

SUBTITLE 2. CIRCUIT COURT.

SEC. 7-201. PAYMENT AND WAIVER OF COSTS.

(A) PAYMENT OF FEE REQUIRED.

EXCEPT FOR AN APPEAL FROM AN ADMINISTRATIVE AGENCY OR CIVIL APPEAL FROM THE DISTRICT COURT, NO CASE AT LAW OR IN EQUITY MAY BE DOCKETED AND NO WRIT OF ATTACHMENT, FIERI FACIAS, OR EXECUTION ON JUDGMENT MAY BE ISSUED UNLESS THE PLAINTIFF OR APPELLANT PAYS A FEE AS SET FORTH IN §§ 7-202 AND 7-203.

(B) WAIVER IN CASE OF INDIGENCY.

A COURT SHALL PASS AN ORDER WAIVING THE PAYMENT IF:

(1) UPON PETITION FOR WAIVER, IT IS SATISFIED THAT THE PETITIONER IS UNABLE BY REASON OF HIS POVERTY TO MAKE THE PAYMENT; AND

(2) THE PETITIONER'S ATTORNEY, IF ANY, CERTIFIES THAT THE SUIT, APPEAL, OR WRIT IS MERITORIOUS.

REVISOR'S NOTE: This section is new language derived from Art. 36, §12(a) (1) and (2), as amended by Ch. 532, Acts of 1973.

An attempt has been made to clarify the language of former §12(a) (2) which appears to apply only to Baltimore City. Rule 1311 makes the exception to the filing fee in appeals from the District Court state-wide in its application. Subsection (a) does not conflict with Rule 1311 and is not intended to supersede that rule.

The provision excepting appeals from administrative agencies is not covered by Rule. The section gives effect to the ruling of the Court of Appeals in Glanville v. David Hair Stylists, 249 Md. 162 (1968) which interprets the predecessor of Art. 36, §12(a) as excepting appeals from any administrative agency (not merely the Workmen's Compensation Commission) from the advance filing fee requirements. As Ch. 532, Acts of 1973, merely recodified the provisions of Art. 24, §10 without substantive change, Glanville