative defenses asserted in the action.

(p) Other factors the court deems important or necessary to consider under the circumstances of the case.

**(2)** (a) In any action in which compensatory damages are awarded, the court shall presume that reasonable attorney fees do not exceed 3 times the amount of the compensatory damages awarded but this presumption may be overcome if the court determines, after considering the factors set forth in sub. (1), that a greater amount is reasonable.

(b) In any action in which compensatory damages are not awarded but injunctive or declaratory relief, rescission or modification, or specific performance is ordered, reasonable attorney fees shall be determined according to the factors set forth in sub. (1).

**(3)** This section does not abrogate the rights of persons to enter into an agreement for attorney fees, and the court shall presume that such an agreement is reasonable.

**History:** 2011 a. 92.

Determining Reasonable Attorney Fees. Dudley & Colbert. Wis. Law. Oct. 2012.

**814.05 Bond premium as costs.** Any party entitled to recover costs or disbursements in an action or special proceeding may include in such disbursements the lawful premium paid to an authorized insurer for a suretyship obligation.

**History:** 1977 c. 339.

Among the "necessary disbursements and fees allowed by law" are those authorized under fee-shifting statutes. Numerous statutes contain fee-shifting provisions, including those relating to consumer protection, frivolous lawsuits, and privacy rights. Kolupar v. Wilde Pontiac Cadillac, Inc., 2007 WI 98, 303 Wis. 2d 258, 735 N.W.2d 93, 05-0935.

A paid surety bond premium is required to be taxed under s. 814.04 (2) if a prevailing party chooses to include the paid premium in its bill of costs to the extent that a circuit court determines that the premium was "necessary." Graef v. Applied Underwriters, Inc., 2025 WI App 48, 418 Wis. 2d 58, 25 N.W.3d 571, 24-0512.

**814.07 Costs on motion.** Costs may be allowed on a motion, in the discretion of the court or judge, not exceeding $300, and may be absolute or directed to abide the event of the action.

**History:** Sup. Ct. Order, 67 Wis. 2d 585, 761 (1975); Stats. 1975 s. 814.07; 2003 a. 138.

Motion costs on motions brought to open judgments entered on forfeiture actions under s. 345.37 may not be imposed by a blanket order. Discretion must be exercised by the court in each case. OAG 1-00.

**814.08 Costs on appeal from municipal court; certiorari. (1)** In actions appealed from municipal court, where there is no new trial, if the judgment is affirmed or the appeal dismissed the respondent shall have costs; if reversed, the appellant; if affirmed in part and reversed in part, the court may award the costs or such part thereof as is just to either party. Where there is a new trial, costs shall be awarded to the successful party; but if the appeal is from a judgment in favor of the appellant he or she shall have costs only if he or she obtains a more favorable judgment, and otherwise the respondent shall have costs. In all those cases full costs shall be the applicable fee under s. 814.61 (8) and all disbursements made for return of the judge and officers' and witnesses' fees, together with all costs taxable in the municipal court in the action.

**(2)** Upon certiorari to municipal court the same costs shall be awarded to the successful party as provided by sub. (1), where there is no new trial.

**History:** Sup. Ct. Order, 67 Wis. 2d 585, 761 (1975); Stats. 1975 s. 814.08; 1977 c. 305; 1981 c. 317; 1987 a. 389; 2013 a. 107.

**814.10 Taxation of costs. (1)** CLERK'S DUTY, NOTICE, REVIEW. The clerk of circuit court shall tax and insert in the judgment and in the judgment and lien docket, if the judgment shall have been entered, on the application of the prevailing party, upon 3 days' notice to the other, the sum of the costs and disbursements as provided in this chapter, verified by affidavit.

**(2)** COST BILL, SERVICE. All bills of costs shall be itemized and served with the notice of taxation.

**(3)** OBJECTIONS, PROOFS, ADJOURNMENT. The party opposing such taxation, or the taxation of any particular item shall file with the clerk a particular statement of the party's objections, and the party may produce proof in support thereof and the clerk may adjourn such taxation, upon cause shown, a reasonable time to enable either party to produce such proof.

**(4)** COURT REVIEW. The clerk shall note on the bill all items disallowed, and all items allowed, to which objections have been made. This action may be reviewed by the court on motion of the party aggrieved made and served within 10 days after taxation. The review shall be founded on the bill of costs and the objections and proof on file in respect to the bill of costs. No objection shall be entertained on review which was not made before the clerk, except to prevent great hardship or manifest injustice. Motions under this subsection may be heard under s. 807.13.

**History:** Sup. Ct. Order, 67 Wis. 2d 585, 761 (1975); Stats. 1975 s. 814.10; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 403; 1993 a. 486; 1995 a. 224.

**Judicial Council Note, 1988:** Sub. (4) is amended to allow motions to review costs to be heard by telephone conference. [Re Order effective Jan. 1, 1988]

When a judgement included attorney fees exceeding the statutory limit and the clerk did not tax costs, an objection under sub. (4) was not required to allow consideration of the issue on appeal. Running v. Widdes, 52 Wis. 2d 254, 190 N.W.2d 169 (1971).

**814.11 Disbursements, how proved.** Charges in a bill of costs for witness fees, or copies of documents or other disbursements, except to officers for services shall not be taxed without an affidavit stating the distance the witnesses respectively traveled and the days they actually attended, and an affidavit that such copies were necessarily obtained for use; nor shall such other disbursements be allowed without an affidavit specifying the items thereof, nor unless they appear to have been necessary and reasonable in amount.

**History:** Sup. Ct. Order, 67 Wis. 2d 585, 761 (1975); Stats. 1975 s. 814.11.

**814.12 Costs may be set off.** If, in any action, a recovery be had by one party and costs be awarded to the other the court may set off one against the other and render judgment for the balance.

**History:** Sup. Ct. Order, 67 Wis. 2d 585, 761 (1975); Stats. 1975 s. 814.12.

**814.13 Referee; court to fix and allow fees.** After the trial of any issue by a referee pursuant to a compulsory reference for that purpose his or her fees and expenses shall be fixed by the court in which his or her report has been filed and paid by the state as other circuit court expenses are paid. In all other cases the compensation of referees shall be $3 for each day necessarily occupied with the business of the reference; but the parties may agree in writing upon any other rate of compensation.

**History:** Sup. Ct. Order, 67 Wis. 2d 585, 761 (1975); Stats. 1975 s. 814.13; 1977 c. 449.

**814.131 Taxing costs on compulsory references.** In all cases of compulsory reference in which the fees claimed by the referee exceed $50, the fees shall not be allowed until a hearing is had on the fees, upon 10 days' notice to the district attorney of the county, accompanied by a copy of the bill.

**History:** Sup. Ct. Order, 67 Wis. 2d 585, 761 (1975); Stats. 1975 s. 814.131; 1997 a. 254.

**814.14 Fiduciary; liability for costs limited; bond premium. (1)** (a) Except as provided in par. (b) or unless otherwise specifically provided in any action or proceeding prosecuted or defended in any court in this state by a personal representative, guardian ad litem, trustee of an express trust, general guardian or person expressly authorized by statute, costs may be recovered as in an action by or against a person prosecuting or defending in the person's own right.

(b) Except in cases in which the plaintiff or defendant is guilty of mismanagement or bad faith in the action, proceeding, or defense of the action, costs recovered under par. (a) shall be chargeable only upon or collected from the estate, fund, or party represented. In cases in which the plaintiff or defendant is guilty of mismanagement or bad faith in the action, proceeding, or defense of the action, the court shall direct that the costs recovered under par. (a) shall be paid by the plaintiff or defendant personally.

**(2)** In addition to other costs, all actions or proceedings in which any fiduciary may be entitled to recover costs, the fiduciary may recover any sum that the fiduciary paid to a company, authorized by the laws of this state to act as the fiduciary's surety, for becoming the fiduciary's surety upon any bond or other obligation given by the fiduciary in the fiduciary's representative capacity in the action or proceeding pursuant to law or the order of any court, as may be allowed by the court in which the fiduciary accounts, not exceeding the lesser of 2 percent per year on the amount secured by the obligation or the actual amount paid to the company.

**History:** Sup. Ct. Order, 67 Wis. 2d 585, 761 (1975); Stats. 1975 s. 814.14; 1979 c. 110 s. 60 (13); 1993 a. 486; 2001 a. 102.

**814.15 Assignee's liability for costs.** In actions in which the cause of action shall, by assignment, after the commencement of the action or in any other manner become the property of a person not a party to the action the person shall be liable for the costs in the same manner as if the person were a party; and payment thereof may be enforced by attachment.

**History:** Sup. Ct. Order, 67 Wis. 2d 585, 761 (1975); Stats. 1975 s. 814.15; 1993 a. 486.

**814.16 Settlement, costs on.** Except as provided in s. 93.20, upon settlement of an action no greater sum may be demanded for costs than at the rate prescribed in this chapter.

**History:** Sup. Ct. Order, 67 Wis. 2d 585, 761 (1975); Stats. 1975 s. 814.16; 1991 a. 39.

**814.19 Records copied not to be taxed for.** No record, writ, return, pleading, instrument or other writing copied into any proceeding, entry, process or suggestion shall be computed as any part of the draft of such proceeding, entry, process or suggestion.

**History:** Sup. Ct. Order, 67 Wis. 2d 585, 761 (1975); Stats. 1975 s. 814.19.

**814.22 What county to pay costs when venue changed or jury selected for use in another county, taxation, certification. (1)** In all proceedings, including criminal actions, if a change of venue is had (except in cases where the change is made because the action was not brought in the proper county), the jury is selected for use in another county under s. 971.225 or an action, occupying a day or more, is tried outside the county wherein pending, the county in which the action was commenced shall pay to the county in which the action is tried or the jury is selected the following expenses arising out of the change of venue or jury selection:

(a) The per diem fees of the clerk or the clerk's deputies, all the taxable costs, disbursements and fees of such clerk on any proceeding or action.

(b) The per diem fees of the petit jurors actually in attendance upon said court.

(c) The per diem fees of the sheriff, undersheriff and deputies in attendance upon said court.

(d) All lawful charges for boarding the jury.

(e) The legal fees of all witnesses in any criminal case or proceedings which are a charge against the county.

(f) All charges for subpoenaing witnesses in any criminal case or proceedings and which are a proper charge against the county. The fees of such officers and jurors shall be estimated for each day and part of a day, not less than half a day, occupied in disposing of any such action.

(g) Such other lawful costs, charges, fees, and disbursements which are chargeable to the county, and all lawful costs, disbursements and charges which any such county may be subjected to or may incur in any such action or proceedings.

**(2)** The clerk shall make out a correct bill of all the expenses which shall accrue under this section and have the bill taxed and allowed by the presiding judge of the court; and when so taxed shall transmit the bill to the county clerk of the county in which the action was commenced. A county order therefor shall issue in favor of the county in which the action or proceedings were had or tried or in which the jury was selected.

**(3)** If costs are to be taxed against a county under this section, the district attorney of the county where the action or proceeding was tried or in which the jury was selected shall serve upon the district attorney of the county sought to be charged with the expense a copy of the bill of expenses, together with 8 days notice of the time and place the bill will be taxed before the presiding judge of the court. No such bill of expense may be allowed unless the notice is given or is waived in writing.

**History:** Sup. Ct. Order, 67 Wis. 2d 585, 761 (1975); Stats. 1975 s. 814.22; 1977 c. 449; 1981 c. 115; 1993 a. 486.

**814.23 Actions by or against county.** In all actions by or against a county, and in actions or proceedings by or against county officers in their name of office, costs shall be awarded to the prevailing party as in actions between individuals.

**History:** Sup. Ct. Order, 67 Wis. 2d 585, 761 (1975); Stats. 1975 s. 814.23.

A prevailing plaintiff in a habeas corpus proceeding may not be awarded costs. State ex rel. Korne v. Wolke, 79 Wis. 2d 22, 255 N.W.2d 446 (1977).

**814.24 Action against city, village or town official, cost.** Costs, if any, in an action against a city, village or town officer in his or her official capacity, except an action directly involving the title to the office, and except as provided in s. 814.25, shall not be awarded against that officer, but may be awarded against the city, village or town.

**History:** Sup. Ct. Order, 67 Wis. 2d 585, 761 (1975); Stats. 1975 s. 814.24; 1993 a. 246; 1997 a. 133.

**814.245 Actions by state agencies. (1)** The legislature intends that courts in this state, when interpreting this section, be guided by federal case law, as of November 20, 1985, interpreting substantially similar provisions under the federal equal access to justice act, 5 USC 504.

**(2)** In this section:

(a) "Nonprofit corporation" has the meaning designated in s. 181.0103 (17).

(b) "Small business" means a business entity, including its affiliates, which is independently owned and operated, and which employs 25 or fewer full-time employees or which has gross annual sales of less than $5,000,000.

(c) "Small nonprofit corporation" means a nonprofit corporation which employs fewer than 25 full-time employees.

(d) "State agency" does not include the citizens utility board.

(e) "Substantially justified" means having a reasonable basis in law and fact.

**(3)** Except as provided in s. 814.25, if an individual, a small nonprofit corporation or a small business is the prevailing party in any action by a state agency or in any proceeding for judicial review under s. 227.485 (6) and submits a motion for costs under this section, the court shall award costs to the prevailing party, unless the court finds that the state agency was substantially justified in taking its position or that special circumstances exist that would make the award unjust.

**(4)** In determining the prevailing party in actions in which more than one issue is contested, the court shall take into account the relative importance of each issue. The court shall provide for partial awards of costs under this section based on determinations made under this subsection.

**(5)** If the court awards costs under sub. (3), the costs shall include all of the following which are applicable:

(a) The reasonable expenses of expert witnesses, the reasonable cost of any study, analysis, engineering report, test or project which is found by the court to be necessary for the preparation of the case and reasonable attorney or agent fees. The amount of fees awarded under this section shall be based upon prevailing market rates for the kind and quality of the services furnished, except that:

1. No expert witness may be compensated at a rate in excess of the highest rate of compensation for expert witnesses paid by the agency which is the losing party.

2. Attorney or agent fees may not be awarded in excess of $150 per hour unless the court determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys or agents, justifies a higher fee.

(b) Any other allowable cost specified under s. 814.04 (2).

**(6)** A party seeking an award under this section shall, within 30 days after final judgment in the action, submit to the clerk under s. 814.10 (1) an itemized application for fees and other expenses, including an itemized statement from any attorney or expert witness representing or appearing on behalf of the party stating the actual time expended and the rate at which fees and other expenses were computed. Section 814.10 applies for the procedure for taxation of costs, except that the clerk shall allow the state agency 15 working days to respond under s. 814.10 (3).

