

SENATE BILL No. 567

October 4, 1989, Introduced by Senators CHERRY and VAUGHN
and referred to the Committee on Judiciary.

A bill to amend section 8306 of Act No. 236 of the Public Acts of 1961, entitled as amended
"Revised judicature act of 1961,"
as amended by Act No. 278 of the Public Acts of 1984, being section 600.8306 of the Michigan Compiled Laws; and to add section 8306a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 8306 of Act No. 236 of the Public Acts
2 of 1961, as amended by Act No. 278 of the Public Acts of 1984,
3 being section 600.8306 of the Michigan Compiled Laws, is amended
4 and section 8306a is added to read as follows:

5 Sec. 8306. (1) Subject to the limitations of jurisdictional
6 amount and venue otherwise applicable in the particular court,
7 the district court and municipal courts shall have the same power
8 with respect to attachment and garnishment as the circuit court.

1 (2) ~~The~~ EXCEPT AS PROVIDED IN SECTION 8306A, THE
2 conditions upon which relief is available under this section
3 shall be the same as are applicable to actions in the circuit
4 court under section 4001 with respect to attachment and under
5 section 4011 with respect to garnishment.

6 (3) The district court and municipal courts may exercise the
7 jurisdiction granted by this section only if action is taken in
8 accordance with rules adopted by the supreme court to protect the
9 parties.

10 (4) In the district court, except where service of a writ of
11 garnishment is a prerequisite to the exercise of jurisdiction
12 under the conditions prescribed in section 4011(3), all garnish-
13 ment proceedings shall be treated as auxiliary actions to the
14 principal action. The party commencing such a proceeding in the
15 district court shall not be required to pay an additional filing
16 fee or jury fee with respect to that garnishment proceeding. The
17 clerk shall charge and collect the sum of \$5.00 as a service fee
18 for the issuance of every writ of garnishment, attachment, or
19 execution and for each judgment debtor discovery subpoena
20 issued.

21 (5) Fees shall not be required with respect to attachment
22 and garnishment except as otherwise provided by law.

23 SEC. 8306A. A WRIT OF GARNISHMENT OF EARNINGS OWED OR TO BE
24 OWED, ISSUED BY THE DISTRICT COURT OR MUNICIPAL COURTS, SHALL
25 REMAIN IN EFFECT UNTIL THE EARLIER OF THE FOLLOWING:

26 (A) SATISFACTION OF THE JUDGMENT.

- 1 (B) SIX MONTHS FROM THE DATE THE GARNISHMENT IS ISSUED.
- 2 (C) AS PROVIDED BY COURT ORDER.