

# HOUSE BILL No. 4174

February 13, 2001, Introduced by Reps. Koetje and Ruth Johnson and referred to the Committee on Civil Law and the Judiciary.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending section 5735 (MCL 600.5735).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 5735. (1) The court in which the proceeding is com-  
2 menced shall issue a summons, which may be served on the  
3 defendant by any officer or person authorized to serve process of  
4 the court. The summons shall command the defendant to appear for  
5 trial in accordance with the provisions of subsection (2) unless  
6 by local court rule the provisions of subsection (4) have been  
7 made applicable.

8       (2) The summons shall command the defendant to appear for  
9 trial as follows:

**HB4174, As Passed House, June 28, 2001**

HB 4174 as amended June 26, 2001     2

1        (a) Within ~~15~~ 30 days [OF THE ISSUANCE DATE OF THE SUMMONS]  
in proceedings under section 5726,

2 in which event the summons shall be served not less than 10 days  
3 before the date set for trial.

4        (b) Within 10 days [OF THE ISSUANCE DATE OF THE SUMMONS] in all  
other proceedings, in which event

5 the summons shall be served not less than 3 days before the date  
6 set for trial.

7        (3) If a summons is not served within the time provided by  
8 subsection (2), additional summons shall be issued at plaintiff's  
9 request in the same manner and with the same effect as the origi-  
10 nal summons.

11        (4) In lieu of the provisions of subsection (2), the court  
12 by local rule may provide for the application of this subsection,  
13 in which event the summons shall command the defendant to make  
14 appearance as follows:

15        (a) Within 10 days after service of the summons upon the  
16 defendant, in proceedings under section 5726.

17        (b) Within 5 days after service of the summons upon the  
18 defendant in all other proceedings.

19        (5) A summons issued under subsection (4) remains in effect  
20 until served or quashed, or until the action is dismissed, but  
21 additional summons as needed for service may be issued at any  
22 time at plaintiff's request.

23        (6) Except as otherwise provided by court rule, the proceed-  
24 ing shall be heard within 7 days after the defendant's appearance  
25 or trial date and shall not be adjourned beyond that time other  
26 than by stipulation of the parties either in writing or on the  
27 record.