**(7)** The court acting under s. 814.10 (4) may reduce the amount awarded under this section or deny an award if it finds that the prevailing party engaged in conduct which unduly and unreasonably delayed the action.

**(8)** An individual is not eligible to recover costs under this section if the person's properly reported federal adjusted gross income was $150,000 or more in each of the 3 calendar years or corresponding fiscal years immediately prior to the commencement of the action. This subsection applies whether the person files the tax return individually or in combination with a spouse.

**(9)** If a state agency is ordered to pay costs under this section, the costs shall be paid from the applicable appropriation under s. 20.865 (1) (a), (g) or (q).

**(10)** Each state agency that is ordered to pay costs under this section or that recovers costs under sub. (11) shall report annually, as soon as is practicable after June 30, to the presiding officer of each house of the legislature the number, nature and amounts awarded, the claims involved in the action in which the costs were incurred, the costs recovered under sub. (11) and any other relevant information to aid the legislature in evaluating the effect of this section.

**(11)** If the court finds that the motion under sub. (3) is frivolous, the examiner may award the state agency all reasonable costs in responding to the motion. In order to find a motion to be frivolous, the court must find one or more of the following:

(a) The motion was submitted in bad faith, solely for purposes of harassing or maliciously injuring the state agency.

(b) The party or the party's attorney knew, or should have known, that the motion was without any reasonable basis in law

or equity and could not be supported by a good faith argument for an extension, modification or reversal of existing law.

**History:** 1985 a. 52; 1985 a. 182 s. 57; 1985 a. 332 s. 253; 1995 a. 27; 1997 a. 79, 133; 2003 a. 145.

A petitioner must receive at least some requested relief in order to "prevail" under sub. (3). Kitsemble v. DHSS, 143 Wis. 2d 863, 422 N.W.2d 896 (Ct. App. 1988).

A circuit court retains jurisdiction to assess costs under sub. (3) when it remands a decision to any agency for further proceedings. The 30-day period in sub. (6) commences at the time that the matter is disposed of in favor of the party on the remand. Sheely v. DHSS, 150 Wis. 2d 320, 442 N.W.2d 1 (1989).

In order for a state agency's position to be "substantially justified" under sub. (3), it must have a reasonable basis in truth and in law and there must be a reasonable connection between the facts alleged and the legal theory advanced. An agency's failure to provide required written notice in terminating medical assistance benefits did not have a reasonable basis in law. Stern v. DHFS, 212 Wis. 2d 393, 569 N.W.2d 79 (Ct. App. 1997), 96-2381.

The appropriate base for a cost of living adjustment to the award of attorney fees under sub. (5) (a) 2. is November 1985, the date of enactment of the statute. Stern v. DHFS, 222 Wis. 2d 521, 588 N.W.2d 658 (Ct. App. 1998), 98-1493.

Unlike its federal counterpart, sub. (3) only provides for attorney fees in actions by state agencies, not actions brought by the State of Wisconsin. The legislature was guided by the federal act when enacting this section. If the legislature intended for this section to apply to actions brought by or against the State of Wisconsin, similar to the federal act applying to the United States, it could have done so, and plainly did not. This case was a forfeiture action that s. 778.02 requires be brought in the name of the State of Wisconsin. Thus, this case was not an action by a state agency. State v. Detert-Moriarty, 2017 WI App 2, 373 Wis. 2d 227, 890 N.W.2d 588, 14-2433.

**814.25 Costs in actions by prisoners. (1)** In this section:

(a) "Prisoner" has the meaning given in s. 801.02 (7) (a) 2.

(b) "Prison or jail conditions" has the meaning given in s. 801.02 (7) (a) 3.

**(2)** (a) Except as provided in par. (b), if a prisoner brings an action or special proceeding related to prison or jail conditions, no costs may be allowed against the state, a state agency or a county, city, village or town, or against any individual defendant when sued in an official capacity.

(b) Costs are allowable to a prisoner who obtains prospective injunctive relief against an individual defendant when that defendant is sued in an official capacity and to a prisoner who obtains a judgment against a defendant when that defendant is sued in his or her personal capacity. This paragraph does not apply to actions or special proceedings related to prison or jail conditions that seek a remedy available by certiorari.

**(3)** If the prevailing party is the state, a state agency or a county, city, village or town or an individual in any action or special proceeding commenced by a prisoner related to prison or jail conditions, the prisoner shall pay the full costs allowed under this chapter. The prisoner shall be required to pay the costs out of any trust fund accounts that he or she holds in the same manner as payment is required for court fees under s. 814.29 (1m) (e).

**History:** 1997 a. 133.

This section does not violate a prisoner's rights to equal protection of the laws. There is more than one rational basis supporting the legislative creation of different classifications to be considered when costs and fees are awarded. Harr v. Berge, 2004 WI App 105, 273 Wis. 2d 481, 681 N.W.2d 282, 03-2611

**814.27 Security for costs.** Except as provided in s. 655.27 (5) (a) 3., in all cases where it shall appear reasonable and proper the court may require the plaintiff to give sufficient security for such costs as may be awarded against the plaintiff.

**History:** Sup. Ct. Order, 67 Wis. 2d 585, 761 (1975); Stats. 1975 s. 814.27; 1983 a. 158; 1993 a. 486.

**814.28 Security for costs. (1)** DEFENDANT MAY REQUIRE. Except as otherwise provided by s. 814.29, the defendant may require the plaintiffs to file security for costs if the plaintiffs are all nonresidents; or are foreign corporations, nonresident personal representatives, guardians, trustees, or receivers; or are trustees or assignees of any debtor; or are imprisoned for crime for terms less than life; or shall take issue upon the answer of the garnishee.

**(2)** ORDER FOR SECURITY. Upon proof by affidavit entitling the defendant to security for costs, the court shall order the plaintiffs to file security for costs in a sum mentioned in the affidavit, not less than $250, within 20 days after the service upon the plaintiffs of a copy of the order requiring the security for costs, and that all proceedings on the part of the plaintiffs be stayed until security is filed.

**(3)** SECURITY, HOW GIVEN. Within the time required the plaintiffs shall file with the clerk of the court, and give the defendant notice thereof, an undertaking with sureties, each of whom shall justify, by affidavit, in the sum stated in the undertaking, above liabilities and exemptions, in property in this state, conditioned to pay on demand all costs that may be awarded to the defendant in such action in any court, not exceeding the sum mentioned in such order. Upon failure to file such undertaking the court may, upon motion of the defendant, dismiss the action.

**(4)** DEPOSIT IN LIEU OF UNDERTAKING. The plaintiffs in lieu of an undertaking under sub. (3) may deposit with the clerk of the court, who shall give a receipt therefor, money equal to the amount specified in the order for security, and give notice of the deposit.

**History:** Sup. Ct. Order, 67 Wis. 2d 585, 761, 780 (1975); Stats. 1975 s. 814.28; 1997 a. 254; 1999 a. 85; 2001 a. 102.

**814.29 Security for costs, service and fees for indigents. (1)** (a) Except as provided in sub. (1m), any person may commence, prosecute or defend any action or special proceeding in any court, or any writ of error or appeal therein, without being required to give security for costs or to pay any service or fee, upon order of the court based on a finding that because of poverty the person is unable to pay the costs of the action or special proceeding, or any writ of error or appeal therein, or to give security for those costs. Each clerk of court shall post a notice that an application for waiver of any requirement to give security for costs or for payment for any service or fee as provided under this paragraph is available for indigent parties at the clerk of court's office.

**NOTE: Par. (a) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(a) Except as provided in sub. (1m), any person may commence, prosecute or defend any action or special proceeding in any court, or any writ of error or appeal therein, without being required to give security for costs or to pay any service or fee, upon order of the court based on a finding that because of poverty the person is unable to pay the costs of the action or special proceeding, or any writ of error or appeal therein, or to give security for those costs.**

(b) A person seeking an order under par. (a) shall file in the court an affidavit in the form prescribed by the judicial conference, setting forth briefly the nature of the cause, defense or appeal and facts demonstrating his or her poverty.

(c) The finding and order of the court under par. (a) shall be in the form prescribed by the judicial conference. The court may deny the request for an order if the court finds that the affidavit states no claim, defense or appeal upon which the court may grant relief.

(d) The court shall make a finding of poverty and issue an order under par. (a) if the affidavit demonstrates any of the following:

1. That the person is a recipient of means-tested public assistance, including aid to families with dependent children, relief funded by a relief block grant under ch. 49, relief provided by counties under s. 59.53 (21), medical assistance, supplemental security income, food stamps or benefits received by veterans under s. 45.40 (1m) or under 38 USC 1501 to 1562.

2. That the person is represented by an attorney through a legal services program for indigent persons, including, without limitation, those funded by the federal legal services corporation, the state public defender or volunteer attorney programs based on indigency.

3. That the person is otherwise unable, because of poverty, to pay the costs of the action, proceeding or appeal or to give security for those costs. In determining the person's ability under this

subdivision to pay or give security for fees and costs, the court shall consider the person's household size, income, expenses, assets and debts and the federal poverty guidelines under 42 USC 9902 (2).

**(1m)** (a) In this subsection, "prisoner" has the meaning given in s. 801.02 (7) (a) 2.

(b) If a prisoner makes a request for leave to commence or defend an action, special proceeding, writ of error or appeal without being required to prepay the fees or costs or without being required to give security for costs, the prisoner shall submit all of the following:

1. The affidavit required under sub. (1) (b).

2. A certified copy of the trust fund account statement for the prisoner for the 6-month period immediately preceding the filing of the request for leave to commence or defend an action, special proceeding, writ of error or appeal, or for the period that the prisoner was incarcerated, imprisoned or detained, if that period is less than 6 months. The trust fund account statement must be obtained from the appropriate official at each facility in which the prisoner is or was incarcerated, imprisoned, confined or detained. "Trust fund account statement" includes accounts accessible to the prisoner before or upon release.

(c) Except when dismissal is required under s. 801.02 (7) (d), the court shall issue an order permitting the prisoner to commence or defend an action, special proceeding, writ of error or appeal without the prepayment of fees or costs or without being required to give security for costs if all of the following conditions are met:

1. The court determines that the prisoner does not have assets or other means by which to pay the fees or costs or to give security for the costs after reviewing the information provided under par. (b).

2. The prisoner authorizes in writing the agency having custody of the prisoner's prison trust fund account to forward payments from the prisoner's account to the clerk of court each time the amount in the account exceeds $10 until the fees or costs are paid in full.

(d) If the court determines that the prisoner who made the affidavit does have assets in a trust fund account, whether accessible to the prisoner only upon release or before release, the court shall order an initial partial filing fee to be paid from that trust fund account before allowing the prisoner to commence or defend an action, special proceeding, writ of error or appeal. The initial filing fee shall be the current balance of the prisoner's trust fund account or the required filing fee, whichever is less.

(e) The agency having custody of the prisoner shall freeze the prisoner's trust fund account until the deposits in that account are sufficient to pay the balance owed for the costs and fees. When the deposits in that account are sufficient to pay the balance owed for the court costs and fees, the agency shall forward that amount to the court. This paragraph does not prohibit the payment from the prisoner's trust fund account of court-ordered payments for child or family support, restitution or federal court fees or for the payments of debts owed to the department of corrections.

(f) If the court believes that a prisoner is in imminent danger of serious physical harm, the court shall issue an order permitting the prisoner to commence or defend an action, special proceeding, writ of error or appeal without being required to submit the statement under par. (b) or prepaying the initial partial filing fee under par. (d).

(g) Except as provided under par. (f), if a prisoner files an action, special proceeding, writ of error or appeal under this subsection without complying with the requirements under pars. (b) and (d), the court shall dismiss the action, special proceeding, writ of error or appeal without prejudice.

(h) The custodian of the trust fund account of a prisoner shall provide the prisoner with the certified copy of the trust fund account statement required under par. (b) if the custodian determines that the prisoner requires that copy for submittal to a court under this subsection.

**(2)** The court may dismiss any action or proceeding or may require the payment of, or the giving of security for, costs, fees and service if the court determines that the allegation of poverty is untrue. The court may later require the payment of, or the giving of security for, costs, fees and service if the court determines that the person no longer meets any of the requirements under sub. (1).

**(3)** RECOVERY OF FEES. (a) A request for leave to commence or defend an action, proceeding, writ of error or appeal without being required to pay fees or costs or to give security for costs constitutes consent of the affiant and counsel for the affiant that if the judgment is in favor of the affiant the court may order the opposing party to first pay the amount of unpaid fees and costs, including attorney fees under ss. 802.05, 804.12 (1) (c), and 895.044 and under 42 USC 1988 and to pay the balance to the plaintiff.

(b) If the affiant is a prisoner, as defined in s. 801.02 (7) (a) 2., or a person confined in a federal correctional institution located in this state, a request for leave to commence or defend an action, special proceeding, writ of error or appeal without being required to pay fees or costs or to give security for costs constitutes consent as provided in par. (a), and, if the judgment is in favor of the opposing party, constitutes consent for the court to order the institution to deduct the unpaid fees and costs, including attorney fees listed in par. (a), from the amount in the inmate's account at any time the account has sufficient money to pay the unpaid fees and costs. This paragraph does not prevent the collection of the unpaid fees and costs by any other method.

**History:** Sup. Ct. Order, 67 Wis. 2d 585, 761 (1975); Stats. 1975 s. 814.29; 1981 c. 317; 1983 a. 538; 1989 a. 31; Sup. Ct. Order No. 93-15, 179 Wis. 2d xxxi; 1993 a. 490; 1995 a. 27, 201; 1997 a. 133; Sup. Ct. Order No. 03-06A, 2005 WI 86, 280 Wis. 2d xiii; 2005 a. 22; 2009 a. 113; 2011 a. 2; 2017 a. 366; 2025 a. 179.

**Judicial Council Note, 1993:** The amendments to sub. (1) are intended to simplify and make more uniform the procedure for determining when costs and fees for indigent persons should be waived by the court. The form of the affidavit and court finding and order is to be prescribed by the Judicial Conference. To simplify the determination of indigency, detailed financial statements are not necessary if the person is receiving means-tested public assistance or legal services based on indigency. Amended sub. (2) allows the court to require payment of fees if it is later shown that the person is no longer indigent.

The trial judge may refuse to approve an affidavit of indigency if the complaint or affidavit to obtain waiver of costs and fees fails to give notice of a claim upon which relief may be granted. State ex rel. Rilla v. Dodge County Circuit Court, 76 Wis. 2d 429, 251 N.W.2d 476 (1977).

The bond requirement under s. 775.01 in an action against the state may be waived under sub. (1). Boldt v. State, 101 Wis. 2d 566, 305 N.W.2d 133 (1981).

A judge may waive the fee for a trial transcript at the request of an appealing indigent who has arguable reason to believe that he or she is entitled to redress on appeal. Girouard v. Jackson County Circuit Court, 155 Wis. 2d 148, 454 N.W.2d 792 (1990).

In making a *Girouard* determination, the trial court should specifically consider the litigant's income and assets, expenses, including unusual expenses, and the projected cost of the transcript requested. State v. Jacobus, 167 Wis. 2d 230, 481 N.W.2d 642 (Ct. App. 1992).

Whether a proposed petition or complaint states a claim for the purposes of granting fee waiver is determined using the same standard that is applied to motions to dismiss for failure to state a claim under s. 802.06. State ex rel. Luedtke v. Bertrand, 220 Wis. 2d 574, 583 N.W.2d 858 (Ct. App. 1998), 97-3238.

The definition of "prisoner" in s. 801.02 (7) (a) 2. does not include a Wisconsin inmate sent to an out-of-state county jail, and therefore sub. (1), and not sub. (1m), applies to the inmate. State ex rel. Speener v. Gudmanson, 2000 WI App 78, 234 Wis. 2d 461, 610 N.W.2d 136, 99-0568.

Sub. (1m) (c), as applied to the petitioner, did not violate the constitutional guarantees of access to the courts or equal protection. State ex rel. Khan v. Sullivan, 2000 WI App 109, 235 Wis. 2d 260, 613 N.W.2d 203, 99-2102.

The 45-day deadline for filing a certiorari action under s. 893.735 is tolled once the clerk of court receives a petition for a writ of certiorari and, pursuant to sub. (1m), a request for a fee waiver, affidavit of indigency, and certified copy of the prisoner's trust account statement, provided that the prisoner has authorized the prison to make any appropriate payments toward the filing fees from his or her accounts. State ex rel. Steldt v. McCaughtry, 2000 WI App. 176, 238 Wis. 2d 393, 617 N.W.2d 201, 99-2000. But see Mitchell v. Buesgen, 2024 WI App 14, 411 Wis. 2d 269, 4 N.W.3d 596, 22-1076.

Sub. (1m) survives constitutional scrutiny. Freezing prisoner trust account statements to pay for the costs of civil litigation initiated by the prisoner is a rational means of conserving state resources and deterring frivolous litigation. Lindell v. Litscher, 2003 WI App 36, 260 Wis. 2d 454, 659 N.W.2d 413, 02-1389.

The phrase "costs and fees" in sub. (1m) includes costs for preparing transcripts. A prisoner may use the funds in a prison release account to pay for the cost of having transcripts prepared. The agency having custody of the prisoner shall follow the procedure under sub. (1m) (e). Akbar v. Kronzer, 2004 WI App 108, 273 Wis. 2d 749, 681 N.W.2d 280, 03-3148.

**814.33 Additional security for costs.** If any surety on any undertaking given under s. 814.28 shall remove from the state or be deemed at any time insufficient the court or presiding judge may require the plaintiff to give a new undertaking, and every person becoming surety thereon shall be liable for all costs, from the commencement of the action, in like manner as if the successor surety had been the original surety.

**History:** Sup. Ct. Order, 67 Wis. 2d 585, 761, 780 (1975); Stats. 1975 s. 814.33; 1993 a. 486.

**814.34 Attorney for plaintiff liable for costs.** In any case in which the defendant, at the time of the commencement of the action, may require security for costs the attorney for the plaintiff shall be liable for such costs not exceeding $100, until security therefor is filed, whether such security shall have been required by the defendant or not; but such attorney is relieved from such liability by filing an undertaking as prescribed by s. 814.28, and giving notice thereof.

**History:** Sup. Ct. Order, 67 Wis. 2d 585, 761, 781 (1975); Stats. 1975 s. 814.34; 1993 a. 486.

**814.46 Taxation after settlement.** Upon the settlement of an execution by a defendant or upon settling any action or demand the sheriff or attorney claiming any fees which shall not have been taxed shall, upon being required by the defendant and on his or her paying the expenses thereof, have his or her fees taxed by some proper officer authorized to tax costs in the court in which the action may be pending or from which the execution shall have been issued.

**History:** Sup. Ct. Order, 67 Wis. 2d 585, 761 (1975); Stats. 1975 s. 814.46; 1993 a. 486.

**814.47 Fees not collectible till taxed.** No sheriff, attorney or other person shall collect any fees, after having been required as aforesaid to have the same taxed, without such taxation having been made.

**History:** Sup. Ct. Order, 67 Wis. 2d 585, 761 (1975); Stats. 1975 s. 814.47.

**814.48 Duty of officers taxing costs.** Every officer authorized to tax costs in any court for services in any proceeding shall examine the bills presented for taxation, whether such taxation be opposed or not, and must be satisfied that the items charged are correct and legal, and shall strike out all charges for services which, in the officer's judgment, were not necessary.

**History:** Sup. Ct. Order, 67 Wis. 2d 585, 761 (1975); Stats. 1975 s. 814.48; 1993 a. 486.

**814.49 Costs on dismissal for lack of jurisdiction or stay of proceedings. (1)** COSTS ON DISMISSAL FOR LACK OF PERSONAL JURISDICTION. If on objection of any defendant made pursuant to s. 802.06 (2) the action is dismissed as to that defendant on the ground that the court lacks jurisdiction over the defendant's person, the court when entering judgment dismissing the action against the defendant may order the plaintiff to pay to the defendant all reasonable actual costs, disbursements and expenses of the action up to the judgment of dismissal, but the amount so recovered can in no case exceed the sum of $500.

**(2)** COSTS ON STAY OF FURTHER PROCEEDINGS. Whenever any party obtains an order staying further proceedings in the action pursuant to s. 801.63, the court may award that party all statutory costs and disbursements in the action up to the order for stay.

**History:** Sup. Ct. Order, 67 Wis. 2d 585, 758, 781 (1975); Stats. 1975 s. 814.49; Sup. Ct. Order, 130 Wis. 2d xix (1986); 1993 a. 486.

**Judicial Council Note, 1986:** Sub. (2) is amended to give the court discretion to award or deny costs and disbursements when further proceedings are stayed pending trial in another state under s. 801.63. [Re Order eff. 7-1-86]

**814.51 Jury fees; discretion of court.** The court shall have discretionary authority in any civil or criminal action or proceeding triable by jury to assess the entire cost of one day's juror fees for a jury, including all mileage costs, against either the plaintiff or defendant or to divide the cost and assess the cost against both plaintiff and defendant, or additional parties plaintiff or defendant, if a jury demand has been made in any case and if a jury demand is later withdrawn within 2 business days prior to the time set by the court for the commencement of the trial. The party assessed shall be required to make payment to the clerk of circuit court within a prescribed period and the payment thereof shall be enforced by contempt proceedings.

**History:** 1971 c. 297; Sup. Ct. Order, 67 Wis. 2d 585, 761 (1975); Stats. 1975 s. 814.51; 1977 c. 318.

This section is inapplicable if the parties reach a settlement after selecting a jury and making opening statements. Jacobson v. Avestruz, 81 Wis. 2d 240, 260 N.W.2d 267 (1977).

An accused who cancels a jury trial at the last moment to accept a plea bargain risks both taxation of costs under s. 973.06 and the assessment of jury fees under this section. State v. Foster, 100 Wis. 2d 103, 301 N.W.2d 192 (1981).

Circuit courts do not have the authority to impose a penalty for cancellation of a jury trial beyond that provided for in this section. Collins v. American Family Mutual Insurance Co., 153 Wis. 2d 477, 451 N.W.2d 429 (1990).

As a matter of sound grammar, the phrase "either the plaintiff or defendant" necessarily refers to both civil and criminal actions as "civil" and "criminal" are set forth in the disjunctive and modify the clauses that follow. Thus, circuit courts are authorized to impose jury fees in any criminal action or proceeding against either the plaintiff or defendant. If the state were not the plaintiff in criminal cases, the statute's provision that the circuit court may assess jury fees against either party in a criminal case would be rendered a nullity. State v. Circuit Court for Monroe County, 2007 WI App 36, 300 Wis. 2d 447, 730 N.W.2d 421, 06-0139.

**814.52 Transport costs. (1)** If a law enforcement agency requests a ferry provider to operate beyond its usual hours of operation to transport an arrested person to a jail or other facility, the law enforcement agency shall be reimbursed for the costs it incurs to pay for the ferry transport pursuant to sub. (2).

**(2)** In any civil or criminal action or proceeding, if a circuit court enters a judgment against a defendant who was the subject of a ferry transport described in sub. (1), the clerk of circuit court shall collect costs in an amount equal to the costs incurred by a law enforcement agency under sub. (1). When judgment is entered against the defendant, the defendant shall pay the costs and the clerk of circuit court shall pay the law enforcement agency that requested the transport.

**History:** 2009 a. 72.

**814.54 Use of fees and surcharges retained by a county.** Unless otherwise required by law, any portion of the fees and surcharges collected by the clerk of circuit court under this subchapter [chapter] that are retained for use by the county shall be used to support court services in that county.

**NOTE: The correct cross-reference is shown in brackets. Corrective legislation is pending.**

**NOTE: This section is created eff. 11-1-26 by 2025 Wis. Act 179.**

**History:** 2025 a. 179.

## SUBCHAPTER II

## COURT FEES

**814.59 Definition.** In this subchapter, "federal mileage rate" means the business standard mileage rate for the year as determined under 26 CFR 1.274-5 (j) (2).

**NOTE: This section is created eff. 11-1-26 by 2025 Wis. Act 179.**

**History:** 2025 a. 179.

**814.595 Fee adjustment reports. (1)** DEFINITIONS. In this section:

(a) "Base year" means the year immediately preceding the year in which a fee or surcharge specified in par. (c) was first established or, if the fee amount increased or decreased after the fee or surcharge was first established, the year immediately preceding the year in which the fee amount was last adjusted.

(b) "Consumer price index" means the average of the consumer price index over each 12-month period, all items, U.S. city average, as determined by the bureau of labor statistics of the U.S. department of labor.

(c) "Fee amount" means the amount of a fee or surcharge under ss. 814.60 (1), 814.61 (1) (a) and (b), (3), (4), (5) (am), (6), (7) (a) and (b), (8) (am) 1. and 2., (9), (11), (12) (a) 1. and (c), and (13) to (14), 814.615 (1) (a) 2. and 3., 814.62 (1), (2), (3) (a), and (4), 814.63 (1) (b) and (2), 814.65 (1), 814.66 (1) (a) 2., (b) 2., (c), (e) to (g), and (i) to (o) and (3), 814.67 (1) (a) 1. and 2., (am), (b) 1., and (bg), 814.68 (1) (a) and (2), 814.70 (1), (2), (3) (b), (7), (8), (9) (a), and (12), 814.72, 814.85 (1) (c), and 814.86 (1) for which a dollar amount is specified.

**(2)** REPORTS. Beginning in 2032, and in every 3rd fiscal biennium thereafter, no later than the last day for agencies to submit budget requests under s. 16.42 (1), the director of state courts shall submit to the department of administration, the governor, the legislative fiscal bureau, and the legislature, under s. 13.172 (2), a report that includes a calculation of the fee amount of each fee or surcharge specified in sub. (1) (c) if the fee amount were increased by the percentage difference between the consumer price index for the 12-month period ending on December 31 of the preceding year and the consumer price index for the base year, rounded up to the nearest dollar.

**NOTE: This section is created eff. 11-1-26 by 2025 Wis. Act 179.**

**History:** 2025 a. 179.

**814.60 Criminal actions; fees of the clerk of court. (1)** In a criminal action, the clerk of circuit court shall collect a fee of $201 for all necessary filing, entering, or recording, to be paid by the defendant when judgment is entered against the defendant. Of the fees received by the clerk of circuit court under this subsection, the county treasurer shall pay 65 percent to the secretary of administration for deposit in the general fund and shall retain the balance for the use of the county.

**NOTE: Sub. (1) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(1) In a criminal action, the clerk of circuit court shall collect a fee of $163 for all necessary filing, entering, or recording, to be paid by the defendant when judgment is entered against the defendant. Of the fees received by the clerk of circuit court under this subsection, the county treasurer shall pay 93.87 percent to the secretary of administration for deposit in the general fund and shall retain the balance for the use of the county.**

**(2)** In addition to any fine imposed, a defendant shall pay the costs, fees, and surcharges imposed under this chapter.

**History:** 1981 c. 317; 1983 a. 27; 1985 a. 36; 1987 a. 27, 339; 1989 a. 64, 107; 1991 a. 39; 1993 a. 16; 1995 a. 224, 227, 448; 1997 a. 27, 248; 1999 a. 9; 2001 a. 16, 56, 103; 2003 a. 33, 139; 2009 a. 100; 2025 a. 179.

Because each charged count requires filing, entering, and recording that is separate and distinct from other charged counts, sub. (1) permits a separate fee for each count. State v. Carter, 229 Wis. 2d 200, 598 N.W.2d 619 (Ct. App. 1999), 98-1688.

Neither the clerk of court nor the county board has the authority to adopt a nonrefundable processing fee in the absence of a statute specifically providing for the fee. 80 Atty. Gen. 223.

**814.61 Civil actions; fees of the clerk of court.** In a civil action, the clerk of court shall collect the fees provided in this section. Unless a specific exemption is provided, a governmental unit, as defined in s. 108.02 (17), shall pay fees under this section. The clerk shall collect the following fees:

**(1)** COMMENCEMENT OF ACTIONS. (a) Except as provided under pars. (c), (d), and (e), at the commencement of all civil actions and special proceedings not specified in ss. 814.62 to 814.66, $130. Of the fees received by the clerk under this paragraph, the county treasurer shall pay $47 to the secretary of administration for deposit in the general fund and shall retain the balance for the use of the county. The secretary of administration shall credit $15 of the $47 to the appropriation under s. 20.680 (2) (j).

**NOTE: Par. (a) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(a) Except as provided under pars. (c), (d), and (e), at the commencement of all civil actions and special proceedings not specified in ss. 814.62 to 814.66, $75. Of the fees received by the clerk under this paragraph, the county treasurer shall pay $45 to the secretary of administration for deposit in the general fund and shall retain the balance for the use of the county. The secretary of administration shall credit $15 of the $45 to the appropriation under s. 20.680 (2) (j).**

(b) Except as provided in pars. (c), (d), and (e), in addition to the fee under par. (a), at the commencement of an action affecting the family, as defined in s. 767.001 (1), a fee of $38 to be deposited by the county treasurer in a separate account to be used by the county exclusively for the purposes specified in s. 767.405.

**NOTE: Par. (b) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(b) Except as provided in pars. (c), (d) and (e), in addition to the fee under par. (a), at the commencement of an action affecting the family as defined in s. 767.001 (1), a fee of $20 to be deposited by the county treasurer in a separate account to be used by the county exclusively for the purposes specified in s. 767.405.**

(c) Paragraphs (a) and (b) do not apply to any of the following:

1. An action to determine paternity brought by the state or its delegate under s. 767.80 (1) (g) or (h) or commenced on behalf of the child by an attorney appointed under s. 767.407 (1) (c).

1m. An action under s. 767.805 (3) that is brought by the state or its delegate or commenced on behalf of the child by an attorney appointed under s. 767.407.

2. An action under ch. 769.

3. A forfeiture proceeding under ss. 961.55 to 961.56 or 973.075 to 973.077.

4. An action to terminate parental rights under subch. VIII of ch. 48.

5. An action for adoption under subch. XIX of ch. 48.

6. An action to commit a person under ch. 51, 55, or 980.

7. An action under s. 165.76 (6) to compel provision of a biological specimen for deoxyribonucleic acid analysis.

(d) No fee charged under this subsection in any action commenced under s. 813.12, 813.122, or 813.123 may be collected from a petitioner under s. 813.12, 813.122, or 813.123. The fee charged under this subsection for petitions filed and granted under s. 813.12, 813.122, or 813.123 shall be collected from the respondent under s. 813.12, 813.122, or 813.123 if he or she is convicted of violating a temporary restraining order or injunction issued under s. 813.12 (3) or (4), 813.122 (4) or (5), or 813.123 (4) or (5).

(e) No fee charged under this subsection in any action commenced under s. 813.125 may be collected from a petitioner under s. 813.125 if the petition alleges conduct that is the same as or similar to conduct that is prohibited by s. 940.32 or that is listed in s. 813.12 (1) (am) 1. to 6. If no fee is collected under this paragraph, the fee charged under this subsection for petitions filed and granted under s. 813.125 shall be collected from the respondent under s. 813.125 if he or she is convicted of violating a temporary restraining order or injunction issued under s. 813.125 (3) or (4).

**(2)** CHANGE OF VENUE. (a) Except as provided in par. (b), on a change of venue at commencement in the court to which the action is transferred, a fee equal to the fee paid by the plaintiff to commence the action. The transferring court, in its order for change of venue, shall make a finding as to which party's actions

necessitated the change of venue and shall order that party to pay the fee, which shall not be taxed as a cost in the action.

(b) If the court orders a change of venue under s. 801.52, no fee may be charged.

**(3)** THIRD-PARTY COMPLAINT. When any defendant files a 3rd-party complaint, the defendant shall pay a fee of $80. The defendant shall pay only one such fee in an action. Of the fees received by the clerk under this subsection, the county treasurer shall pay $26 to the secretary of administration for deposit in the general fund and shall retain the balance for the use of the county. The secretary of administration shall credit $5 of the $26 to the appropriation under s. 20.680 (2) (j).

**NOTE: Sub. (3) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(3) THIRD-PARTY COMPLAINT. When any defendant files a 3rd-party complaint, the defendant shall pay a fee of $45. The defendant shall pay only one such $45 fee in an action. Of the fees received by the clerk under this subsection, the county treasurer shall pay $25 to the secretary of administration for deposit in the general fund and shall retain the balance for the use of the county. The secretary of administration shall credit $5 of the $25 to the appropriation under s. 20.680 (2) (j).**

**(4)** JURY FEE. For a jury in all civil actions, except a garnishment action under ch. 812, a nonrefundable fee of $17 per juror demanded to hear the case to be paid by the party demanding a jury within the time permitted to demand a jury trial. If the jury fee is not paid, no jury may be called in the action, and the action may be tried to the court without a jury.

**NOTE: Sub. (4) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(4) JURY FEE. For a jury in all civil actions, except a garnishment action under ch. 812, a nonrefundable fee of $6 per juror demanded to hear the case to be paid by the party demanding a jury within the time permitted to demand a jury trial. If the jury fee is not paid, no jury may be called in the action, and the action may be tried to the court without a jury.**

**(5)** JUDGMENTS, WRITS, EXECUTIONS, LIENS, WARRANTS, AWARDS, CERTIFICATES. (am) The clerk shall collect a fee of $14 for the following:

**NOTE: Par. (am) (intro.) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(am) The clerk shall collect a fee of $5 for the following:**

1. Issuing executions, certificates, commissions to take depositions, transcripts from the judgment and lien docket, and any writs not commencing an action or special proceeding.

2. Filing and entering judgments, transcripts of judgments, liens, warrants and awards, including filing and entering assignments or satisfactions of judgments, liens or warrants and withdrawals, satisfactions and voidances of tax warrants under s. 71.91 (5) (g).

(bm) Paragraph (am) does not apply to a judgment rendered in municipal court.

**(6)** FOREIGN JUDGMENTS. On filing a foreign judgment under s. 806.24, $42.

**NOTE: Sub. (6) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(6) FOREIGN JUDGMENTS. On filing a foreign judgment under s. 806.24, $15.**

**(7)** REVISION OF JUDGMENT OR ORDER IN ACTION AFFECTING THE FAMILY. (a) Except as provided in par. (b), upon the filing of any petition under s. 767.59 (1c) (a) or any motion, by either party, for the revision of a judgment or order in an action affecting the family, $45. No fee may be collected under this paragraph for any petition or motion by either party for the revision of a judgment or order involving child support, family support, or maintenance if both parties have stipulated to the revision of the judgment or order. Of the fees received by the clerk under this paragraph, the county treasurer shall pay 20 percent to the secretary of administration for deposit in the general fund and shall retain the balance for the use of the county.

**NOTE: Par. (a) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(a) Except as provided in par. (b), upon the filing of any petition under s. 767.59 (1c) (a) or any motion, by either party, for the revision of a judgment or order in an action affecting the family, $30. No fee may be collected under this paragraph for any petition or motion by either party for the revision of a judgment or order involving child support, family support, or maintenance if both parties have stipulated to the revision of the judgment or order. Of the fees received by the clerk under this paragraph, the county treasurer shall pay 50 percent to the secretary of administration for deposit in the general fund and shall retain the balance for the use of the county.**

(b) Upon the filing of any petition, motion, or order to show cause by either party under s. 767.451 or 767.481, $80. No fee may be collected under this paragraph for filing a petition, motion, or order to show cause for the revision of a judgment or order for legal custody or physical placement if both parties have stipulated to the revision of the judgment or order. Of the fees received by the clerk under this paragraph, the county treasurer shall pay 25 percent to the secretary of administration for deposit in the general fund, retain 25 percent for the use of the county, and deposit 50 percent in a separate account to be used by the county exclusively for the purposes specified in s. 767.405.

**NOTE: Par. (b) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(b) Upon the filing of any petition, motion, or order to show cause by either party under s. 767.451 or 767.481, $50. No fee may be collected under this paragraph for filing a petition, motion, or order to show cause for the revision of a judgment or order for legal custody or physical placement if both parties have stipulated to the revision of the judgment or order. Of the fees received by the clerk under this paragraph, the county treasurer shall pay 25 percent to the secretary of administration for deposit in the general fund, retain 25 percent for the use of the county, and deposit 50 percent in a separate account to be used by the county exclusively for the purposes specified in s. 767.405.**

(c) Paragraphs (a) and (b) do not apply to a petition or motion filed by the state or its delegate in connection with an action to determine paternity under s. 767.80 (1) (g), to a petition or motion filed by an attorney appointed under s. 767.407 (1) (c) in connection with an action to determine paternity when the circumstances specified in s. 767.407 (1) (c) 1. or 2. apply or to a petition or motion filed in an action under ch. 769.

**(8)** APPEAL FROM MUNICIPAL COURT OR ADMINISTRATIVE DECISION. (am) On appeal from municipal court or on review of any administrative decision, including an appeal from a commission's award in a condemnation action under ch. 32:

1. If the appeal or review is by certiorari or on the record, $101.

**NOTE: Subd. 1. is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**1. If the appeal or review is by certiorari or on the record, $40.**

2. If a new trial is authorized and requested, $110.

**NOTE: Subd. 2. is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**2. If a new trial is authorized and requested, $55.**

(c) Of the fees received by the clerk under par. (am) 1., the county treasurer shall pay $22.50 to the secretary of administration for deposit in the general fund and shall retain the balance for the use of the county. The secretary of administration shall credit $5 of the $22.50 to the appropriation under s. 20.680 (2) (j).

(d) Of the fees received by the clerk under par. (am) 2., the county treasurer shall pay $30 to the secretary of administration for deposit in the general fund and shall retain the balance for the use of the county. The state treasurer shall credit $5 of the $30 to the appropriation under s. 20.680 (2) (j).

**(9)** TRANSMITTING DOCUMENTS. For certifying and transmitting documents upon appeal, writ of error, change of venue, for enforcing real estate judgments in other counties, or for enforcing judgments in other states, $42 plus postage.

**NOTE: Sub. (9) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(9) TRANSMITTING DOCUMENTS. For certifying and transmitting documents upon appeal, writ of error, change of venue, for enforcing real estate judgments in other counties, or for enforcing judgments in other states, $15 plus postage.**

**(10)** COPIES. (a) Except as provided in par. (b), for copies, certified or otherwise, of any document for which a specific fee is not established by this section, or for comparison and attestation of copies not provided by the clerk, $1.25 per page.

(b) For copies of any court document requested by the state public defender, other than a transcript, a fee equal to the actual, necessary and direct costs of copying.

**(11)** SEARCHES. For searching files or records to locate any one action when the person requesting the search does not furnish the case number of the action, or to ascertain the existence or nonexistence of any instrument or record in the custody of the clerk of circuit court, $14.

**NOTE: Sub. (11) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(11) SEARCHES. For searching files or records to locate any one action when the person requesting the search does not furnish the case number of the action, or to ascertain the existence or nonexistence of any instrument or record in the custody of the clerk of circuit court, $5.**

**(12)** RECEIVING AND DISBURSING MONEY. (a) *Trust funds and small estates.* 1. For receiving a trust fund, or handling or depositing money under s. 757.25 or 807.10 (3), at the time the money is deposited with the clerk, a fee of $35 or 0.5 percent of the amount deposited, whichever is greater. In addition, a fee of $35 shall be charged upon each withdrawal of any or all of the money deposited with the clerk.

**NOTE: Subd. 1. is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**1. For receiving a trust fund, or handling or depositing money under s. 757.25 or 807.10 (3), at the time the money is deposited with the clerk, a fee of $10 or 0.5 percent of the amount deposited, whichever is greater. In addition, a fee of $10 shall be charged upon each withdrawal of any or all of the money deposited with the clerk.**

2. If the clerk is required by court order or by law to deposit any of the funds in subd. 1. in an account in a bank, savings bank, savings and loan association or other suitable financial institution, the type of account shall be in the clerk's discretion unless the court specifies a particular type of account in its order. In depositing the funds into any account, the clerk shall act as a conservator, not as a trustee, and shall not be held liable or responsible for obtaining any specific rate of interest on the deposit.

(c) *Deposits in contempt proceedings.* For receiving and disbursing deposits made under s. 818.12 in contempt proceedings under ch. 785, $25 per deposit. The fee shall be deducted from the deposit, unless the entire deposit is ordered returned to the defendant, before applying the deposit to the satisfaction of a judgment under s. 818.14.

**NOTE: Par. (c) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(c) *Deposits in contempt proceedings.* For receiving and disbursing deposits made under s. 818.12 in contempt proceedings under ch. 785, $10 per deposit. The $10 fee shall be deducted from the deposit, unless the entire deposit is ordered returned to the defendant, before applying the deposit to the satisfaction of a judgment under s. 818.14.**

**(13)** SUPPORT OR MAINTENANCE PETITION. For the cost of court services, whenever a person not receiving benefits under s. 49.148 or 49.155 or aid under s. 49.19, 49.46, 49.465, 49.468, 49.47, or 49.471 files a petition requesting child support, maintenance, or family support payments, $20 in addition to any other fee required under this section. This subsection does not apply to a petition filed by the state or its delegate.

**NOTE: Sub. (13) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(13) SUPPORT OR MAINTENANCE PETITION. For the cost of court services, whenever a person not receiving benefits under s. 49.148 or 49.155 or aid under s. 49.19, 49.46, 49.465, 49.468, 49.47, or 49.471 files a petition requesting child support, maintenance or family support payments, $10 in addition to any other fee required under this section. This subsection does not apply to a petition filed by the state or its delegate.**

**(13m)** PETITION FOR GUARDIANSHIP OF A CHILD. For filing a petition under s. 48.9795 (12), whether in a guardianship or temporary guardianship proceeding or to commence an independent action, $72.

**NOTE: Sub. (13m) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(13m) PETITION FOR GUARDIANSHIP OF A CHILD. For filing a petition under s. 48.9795 (12), whether in a guardianship or temporary guardianship proceeding or to commence an independent action, $60.**

**(14)** PETITION FOR OCCUPATIONAL LICENSE. On filing a petition for an occupational license under s. 343.10 (4), $83.

**NOTE: Sub. (14) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(14) PETITION FOR OCCUPATIONAL LICENSE. On filing a petition for an occupational license under s. 343.10 (4), $40.**

**History:** 1981 c. 317; 1983 a. 27; 1983 a. 189 s. 329 (28); 1983 a. 228, 447, 538; 1985 a. 29, 169; 1987 a. 27 ss. 2143p, 3202 (24); 1987 a. 144, 355, 399; 1989 a. 31; 1989 a. 56 s. 259; 1989 a. 191; 1991 a. 39, 221, 269; 1993 a. 16, 319, 326, 481, 491; 1995 a. 27, 201, 224, 269, 279, 289, 306; 1997 a. 27, 35, 285; 1999 a. 9, 71; 2001 a. 109; 2003 a. 33, 165, 327; 2005 a. 272, 387, 434; 2005 a. 443 s. 265; 2007 a. 20; 2009 a. 261; 2015 a. 55; 2019 a. 70; 2019 a. 109 s. 47; 2021 a. 240 s. 30; 2025 a. 179.

Requiring the payment of a jury fee does not violate the right to a trial by jury. County of Portage v. Steinpreis, 104 Wis. 2d 466, 312 N.W.2d 731 (1981).

The trial court has discretion to allow a jury trial when fees under sub. (4) are not timely paid. Chitwood v. A.O. Smith Harvestore, 170 Wis. 2d 622, 489 N.W.2d 697 (Ct. App. 1992).

Section 757.25 imposes two prerequisites for charging a fee under sub. (12) (a) for handling or depositing money under s. 757.25: 1) a party to the action has paid at least $1,000 into court; and 2) that same party has obtained from the judge an order directing the clerk of court to deposit the money in a safe depository. HSBC Realty Credit Corp. v. City of Glendale, 2007 WI 94, 303 Wis. 2d 1, 735 N.W.2d 77, 05-1042.

Circumstances under which additional fees under sub. (13) are to be paid are discussed. 75 Atty. Gen. 1.

A domestic abuse petition filed under s. 813.12 (2) in conjunction with or in a pending action affecting the family does not require a separate filing fee. 80 Atty. Gen. 231.

"Copies" in sub. (10) (a) includes the use of technologies such as a camera phone or handheld scanner. The statutes, however, do not authorize the collection of fees when a requester makes the copies using those devices with no aid from the clerk of court. The court clerk is the authority holding the records. The clerk thus controls the method of copying and may choose whether to allow a person to make copies with a personal device. OAG 12-14.

## 814.615 Fees for mediation and studies.

**(1)** (a) Except as provided under sub. (2), for family court services provided under s. 767.405 a county shall collect the following fees:

1. For the first mediation session conducted upon referral under s. 767.405 (5), no fee.

2. For all mediation provided after the first session mediation described under subd. 1., a single fee of $285, regardless of the number of mediation sessions held.

**NOTE: Subd. 2. is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**2. For all mediation provided after the first session mediation described under subd. 1., a single fee of $200, regardless of the number of mediation sessions held.**

3. For a study under s. 767.405 (14), a fee of $460.

**NOTE: Subd. 3. is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**3. For a study under s. 767.405 (14), a fee of $300.**

(b) The county shall determine when and how to collect the fees under par. (a). Subject to sub. (3), the county shall reduce the fees in accordance with the parties' ability to pay or provide the services without payment of the fees if both parties are unable to pay.

**(2)** In lieu of the fee under sub. (1) (a) 2. or 3., a county may establish a fee schedule to recover its reasonable costs of providing family court services under s. 767.405. A fee schedule established under this subsection may apply in lieu of the fee under sub. (1) (a) 2. or 3. or both, and shall require no fee for the first mediation session conducted upon referral under s. 767.405 (5); provide for payment for any other services based on the parties' ability to pay; and take into account the fees the county collects under s. 814.61 (1) (b) and (7) (b). Fees shall be based on services actually provided. The county may not collect a single fee applicable without regard to the number of sessions or services provided. Subject to sub. (3), the county shall provide family court services to the parties even if both parties are unable to pay.

**(3)** The court or a circuit court commissioner shall direct either or both parties to pay any applicable fee under this section. If either or both parties are unable to pay, the court shall grant a separate judgment for the amount of the fees in favor of the county and against the party or parties responsible for the fees.

**(4)** The county treasurer shall deposit fees collected under this section in a separate account for the exclusive purpose of providing mediation services and studies under s. 767.405.

**History:** 1987 a. 355; 1991 a. 269; 2001 a. 61; 2005 a. 443 ss. 264, 265; 2025 a. 179.

**NOTE: 1987 Wis. Act 355 contains explanatory notes.**

**814.62 Fees in garnishment, wage earner and small claims actions.** The clerk of court shall collect the fees provided in this section. Unless a specific exemption is provided, a governmental unit, as defined in s. 108.02 (17), shall pay fees under this section. The clerk shall collect the following fees:

**(1)** GARNISHMENT ACTIONS. The fee for commencing a garnishment action under ch. 812, including actions under s. 799.01 (1) (d) 2., is $36, except that there is no fee for commencing a garnishment action to satisfy an order for victim restitution under s. 973.20 (1r). Of the fees received by the clerk under this subsection, the county treasurer shall pay $13 to the secretary of administration for deposit in the general fund and shall retain the balance for the use of the county. The secretary of administration shall credit $5 of the $13 to the appropriation under s. 20.680 (2) (j).

**NOTE: Sub. (1) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(1) GARNISHMENT ACTIONS. The fee for commencing a garnishment action under ch. 812, including actions under s. 799.01 (1) (d) 2., is $20, except that there is no fee for commencing a garnishment action to satisfy an order for victim restitution under s. 973.20 (1r). Of the fees received by the clerk under this subsection, the county treasurer shall pay $12.50 to the secretary of administration for deposit in the general fund and shall retain the balance for the use of the county. The secretary of administration shall credit $5 of the $12.50 to the appropriation under s. 20.680 (2) (j).**

**(2)** WAGE EARNER ACTIONS. The fee for commencing wage earner amortization proceedings under s. 128.21 is $23.

**NOTE: Sub. (2) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(2) WAGE EARNER ACTIONS. The fee for commencing wage earner amortization proceedings under s. 128.21 is $10.**

**(3)** SMALL CLAIMS ACTIONS. (a) In a small claims action under ch. 799, at the time of issuance of a summons or other process in a proceeding not commenced by a summons, the plaintiff shall pay to the clerk of court a fee of $39.

**NOTE: Par. (a) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(a) In a small claims action under ch. 799, at the time of issuance of a summons or other process in a proceeding not commenced by a summons, the plaintiff shall pay to the clerk of court a fee of $22.**

(b) If a counterclaim or cross complaint is filed under s. 799.02 (1), the person filing the same shall pay a fee equal to the difference between the fee under s. 814.61 (1) (a) and the fee under par. (a).

(c) For all other services of the clerk in a small claims action, the clerk shall collect the fees prescribed in s. 814.61.

(d) 2. Of the fees received by the clerk under par. (a), the county treasurer shall pay $11.80 to the secretary of administration for deposit in the general fund and shall retain the balance for the use of the county. The secretary of administration shall credit the $11.80 to the appropriation under s. 20.680 (2) (j).

3. Of the fees received by the clerk under par. (b), the county treasurer shall pay $27.20 to the secretary of administration for deposit in the general fund and shall retain the balance for the use of the county. The secretary of administration shall credit $10 of the $27.20 to the appropriation under s. 20.680 (2) (j).

(e) If any party files a demand for a jury trial in any action under ch. 799, the party demanding the jury trial shall pay a fee equal to the difference between the fee under s. 814.61 (1) (a) and the fee under par. (a), in addition to the fee under s. 814.61 (4).

**(4)** MAILING FEE. For service by mail under s. 799.12, the clerk shall collect $7 for each defendant to cover the expense of mailing. If service by certified mail return receipt requested is required, the clerk shall collect for each defendant $7 plus the cost for the certified mailing, rounded up to the nearest dollar.

**NOTE: Sub. (4) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(4) MAILING FEE. For service by mail under s. 799.12, the clerk shall collect $2 for each defendant to cover the expense of mailing. If service by certified mail return receipt requested is required, the clerk shall collect for each defendant $2 plus the cost for the certified mailing, rounded up to the nearest dollar.**

**History:** 1981 c. 317; 1983 a. 27; 1985 a. 29; 1987 a. 208, 399; 1989 a. 31, 359; 1991 a. 39; 1993 a. 16; 1995 a. 27; Sup. Ct. Order No. 95-10, 195 Wis. 2d xv (1996); 2003 a. 33; 2015 a. 355; 2025 a. 179.

**814.63 Fees in forfeiture actions. (1)** (b) In all forfeiture actions in circuit court, the clerk of court shall collect a fee of $40 to be paid by the defendant when judgment is entered against the defendant.

**NOTE: Par. (b) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(b) In all forfeiture actions in circuit court, the clerk of court shall collect a fee of $25 to be paid by the defendant when judgment is entered against the defendant.**

(c) This subsection does not apply to an action for a violation of s. 101.123 (2) or (2m), for a financial responsibility violation under s. 344.62 (2), for a violation under s. 343.51 (1m) (b), or for a safety belt use violation under s. 347.48 (2m).

**(2)** Upon the disposition of a forfeiture action in circuit court for violation of a county, town, city, village, town sanitary district, or public inland lake protection and rehabilitation district ordinance, except for an action for a financial responsibility violation under s. 344.62 (2), for a violation under s. 343.51 (1m) (b), for a safety belt use violation under s. 347.48 (2m), or for a case transferred under s. 800.035 (5) (c), the county, town, city, village, town sanitary district, or public inland lake protection and rehabilitation district shall pay a nonrefundable fee of $17 to the clerk of circuit court.

**NOTE: Sub. (2) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(2) Upon the disposition of a forfeiture action in circuit court for violation of a county, town, city, village, town sanitary district, or public inland lake protection and rehabilitation district ordinance, except for an action for a financial responsibility violation under s. 344.62 (2), for a violation under s. 343.51 (1m) (b), for a safety belt use violation under s. 347.48 (2m), or for a case transferred under s. 800.035 (5) (c), the county, town, city, village, town sanitary district, or public inland lake protection and rehabilitation district shall pay a nonrefundable fee of $5 to the clerk of circuit court.**

**(3)** In addition to any forfeiture imposed, a defendant shall pay the costs, fees, and surcharges imposed under this chapter.

**(3m)** (a) Except as provided in par. (d), if a defendant is required to appear in court, in addition to any forfeiture, costs, fees, or surcharges it imposes, the court shall impose and collect from the defendant any costs charged to or paid by a law enforcement agency for the withdrawal of the defendant's blood if the court finds that the defendant violated s. 23.33 (4c), 23.335 (12) (a) or (b), 30.681, 114.09, 346.63, or 350.101, or a local ordinance in conformity therewith.

(b) Except as provided in par. (d), if at the time the court finds that the defendant committed the violation, the law enforcement agency has not paid or been charged with the costs of withdrawing the defendant's blood, the court shall impose and collect the costs the law enforcement agency reasonably expects to be charged for the withdrawal, based on the current charges for this procedure.

(c) The court shall disburse the amounts it collects under this subsection to the law enforcement agency that requested the blood withdrawal.

(d) The court may not impose on the defendant any cost for an alternative test provided free of charge as described in s. 343.305 (4).

**(4)** In forfeiture actions in which a county, town, city, village, town sanitary district or public inland lake protection and rehabilitation district prevails, costs and disbursements shall be allowed

to the county, town, city, village, town sanitary district or public inland lake protection and rehabilitation district subject only to sub. (2) and such other limitation as the court may direct. For a case transferred under s. 800.035 (5) (c), the court shall disburse all forfeitures it collects to the municipality.

**(5)** Of the fees received by the clerk under sub. (1) (b), the county treasurer shall pay $17.50 to the secretary of administration for deposit in the general fund and shall retain the balance for the use of the county. The secretary of administration shall credit $5 of the $17.50 to the appropriation under s. 20.680 (2) (j).

**History:** 1981 c. 317; 1985 a. 36; 1987 a. 27, 399; 1989 a. 22, 31, 64, 97, 107, 359; 1991 a. 26, 39, 130; 1993 a. 16, 167, 313; 1995 a. 27, 227, 349; 1997 a. 27, 248; 1999 a. 9, 72; 2001 a. 16; 2003 a. 30, 33, 139, 268, 327; 2005 a. 455; 2009 a. 12, 28, 100; 2011 a. 32, 258, 260; 2015 a. 55, 170; 2019 a. 70; 2025 a. 179.

A municipality must pay the fee imposed under sub. (2) upon the disposition in a circuit court of a forfeiture action for a municipal ordinance violation. The fee may not be passed on to the defendant. 80 Atty. Gen. 151.

Neither the clerk of court nor the county board has the authority to adopt a nonrefundable processing fee in the absence of a statute specifically providing for the fee. 80 Atty. Gen. 223.

**814.64 Fees on appeal to court of appeals or supreme court.** The fees on appeal to the court of appeals and the supreme court are prescribed in s. 809.25 (2).

**History:** 1981 c. 317.

**814.65 Fees of the municipal court. (1)** COURT COSTS. In a municipal court action, except for a financial responsibility violation under s. 344.62 (2) or for a violation of an ordinance in conformity with s. 343.51 (1m) (b) or 347.48 (2m), the municipal court shall collect a fee of not less than $15 nor more than $48 on each separate matter, whether it is on default of appearance, a plea of guilty or no contest, on issuance of a warrant or summons, or the action is tried as a contested matter. Of each fee received by the court under this subsection, the municipal treasurer shall pay monthly $5 to the secretary of administration for deposit in the general fund and shall retain the balance for the use of the municipality.

**(2)** WITNESS AND INTERPRETER'S FEES. The fees of witnesses and interpreters shall be paid as specified in s. 814.67.

**(3)** ATTORNEY FEES. A municipal court shall not impose and collect attorney fees.

**(4)** TAXATION OF FEES AND COSTS. (a) Other than fees specified in sub. (1) and costs specified in par. (b), no fees or costs are taxable by a municipality to a party before a municipal court unless it is directly chargeable to the municipality as a disbursement, such as service of process costs.

(b) If service of process is accomplished by municipal personnel, the cost of the service prescribed under ss. 814.70 and 814.71, subject to any modification applicable under s. 814.705, is taxable regardless of whether a separate disbursement is made to specifically reimburse the municipal employee or agency.

**(4m)** BLOOD TEST FEE. (a) Except as provided in par. (d), if a defendant is required to appear in municipal court, in addition to any forfeiture, costs, fees, or surcharges it imposes, the municipal court shall impose and collect from the defendant any costs charged to or paid by a law enforcement agency for the withdrawal of the defendant's blood if the court finds that the defendant violated a local ordinance in conformity with s. 23.33 (4c), 23.335 (12) (a) or (b), 30.681, 114.09, 346.63, or 350.101.

(b) Except as provided in par. (d), if at the time the court finds that the defendant committed the violation, the law enforcement agency has not paid or been charged with the costs of withdrawing the defendant's blood, the court shall impose and collect the costs the law enforcement agency reasonably expects to be charged for the withdrawal, based on the current charges for this procedure.

(c) The court shall disburse the amounts it collects under this subsection to the law enforcement agency that requested the blood withdrawal.

(d) The court may not impose on the defendant any cost for an alternative test provided free of charge as described in s. 343.305 (4).

**(5)** COSTS AND FEES ON APPEAL. On appeal from municipal court, the appellant shall pay the fee prescribed in s. 814.61 (8). Costs shall be as provided in s. 814.08.

**History:** 1981 c. 317; 1983 a. 107; 1987 a. 181, 389, 399, 403; 1989 a. 22; 1991 a. 26; 1997 a. 27; 2003 a. 30, 33, 320; 2005 a. 54, 455; 2007 a. 96; 2009 a. 28, 100, 121; 2011 a. 32; 2013 a. 53, 107; 2015 a. 55, 170; 2017 a. 365 ss. 86, 111; 2025 a. 113.

The phrase "each separate matter" in sub. (1) refers to the various methods in which a single legal action can come before a municipal court for final disposition. The fee authorized by sub. (1) is therefore a fee that can be charged only once in a municipal court action, regardless of how many warrants or commitment orders are issued in the action prior to its final disposition. OAG 8-09.

A municipality does not have statutory authority to impose a charge separate from the fee collected under sub. (1) that can be taxed as a cost to a municipal court defendant and that is payable to the municipal plaintiff either for the issuance of each warrant or commitment order by a municipal court in a single legal action or for service by municipal personnel of each warrant or commitment order issued by a municipal court in a single legal action. OAG 8-09.

**814.66 Fees of register in probate. (1)** The register in probate shall collect the following fees:

(a) 2. For filing a petition whereby any proceeding in estates of deceased persons is commenced, if the value of the property subject to administration, less encumbrances, liens, or charges, is $18,500 or less, a fee of $36 and, if more than $18,500, a fee of 0.2 percent of the value of the property subject to administration, less encumbrances, liens, or charges. The register in probate may not base a fee under this subdivision upon the value of property that is not subject to administration.

**NOTE: Subd. 2. is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**2. For filing a petition whereby any proceeding in estates of deceased persons is commenced, if the value of the property subject to administration, less encumbrances, liens or charges, is $10,000 or less, a fee of $20 and, if more than $10,000, a fee of 0.2 percent of the value of the property subject to administration, less encumbrances, liens or charges. The register in probate may not base a fee under this subdivision upon the value of property that is not subject to administration.**

3. The fees shall be paid at the time of the filing of the inventory or other documents setting forth the net value of the property subject to administration in the proceedings, and shall apply to inventories filed in testamentary trusts. The fees fixed in this paragraph shall also be paid in survivorship proceedings, and in the survivorship proceedings the value shall be based on the value of the property passing to the survivors.

(b) 2. For filing a petition for guardianship of the estate under ch. 54 or an application for conservatorship under s. 54.76, if the value of the property, less encumbrances, liens, or charges, is the amount specified under s. 867.03 (1g) (intro.) or less, a fee of $36 and, if more than the amount specified under s. 867.03 (1g) (intro.), a fee of 0.2 percent of the value of the property, less encumbrances, liens, or charges.

**NOTE: Subd. 2. is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**2. For filing a petition for guardianship of the estate under ch. 54 or an application for conservatorship under s. 54.76, if the value of the property, less encumbrances, liens or charges, is the amount specified under s. 867.03 (1g) (intro.) or less, a fee of $20 and, if more than the amount specified under s. 867.03 (1g) (intro.), a fee of 0.2 percent of the value of the property, less encumbrances, liens or charges.**

3. The fee shall be paid at the time of filing of the inventory or other documents setting forth the value of the estate in the proceedings.

(c) For a certificate terminating a life estate or homestead interest, $10, but the fee shall not be collected if the termination is consolidated with probate or administration proceedings.

**NOTE: Par. (c) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(c) For a certificate terminating a life estate or homestead interest, $3, but**

**the fee shall not be collected if the termination is consolidated with probate or administration proceedings.**

(d) For a certificate or judgment of descent of lands, the same fees shall be charged and collected as are charged in estate proceedings in par. (a) based upon the valuation of the property passing by the certificate or judgment of descent.

(e) For filing objections to the probate of a will, $50, except that this fee may be waived by the court when objection is filed by a guardian ad litem or attorney, or attorney-in-fact, for a person in the military service. The court may order a refund of the fee to the objector from the assets of the estate.

**NOTE: Par. (e) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(e) For filing objections to the probate of a will, $20, except that this fee may be waived by the court when objection is filed by a guardian ad litem or attorney, or attorney-in-fact, for a person in the military service. The court may order a refund of the fee to the objector from the assets of the estate.**

(f) For receiving a will for safekeeping, except under s. 856.05 (1), $35.

**NOTE: Par. (f) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(f) For receiving a will for safekeeping, except under s. 856.05 (1), $10.**

(g) For each certificate issued by the registers in probate or circuit judges, $10.

**NOTE: Par. (g) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(g) For each certificate issued by the registers in probate or circuit judges, $3.**

(h) 1. Except as provided in subd. 2., for copies, certified or otherwise, of records or other papers in the custody and charge of registers in probate, or for the comparison and attestation of copies not provided by the registers, $1 per page.

2. For copies of any court document requested by the state public defender, other than a transcript, a fee equal to the actual, necessary and direct costs of copying.

(i) For filing claims against estates, $10. The fee under this paragraph shall be added on to the amount of the claim and may be recovered as part of the claim.

**NOTE: Par. (i) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(i) For filing claims against estates, $3. The $3 fee shall be added on to the amount of the claim and may be recovered as part of the claim.**

(j) For searching files or records to locate any one action when the person requesting the search does not furnish the case number of the action, or to ascertain the existence or nonexistence of any instrument or record in the custody of the clerk of circuit court, $14.

**NOTE: Par. (j) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(j) For searching files or records to locate any one action when the person requesting the search does not furnish the case number of the action, or to ascertain the existence or nonexistence of any instrument or record in the custody of the clerk of circuit court, $4.**

(k) For receiving a power of attorney for health care instrument for safekeeping, as provided under s. 155.65 (1), $18.

**NOTE: Par. (k) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(k) For receiving a power of attorney for health care instrument for safekeeping, as provided under s. 155.65 (1), $8.**

(L) For receiving a declaration for safekeeping, as provided under s. 154.13 (1), $18.

**NOTE: Par. (L) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(L) For receiving a declaration for safekeeping, as provided under s. 154.13 (1), $8.**

(n) For depositing or disbursing money under s. 54.12 (1) (a), a fee of $16 or 0.5 percent of the amount deposited, whichever is greater at the time the money is deposited with the register in probate, and a fee of $16 whenever any withdrawal is made of the money deposited with the register in probate.

**NOTE: Par. (n) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(n) For depositing or disbursing money under s. 54.12 (1) (a), a fee of $10 or 0.5 percent of the amount deposited, whichever is greater at the time the money is deposited with the register in probate, and a fee of $10 whenever any withdrawal is made of the money deposited with the register in probate.**

(o) For filing a petition to commence a judicial proceeding under ch. 701, $258.

**NOTE: Par. (o) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(o) For filing a petition to commence a judicial proceeding under ch. 701, $250.**

(p) For receiving a written statement or signed declaration for safekeeping, as provided under s. 851.72 (1m), $8.

**(2)** For purposes of determining fees payable under sub. (1), the following shall apply:

(c) If survivorship proceedings are pursued independent of probate or administration, a fee shall be collected for each proceeding, and the fee shall not be less than that payable if the proceedings were consolidated.

(d) Proceedings to administer assets subsequent to entry of final judgment in an estate are subject to fees as separate proceedings. The fees shall not be less than those which would have been chargeable if the assets had been included in the original proceedings.

(f) Special administrations are subject to filing fees, the fees to be credited upon fees for subsequent general administration or probate.

**(3)** The register in probate shall, on the first Monday of each month, pay into the office of the county treasurer all fees collected by the register in probate and in the register in probate's hands and still unclaimed as of that day. Each county treasurer shall make a report under oath to the secretary of administration on or before the 5th day of January, April, July, and October of all fees received by the county treasurer under sub. (1) (a) to (f) up to the first day of each of those months and shall at the same time pay 66.67 percent of the fees to the secretary of administration for deposit in the general fund. Each county treasurer shall retain the balance of fees received by the county treasurer under this section for the use of the county.

**NOTE: Sub. (3) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(3) The register in probate shall, on the first Monday of each month, pay into the office of the county treasurer all fees collected by him or her and in his or her hands and still unclaimed as of that day. Each county treasurer shall make a report under oath to the secretary of administration on or before the 5th day of January, April, July, and October of all fees received by him or her under sub. (1) (a) to (f) up to the first day of each of those months and shall at the same time pay 66.67 percent of the fees to the secretary of administration for deposit in the general fund. Each county treasurer shall retain the balance of fees received by him or her under this section for the use of the county.**

**History:** 1981 c. 317; 1985 a. 329; 1989 a. 56; 1991 a. 220, 281; 1993 a. 160; 1995 a. 27, 38, 224; 1997 a. 83; 2001 a. 16; 2003 a. 33; 2005 a. 387; 2019 a. 109; 2023 a. 127; 2025 a. 115, 179.

The "fee" under sub. (1) based on the value of the estate is in reality a tax and does not violate the constitution. Treiber v. Knoll, 135 Wis. 2d 58, 398 N.W.2d 756 (1987).

A fee is not collected under sub. (1) (a) upon the filing of the inventory for a testamentary trust. Trust Estate of Rice, 187 Wis. 2d 658, 523 N.W.2d 168 (Ct. App. 1994).

Sub. (1) (b) 2. calculates the guardianship filing fee based on the total value of an estate, including the value of unliquidated claims held by the estate at the time of the inventory. That the exact value of the claim is unknown does not exclude it from the value of the estate. The subsequent liquidation of the claim determines its value. The guardian is required to list the claim on the inventory with an unknown value and to supplement the inventory under s. 858.17 when the claim is liquidated. Angela S. v. Jefferson County, 2006 WI App 260, 297 Wis. 2d 42, 726 N.W.2d 300, 06-0027.

"Copies" in sub. (1) (h) 1. includes the use of technologies such as a camera phone or handheld scanner. The statutes, however, do not authorize the collection of fees when a requester makes the copies using those devices with no aid from the register in probate. The register is the authority holding the records. The register thus controls the method of copying and may choose whether to allow a person to make copies with a personal device. OAG 12-14.

**814.67 Fees of witnesses and interpreters. (1)** The fees of witnesses and interpreters shall be as follows:

(a) For attending before a municipal judge, an arbitrator, or any officer, board or committee:

1. For witnesses, $17 per day.

**NOTE: Subd. 1. is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**1. For witnesses, $5 per day.**

2. For interpreters, $35 per one-half day or such higher fees as the municipality or county board may establish.

**NOTE: Subd. 2. is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**2. For interpreters, $10 per one-half day or such higher fees as the municipality or county board may establish.**

(am) For witnesses attending before a circuit court, $55 per day.

**NOTE: Par. (am) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(am) For witnesses attending before a circuit court, $16 per day.**

(b) For attending before the court of appeals or the supreme court:

1. For witnesses, $55 per day.

**NOTE: Subd. 1. is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**1. For witnesses, $16 per day.**

2. For interpreters, a fee determined by the supreme court.

(bg) For interpreters assisting the state public defender in representing an indigent in preparing for court proceedings, $72 per one-half day.

**NOTE: Par. (bg) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(bg) For interpreters assisting the state public defender in representing an indigent in preparing for court proceedings, $35 per one-half day.**

(c) 1. For a witness, the federal mileage rate for either of the following:

**NOTE: Subd. 1. (intro.) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**1. For a witness, the rate of 20 cents per mile for either of the following:**

a. Traveling from his or her residence to the place of attendance, and returning by the usually traveled route between such points if his or her residence is within the state.

b. Traveling from the point where he or she crosses the state boundary to the place of attendance and returning by the usually traveled route between such points if his or her residence is outside the state.

2. a. Except as provided in subd. 2. b., for an interpreter, the mileage rate set under s. 20.916 (8) for traveling from his or her residence to the place of attendance and returning by the usually traveled route between such points.

b. For an interpreter traveling to the place of attendance from his or her place of residence outside the state, the number of miles between the interpreter's residence and the point at which he or she crosses the state boundary for which the interpreter may receive reimbursement under this subdivision may not exceed 100 miles each way, following the usually traveled route between such points.

**(2)** A witness or interpreter is entitled to fees only for the time he or she is in actual and necessary attendance as such; and is not entitled to receive pay in more than one action or proceeding for the same attendance or travel on behalf of the same party. A person is not entitled to fees as a witness or interpreter while attending court as an officer or juror. An attorney or counsel in any cause may not be allowed any fee as a witness or interpreter therein.

**History:** 1981 c. 317; 1987 a. 27; 1995 a. 27; 2001 a. 16; 2009 a. 28; 2013 a. 20; 2025 a. 179.

## 814.68 Fees of supplemental court commissioners.

**(1)** SUPPLEMENTAL COURT COMMISSIONERS. A supplemental court commissioner appointed under s. 757.675 (1) shall collect the following fees:

(a) A fee of $3 for each decision, signing, or filing of a document or other ministerial act required by law performed by a supplemental court commissioner. This paragraph does not apply to testimonial proceedings or depositions taken before a supplemental court commissioner.

**NOTE: Par. (a) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(a) A fee of $1 for each decision, signing or filing of a document or other ministerial act required by law performed by a supplemental court commissioner. This paragraph does not apply to testimonial proceedings or depositions taken before a supplemental court commissioner.**

(b) For the following duties performed by a supplemental court commissioner held in the county courthouse or other court facilities provided by law, reasonable compensation as fixed by the court but not more than the hourly equivalent of the salary of a judge of the court:

1. Every attendance upon the hearing of any motion for an order which a supplemental court commissioner is authorized to grant and for attendance upon any motion or an official act to be done by the supplemental court commissioner.

2. Conducting a hearing and deciding on the issuance of a writ of habeas corpus, certiorari, ne exeat and alternate writs of mandamus.

3. Attendance upon the taking of testimony or examination of witnesses in any matter held outside the county courthouse or other court facilities provided by law, whether acting as a referee or otherwise.

**(2)** SUPPLEMENTARY EXAMINATIONS. For attendance upon an examination under ch. 816, a supplemental court commissioner shall collect a fee of $52 to be paid upon the issuance of the order under s. 816.03 (1). The fee shall be returned in any case in which it appears by affidavit filed that the order was not served upon the judgment debtor. This fee is the only fee a supplemental court commissioner is entitled to for proceedings under ch. 816.

**NOTE: Sub. (2) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(2) SUPPLEMENTARY EXAMINATIONS. For attendance upon an examination under ch. 816, a supplemental court commissioner shall collect a fee of $15 to be paid upon the issuance of the order under s. 816.03 (1). The fee shall be returned in any case where it appears by affidavit filed that the order was not served upon the judgment debtor. This fee is the only fee a supplemental court commissioner is entitled to for proceedings under ch. 816.**

**History:** 1981 c. 317; 2001 a. 61; 2025 a. 179.

## 814.69 Fees of court reporters; transcripts.

**(1)** A court reporter shall collect the following fees:

(a) For a transcript under SCR 71.04, a fee at the rate of $1.50 per 25-line page for the original and 50 cents per 25-line page for the duplicate. Except as provided in s. 967.06 (3), the fee shall be paid by the county treasurer upon the certificate of the clerk of court.

(b) For a transcript under s. 757.57 (5), a fee from the party requesting the transcript at the rate of $2.25 per 25-line page for the original and 50 cents per 25-line page for each copy. If the request is by the state or any political subdivision thereof, the fees of the reporter shall be at the rates provided in par. (a).

(bm) If a party requests that a transcript under s. 757.57 (5) be prepared within 7 days after the request and the transcript is not required by supreme court rule or statute to be prepared within that 7-day period, a fee in addition to the fee under par. (b) of 75 cents per 25-line page for the original and 25 cents for each copy. The fee under this paragraph does not apply to a request made by the state or a political subdivision of the state.

(c) A reporter may make a special charge, pursuant to arrangement with the party requesting the same, for furnishing typewritten transcripts of testimony and proceedings from day to day during the progress of any trial or proceeding.

(d) For purposes of this section, a page other than the final page of a transcript shall consist of any 25 or more consecutive typewritten lines, double-spaced, on paper not less than 8 1/2

inches in width, with a margin of not more than 1 1/2 inches on the left and five-eighths of an inch on the right, exclusive of lines disclosing page numbering; type shall be standard pica with 10 letters to the inch. Questions and answers shall each begin a new line. Indentations for speakers or paragraphs shall be not more than 15 spaces from the left margin.

**History:** 1981 c. 317; 1985 a. 29; 1985 a. 332 s. 253; 1995 a. 27; 1997 a. 35, 237; 2001 a. 16; 2007 a. 20.

Counties are not required to provide free copy machine services to court reporters who collect fees under former sub. (2), 1989 stats., for furnishing transcripts to parties. 79 Atty. Gen. 157.

County employees who perform court reporting functions are "court reporters" under this section and may personally retain fees collected hereunder. The county may take the fees into account in setting salary structures. 81 Atty. Gen. 7.

**814.70 Fees of sheriffs.** The sheriff shall collect the fees under this section. The fees are set as follows, unless a higher fee is established under s. 814.705:

**(1)** SERVICE OF PROCESS. For each service or attempted service of a summons or any other process for commencement of an action, a writ, an order of injunction, a subpoena, or any other order, $33 for each defendant or person. If there is more than one defendant or person to be served at a given address, $17 for each additional defendant or person. No fee charged under this subsection in any action commenced under s. 813.12, 813.122, or 813.123 may be collected from a petitioner under s. 813.12, 813.122, or 813.123. The fee charged under this subsection in any action commenced under s. 813.12, 813.122, 813.123, or 813.125 shall be collected from the respondent under s. 813.12, 813.122, or 813.123 if the respondent is convicted of violating a temporary restraining order or injunction issued under s. 813.12 (3) or (4), 813.122 (4) or (5), 813.123 (4) or (5), or 813.125 (3) or (4). No fee charged under this subsection in any action commenced under s. 813.125 may be collected from a petitioner under s. 813.125 if the petition alleges conduct that is the same as or similar to conduct that is prohibited by s. 940.32 or that is listed in s. 813.12 (1) (am) 1. to 6. If no fee is collected under this subsection from a petitioner under s. 813.125, the fee charged under this subsection in any action commenced under s. 813.125 shall be collected from the respondent under s. 813.125 if the respondent is convicted of violating a temporary restraining order or injunction issued under s. 813.125 (3) or (4).

**NOTE: Sub. (1) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(1) SERVICE OF PROCESS. For each service or attempted service of a summons or any other process for commencement of an action, a writ, an order of injunction, a subpoena, or any other order, $12 for each defendant or person. If there is more than one defendant or person to be served at a given address, $6 for each additional defendant or person. No fee charged under this subsection in any action commenced under s. 813.12, 813.122, or 813.123 may be collected from a petitioner under s. 813.12, 813.122, or 813.123. The fee charged under this subsection in any action commenced under s. 813.12, 813.122, 813.123, or 813.125 shall be collected from the respondent under s. 813.12, 813.122, or 813.123 if he or she is convicted of violating a temporary restraining order or injunction issued under s. 813.12 (3) or (4), 813.122 (4) or (5), 813.123 (4) or (5), or 813.125 (3) or (4). No fee charged under this subsection in any action commenced under s. 813.125 may be collected from a petitioner under s. 813.125 if the petition alleges conduct that is the same as or similar to conduct that is prohibited by s. 940.32 or that is listed in s. 813.12 (1) (am) 1. to 6. If no fee is collected under this subsection from a petitioner under s. 813.125, the fee charged under this subsection in any action commenced under s. 813.125 shall be collected from the respondent under s. 813.125 if he or she is convicted of violating a temporary restraining order or injunction issued under s. 813.125 (3) or (4).**

**(2)** EXECUTION ON JUDGMENT. For serving an execution on a judgment demanding payment thereof or other writ not provided for, $33.

**NOTE: Sub. (2) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(2) EXECUTION ON JUDGMENT. For serving an execution on a judgment demanding payment thereof or other writ not provided for, $12.**

**(3)** For travel in serving any summons, writ or other process, except criminal warrants, and except that a fee under this subsection in any action commenced under s. 813.12, 813.122, or 813.123 may not be collected from a petitioner but shall be collected from the respondent if he or she is convicted of violating a temporary restraining order or injunction issued under s. 813.12 (3) or (4), 813.122 (4) or (5), 813.123 (4) or (5), or 813.125 (3) or (4), and except that a fee under this subsection in any action commenced under s. 813.125 may not be collected from a petitioner if the petition alleges conduct that is the same as or similar to conduct that is prohibited by s. 940.32 or that is listed in s. 813.12 (1) (am) 1. to 6. but shall be collected from the respondent if he or she is convicted of violating a temporary restraining order or injunction issued under s. 813.125 (3) or (4):

(a) In counties having a population of less than 750,000, the federal mileage rate for each mile actually and necessarily traveled.

**NOTE: Par. (a) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(a) In counties having a population of less than 750,000, 25 cents for each mile actually and necessarily traveled.**

(b) In counties having a population of 750,000 or more, $11 for each party to be served in each action. Only one charge may be imposed if there is more than one person to be served at a given address.

**NOTE: Par. (b) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(b) In counties having a population of 750,000 or more, $4 for each party to be served in each action. Only one charge may be imposed if there is more than one person to be served at a given address.**

**(4)** TRAVEL; CRIMINAL PROCESS. For travel in serving any criminal process:

(a) In counties having a population of less than 750,000, the federal mileage rate.

**NOTE: Par. (a) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(a) In counties having a population of less than 750,000, 25 cents per mile.**

(b) In counties having a population of 750,000 or more, $11 for each person served within the county from which process issued, or the federal mileage rate for each mile traveled if served outside the county.

**NOTE: Par. (b) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(b) In counties having a population of 750,000 or more, $4 for each person served within the county from which process issued, or 25 cents per mile if served outside the county.**

(c) The actual and necessary disbursements for board and conveyance of the prisoner.

**(5)** COLLECTION OF MONEY. For collecting and paying over all sums upon any execution, writ or process for the collection of money, 10 percent on the first $300; 5 percent on the next $300 or any part thereof; and 3 percent on any excess over $600; but the whole fee may not exceed $60.

**(6)** COPIES. (a) Except as provided in par. (b), making a copy of any bond, undertaking, summons, writ, complaint or other paper served or taken, when required by law or demanded by a party, and if not furnished by a party to the action or attorney, $1 per page.

(b) Making a copy of any bond, undertaking, summons, writ, complaint or other paper served or taken, when requested by the state public defender, a fee equal to the actual, necessary and direct costs of copying.

**(7)** ADVERTISING PERSONAL PROPERTY. Advertising goods and chattels for sale upon execution, writ, or process, $5. If there is more than one execution, writ, or process in the hands of the sheriff against the same defendants, there shall be only one advertising fee charged in the whole, which shall be on the execution having priority.

**NOTE: Sub. (7) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(7) ADVERTISING PERSONAL PROPERTY. Advertising goods and chattels for sale upon execution, writ or process, $1.50. If there is more than one execution, writ or process in the hands of the sheriff against the same defendants, there**

**shall be only one advertising fee charged in the whole, which shall be on the execution having priority.**

**(8)** SEIZURE OF PROPERTY; EVICTIONS. For serving any writ or other process with the aid of the county, $28; and $35 per hour for each deputy assigned to inventory the property when seizing property on attachment, replevin, execution, or evicting on a writ of restitution or writ of assistance, plus all necessary expenses incurred thereby.

**NOTE: Sub. (8) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(8) SEIZURE OF PROPERTY; EVICTIONS. For serving any writ or other process with the aid of the county, $8; and $10 per hour for each deputy assigned to inventory the property when seizing property on attachment, replevin, execution or evicting on a writ of restitution or writ of assistance, plus all necessary expenses incurred thereby.**

**(9)** SALES OF REAL ESTATE. (a) A fee of $173, of which $86 shall be prepaid and nonrefundable, for all necessary activities of the sheriff in connection with the sale of real estate by the sheriff or other officers, under any judgment or order of court, and making all the necessary papers and notices, including but not limited to:

**NOTE: Par. (a) (intro.) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(a) A fee of $50, of which $25 shall be prepaid and nonrefundable, for all necessary activities of the sheriff in connection with the sale of real estate by the sheriff or other officers, under any judgment or order of court, and making all the necessary papers and notices, including but not limited to:**

1. Drawing an advertisement of real estate.
2. Issuing every certificate of sale of real estate.
3. Drawing, executing and acknowledging a deed pursuant to a sale of real estate.
4. Posting notices of sheriff's sale.
5. Recording a certificate of sale with the register of deeds.

(b) For travel in making the sale, to be computed from the courthouse, the federal mileage rate for each mile going and returning.

**NOTE: Par. (b) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(b) For travel in making the sale, to be computed from the courthouse, 20 cents per mile going and returning.**

**(10)** PERSONAL PROPERTY; POSSESSION AND STORAGE. All necessary expenses incurred in taking possession of any goods or chattels and preserving the same as shall be just and reasonable in the opinion of the court.

**(11)** PRINTING ADVERTISEMENTS. All fees allowed by law and paid to any printer for any advertisement required to be published by the sheriff.

**(12)** NOTICES OF SALE. For the posting of notices of sale of personal property or posting any other notice and making a return thereon, $14 for the first posting and $7 for each additional posting.

**NOTE: Sub. (12) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(12) NOTICES OF SALE. For the posting of notices of sale of personal property or posting any other notice and making a return thereon, $4 for the first posting and $2 for each additional posting.**

**History:** 1981 c. 317; 1983 a. 92; 1987 a. 181; 1993 a. 301, 319; 1995 a. 27, 225, 306, 417; 1999 a. 71, 186; 2001 a. 109; 2017 a. 207 s. 5; 2025 a. 179.

Fees for mileage may only be collected if service is successful. 73 Atty. Gen. 106.

**814.705 Governing body may establish higher fees.** **(1)** With respect to fees enumerated in s. 814.70 (1), (2), (3) (a) and (b), (4) (a) and (b), and (8):

(a) A county board may establish a higher fee for collection by the sheriff.

(b) A city council may establish a higher fee for collection by the city constable and city police.

(c) A village board may establish a higher fee for collection by the village marshal and village constable.

(d) A town board may establish a higher fee for collection by the town constable or town police.

**(2)** With respect to sheriff's fees for the sale of real estate under s. 814.70 (9), the county board may establish a higher fee in an amount not to exceed $150.

**NOTE: Sub. (2) is repealed eff. 11-1-26 by 2025 Wis. Act 179.**

**(3)** With respect to sheriff's fees for the seizure of property or evictions under s. 814.70 (8), the county board may establish a higher fee in an amount not to exceed the actual costs incurred in performing the seizure or eviction.

**History:** 1987 a. 181; 1993 a. 246; 1997 a. 27; 2003 a. 182; 2025 a. 179.

**814.71 Fees of city police, constables and village marshals.** City police, constables and village marshals shall collect the same fees as those prescribed for sheriffs in s. 814.70 for similar services subject to any modification applicable under s. 814.705.

**History:** 1981 c. 317; 1987 a. 181.

**814.72 Fees of appraisers.** For appraisals under s. 815.19, each appraiser shall collect a fee of $28, plus $35 per hour. The fee shall be paid by the officer and returned as a disbursement on the writ of attachment or execution.

**NOTE: This section is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**814.72 Fees of appraisers. For appraisals under s. 815.19, each appraiser shall collect a fee of $8, plus $10 per hour. The fee shall be paid by the officer and returned as a disbursement on the writ of attachment or execution.**

**History:** 1981 c. 317; 2025 a. 179.

## SUBCHAPTER III

## SURCHARGES

**814.75 Court-imposed surcharges.** The following surcharges shall be imposed by the court, in addition to the fine or forfeiture and costs and fees imposed under this chapter, if applicable:

**(1d)** The bisphenol A surcharge under s. 100.335.

**(1g)** The commercial fish protection surcharge under s. 29.984.

**(1j)** The child pornography surcharge under s. 973.042.

**(1m)** The consumer information surcharge under s. 100.261.

**(2)** The court support services surcharge under s. 814.85.

**(3)** The crime laboratories and drug law enforcement surcharge under s. 165.755.

**(5)** The crime victim and witness surcharge under s. 973.045.

**(6)** The delinquency victim and witness surcharge under s. 938.34 (8d) (a).

**(7)** The deoxyribonucleic acid analysis surcharge under s. 973.046 (1r).

**(8)** The domestic abuse surcharge under s. 971.37 (1m) (c) 1. or 973.055.

**(8m)** The global positioning system tracking surcharge under s. 971.37 (1m) (c) 1. or 973.057.

**(8r)** The crime prevention funding board surcharge under s. 973.0455.

**(9)** The driver improvement surcharge under s. 346.655.

**(9g)** The safe ride program surcharge under s. 346.657.

**(9m)** The ignition interlock surcharge under s. 343.301 (5).

**(10)** The drug abuse program improvement surcharge under s. 961.41 (5).

**(11)** The drug offender diversion surcharge under s. 973.043.

**(12)** The environmental surcharge under s. 299.93.

**(12n)** The fishing net removal surcharge under s. 29.991.

**(13)** The fishing shelter removal surcharge under s. 29.985.

**(13m)** The Great Lakes resource surcharge under s. 29.9905.

**(14)** The jail surcharge under s. 302.46 (1).

**(15)** The justice information system surcharge under s. 814.86 (1).

**(16)** The natural resources surcharge under s. 29.987 or 169.46 (1).

**(17)** The natural resources restitution surcharge under s. 29.989 or 169.46 (2).

**(18)** The penalty surcharge under s. 757.05.

**(19)** The railroad crossing improvement surcharge under s. 346.177, 346.495, or 346.65 (4r).

**(20)** The restitution surcharge under s. 973.06 (1) (g) or 973.20 (11) (a).

**(21)** The snowmobile registration restitution surcharge under s. 350.115.

**(22)** The special prosecution clerks surcharge under s. 814.86 (1m).

**(22m)** The supplemental food enforcement surcharge under s. 253.06 (4) (c).

**(23)** The truck driver education surcharge under s. 349.04.

**(24)** The uninsured employer surcharge under s. 102.85 (4).

**(24m)** The work injury supplemental benefit fund surcharge under s. 102.35 (1).

**(25)** The weapons surcharge under s. 167.31 (5).

**(26)** The wild animal protection surcharge under s. 29.983.

**(27)** The wildlife violator compact surcharge under s. 29.99.

**History:** 2003 a. 139; 2005 a. 25, 172, 282, 288; 2005 a. 433 ss. 11 to 12; 2007 a. 20, 84, 97; 2009 a. 28, 100, 145; 2011 a. 266; 2013 a. 20; 2015 a. 55.

**814.76 Surcharges in criminal actions.** In addition to any fine imposed in a criminal action, a defendant shall pay the following surcharges if applicable:

**(1g)** The commercial fish protection surcharge under s. 29.984.

**(1j)** The child pornography surcharge under s. 973.042.

**(1m)** The consumer information surcharge under s. 100.261.

**(2)** The crime laboratories and drug law enforcement surcharge under s. 165.755.

**(4)** The crime victim and witness surcharge under s. 973.045.

**(4m)** The crime prevention funding board surcharge under s. 973.0455.

**(5)** The deoxyribonucleic acid analysis surcharge under s. 973.046 (1r).

**(6)** The domestic abuse surcharge under s. 971.37 (1m) (c) 1. or 973.055.

**(7)** The driver improvement surcharge under s. 346.655.

**(7g)** The safe ride program surcharge under s. 346.657.

**(7m)** The ignition interlock surcharge under s. 343.301 (5).

**(8)** The drug abuse program improvement surcharge under s. 961.41 (5).

**(9)** The drug offender diversion surcharge under s. 973.043.

**(10)** The environmental surcharge under s. 299.93.

**(10m)** The Great Lakes resource surcharge under s. 29.9905.

**(11)** The jail surcharge under s. 302.46 (1).

**(12)** The natural resources surcharge under s. 29.987 or 169.46 (1).

**(13)** The natural resources restitution surcharge under s. 29.989 or 169.46 (2).

**(14)** The penalty surcharge under s. 757.05.

**(15)** The restitution surcharge under s. 973.06 (1) (g) or 973.20 (11) (a).

**(15m)** The supplemental food enforcement surcharge under s. 253.06 (4) (c).

**(16)** The truck driver education surcharge under s. 349.04.

**(17)** The uninsured employer surcharge under s. 102.85 (4).

**(18)** The weapons surcharge under s. 167.31 (5).

**(19)** The wild animal protection surcharge under s. 29.983.

**(20)** The wildlife violator compact surcharge under s. 29.99.

**History:** 2003 a. 139; 2005 a. 25, 282, 288; 2005 a. 433 ss. 13 to 14; 2007 a. 20, 84, 97; 2009 a. 28, 100; 2013 a. 20; 2015 a. 55.

**814.77 Surcharges in ch. 23 forfeiture actions.** In addition to any forfeiture imposed in an action under s. 23.50, a defendant shall pay the following surcharges if applicable:

**(1g)** The commercial fish protection surcharge under s. 29.984.

**(1m)** The court support services surcharge under s. 814.85.

**(2)** The crime laboratories and drug law enforcement surcharge under s. 165.755.

**(3m)** The crime victim and witness assistance surcharge under s. 973.045 (1m).

**(4)** The delinquency victim and witness surcharge under s. 938.34 (8d) (a).

**(5)** The environmental surcharge under s. 299.93.

**(5m)** The fishing net removal surcharge under s. 29.991.

**(6)** The fishing shelter removal surcharge under s. 29.985.

**(6m)** The Great Lakes resource surcharge under s. 29.9905.

**(7)** The jail surcharge under s. 302.46 (1).

**(8)** The justice information system surcharge under s. 814.86 (1).

**(9)** The natural resources surcharge under s. 29.987 or 169.46 (1).

**(10)** The natural resources restitution surcharge under s. 29.989 or 169.46 (2).

**(11)** The penalty surcharge under s. 757.05.

**(12)** The snowmobile registration restitution surcharge under s. 350.115.

**(13)** The special prosecution clerks surcharge under s. 814.86 (1m).

**(14)** The weapons surcharge under s. 167.31 (5).

**(15)** The wild animal protection surcharge under s. 29.983.

**(16)** The wildlife violator compact surcharge under s. 29.99.

**History:** 2003 a. 139; 2005 a. 25, 282, 288; 2007 a. 84, 97.

**814.78 Surcharges in ch. 66 forfeiture actions.** In addition to any forfeiture imposed in an action under s. 66.0113 or 66.0114, a defendant shall pay the following surcharges if applicable:

**(1)** The consumer information surcharge under s. 100.261.

**(2)** The court support services surcharge under s. 814.85.

**(3)** The crime laboratories and drug law enforcement surcharge under s. 165.755.

**(4m)** The crime victim and witness assistance surcharge under s. 973.045 (1m).

**(5)** The delinquency victim and witness surcharge under s. 938.34 (8d) (a).

**(7)** The driver improvement surcharge under s. 346.655.

**(7g)** The safe ride program surcharge under s. 346.657.

**(7m)** The ignition interlock surcharge under s. 343.301 (5).

**(8)** The jail surcharge under s. 302.46 (1).

**(9)** The justice information system surcharge under s. 814.86 (1).

**(10)** The penalty surcharge under s. 757.05.

**(11)** The special prosecution clerks surcharge under s. 814.86 (1m).

**(12)** The truck driver education surcharge under s. 349.04.

**History:** 2003 a. 139; 2005 a. 25; 2007 a. 84; 2009 a. 100; 2015 a. 55.

**814.79 Surcharges in ch. 345 forfeiture actions.** In addition to any forfeiture imposed in an action under s. 345.20, a defendant shall pay the following surcharges if applicable:

**(1)** The court support services surcharge under s. 814.85.

**(2)** The crime laboratories and drug law enforcement surcharge under s. 165.755.

**(3m)** The crime victim and witness assistance surcharge under s. 973.045 (1m).

**(4)** The delinquency victim and witness surcharge under s. 938.34 (8d) (a).

**(4m)** The driver improvement surcharge under s. 346.655.

**(4p)** The safe ride program surcharge under s. 346.657.

**(4r)** The ignition interlock surcharge under s. 343.301 (5).

**(5)** The jail surcharge under s. 302.46 (1).

**(6)** The justice information system surcharge under s. 814.86 (1).

**(7)** The penalty surcharge under s. 757.05.

**(8)** The railroad crossing improvement surcharge under s. 346.177, 346.495, or 346.65 (4r).

**(9)** The special prosecution clerks surcharge under s. 814.86 (1m).

**(10)** The truck driver education surcharge under s. 349.04.

**History:** 2003 a. 139; 2005 a. 25; 2007 a. 84; 2009 a. 100; 2015 a. 55.

**814.80 Surcharges in ch. 778 forfeiture actions.** In addition to any forfeiture imposed in an action under ch. 778, a defendant shall pay the following surcharges if applicable:

**(1)** The consumer information surcharge under s. 100.261.

**(2)** The court support services surcharge under s. 814.85.

**(3)** The crime laboratories and drug law enforcement surcharge under s. 165.755.

**(4m)** The crime victim and witness assistance surcharge under s. 973.045 (1m).

**(5)** The delinquency victim and witness surcharge under s. 938.34 (8d) (a).

**(6)** The domestic abuse surcharge under s. 971.37 (1m) (c) 1. or 973.055.

**(7)** The jail surcharge under s. 302.46 (1).

**(8)** The justice information system surcharge under s. 814.86 (1).

**(9)** The penalty surcharge under s. 757.05.

**(10)** The special prosecution clerks surcharge under s. 814.86 (1m).

**(11)** The supplemental food enforcement surcharge under s. 253.06 (4) (c).

**History:** 2003 a. 139; 2005 a. 25; 2007 a. 20, 84; 2009 a. 28.

**814.81 Surcharges in ch. 800 forfeiture actions.** In addition to any forfeiture imposed in an action under ch. 800, a defendant shall pay the following surcharges if applicable:

**(1)** The consumer information surcharge under s. 100.261.

**(3)** The crime laboratories and drug law enforcement surcharge under s. 165.755.

**(6)** The domestic abuse surcharge under s. 971.37 (1m) (c) 1. or 973.055.

**(7)** The jail surcharge under s. 302.46 (1).

**(9)** The penalty surcharge under s. 757.05.

**History:** 2003 a. 139; 2007 a. 84.

**814.85 Court support services surcharge. (1)** (a) Except for an action for a financial responsibility violation under s. 344.62 (2), or for a violation under s. 343.51 (1m) (b) or a safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall charge and collect a $81 court support services surcharge from any person, including any governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am) or 814.63 (1).

**NOTE: Par. (a) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(a) Except for an action for a financial responsibility violation under s. 344.62 (2), or for a violation under s. 343.51 (1m) (b) or a safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall charge and collect a $68 court support services surcharge from any person, including any governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am) or 814.63 (1).**

(b) Notwithstanding par. (a), the clerk of circuit court shall charge and collect a $202 court support services surcharge from any person, including any governmental unit, as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a) or (3) or 814.62 (1) or (2), if the party paying the fee seeks the recovery of money and the amount claimed exceeds the amount under s. 799.01 (1) (d).

**NOTE: Par. (b) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(b) Notwithstanding par. (a), the clerk of circuit court shall charge and collect a $169 court support services surcharge from any person, including any governmental unit, as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a) or (3) or 814.62 (1) or (2), if the party paying the fee seeks the recovery of money and the amount claimed exceeds the amount under s. 799.01 (1) (d).**

(c) Notwithstanding par. (a), the clerk of circuit court shall charge and collect a $61 court support services surcharge from any person, including any governmental unit, as defined in s. 108.02 (17), paying a fee under s. 814.62 (3) (a) or (b), or paying a fee under s. 814.61 (1) (a) or (3) or 814.62 (1) or (2) if the party paying the fee seeks the recovery of money and the amount claimed is equal to or less than the amount under s. 799.01 (1) (d).

**NOTE: Par. (c) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(c) Notwithstanding par. (a), the clerk of circuit court shall charge and collect a $51 court support services surcharge from any person, including any governmental unit, as defined in s. 108.02 (17), paying a fee under s. 814.62 (3) (a) or (b), or paying a fee under s. 814.61 (1) (a) or (3) or 814.62 (1) or (2) if the party paying the fee seeks the recovery of money and the amount claimed is equal to or less than the amount under s. 799.01 (1) (d).**

(d) The court support services surcharge is in addition to the other fees listed in this subsection.

**(2)** The clerk shall pay the moneys collected under sub. (1) (a) and (b) to the county treasurer under s. 59.40 (2) (m). The county treasurer shall pay those moneys to the secretary of administration under s. 59.25 (3) (p).

**NOTE: Sub. (2) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(2) The clerk shall pay the moneys collected under sub. (1) to the county treasurer under s. 59.40 (2) (m). The county treasurer shall pay those moneys to the secretary of administration under s. 59.25 (3) (p).**

**(3)** Of each surcharge collected by the clerk under sub. (1) (c), the county treasurer shall pay $54 to the secretary of administration under s. 59.25 (3) (p) and shall retain the balance for the use of the county.

**NOTE: Sub. (3) is created eff. 11-1-26 by 2025 Wis. Act 179.**

**History:** 1993 a. 16; 1995 a. 27, 201, 417; 2001 a. 109; 2003 a. 30, 33; 2003 a. 139 ss. 197 to 200; Stats. 2003 s. 814.85; 2003 a. 326 ss. 123 to 125; 2005 a. 455; 2009 a. 28, 100; 2025 a. 179.

**814.86 Justice information system surcharge and**

**special prosecution clerks surcharge.** **(1)** Except for an action for a financial responsibility violation under s. 344.62 (2), or for a violation under s. 343.51 (1m) (b) or a safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall charge and collect a $24 justice information system surcharge from any person, including any governmental unit, as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am), 814.62 (1), (2), or (3) (a) or (b), or 814.63 (1). The justice information system surcharge is in addition to the surcharge listed in sub. (1m).

**NOTE: Sub. (1) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(1) Except for an action for a financial responsibility violation under s. 344.62 (2), or for a violation under s. 343.51 (1m) (b) or a safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall charge and collect a $21.50 justice information system surcharge from any person, including any governmental unit, as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am), 814.62 (1), (2), or (3) (a) or (b), or 814.63 (1). The justice information system surcharge is in addition to the surcharge listed in sub. (1m).**

**(1m)** Beginning on November 1, 2026, whenever the clerk of circuit court for Milwaukee County charges and collects a surcharge under sub. (1), he or she shall also charge and collect a $7.50 special prosecution clerks surcharge. The special prosecution clerks surcharge is in addition to the surcharge listed in sub. (1).

**NOTE: Sub. (1m) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(1m) Beginning on October 1, 1995, whenever the clerk of circuit court for Milwaukee County charges and collects a surcharge under sub. (1), he or she shall also charge and collect a $3.50 special prosecution clerks surcharge. The special prosecution clerks surcharge is in addition to the surcharge listed in sub. (1).**

**(1s)** Of each surcharge collected by the clerk under sub. (1), the county treasurer shall pay $23 to the secretary of administration under s. 59.25 (3) (p) and shall retain the balance for the use of the county.

**NOTE: Sub. (1s) is created eff. 11-1-26 by 2025 Wis. Act 179.**

**(2)** The clerk shall pay the moneys collected under sub. (1m) to the county treasurer under s. 59.40 (2) (m). The county treasurer shall pay those moneys to the secretary of administration under s. 59.25 (3) (p).

**NOTE: Sub. (2) is shown as amended eff. 11-1-26 by 2025 Wis. Act 179. Prior to 11-1-26 it reads:**

**(2) The clerk shall pay the moneys collected under subs. (1) and (1m) to the county treasurer under s. 59.40 (2) (m). The county treasurer shall pay those moneys to the secretary of administration under s. 59.25 (3) (p).**

**History:** 1987 a. 27; 1989 a. 22; 1991 a. 26, 39; 1993 a. 16; 1995 a. 27, 201; 1997 a. 27; 1999 a. 9; 2003 a. 30, 33; 2003 a. 139 s. 201; Stats. 2003 s. 814.86; 2003 a. 326; 2005 a. 25, 455; 2009 a. 28, 100; 2025 a. 179.