

HOUSE BILL No. 4218

February 13, 2001, Introduced by Rep. Mortimer 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 sections 2555 and 2559 (MCL 600.2555 and 600.2559),
section 2559 as amended by 1994 PA 133.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2555. ~~The~~ EXCEPT AS PROVIDED IN SECTION 2559(4), A
2 sheriff or other officer, serving any process or paper, ~~shall~~
3 ~~only be~~ IS ONLY entitled to traveling fees for ~~such~~ THE serv-
4 ice ~~—~~, from the county seat of the county in which service was
5 made ~~—~~ to the place of service. ~~therein.~~

6 Sec. 2559. (1) Except as provided in subsection (2), the
7 following schedule applies as fees for process served out of the
8 circuit court, the probate court, the district court, or any
9 municipal court by ~~any~~ A person authorized ~~pursuant to~~ UNDER
10 this act or supreme court rule to serve process:

1 (a) For personal service of a summons and complaint in a
2 civil action, along with supporting documents, AT A MAXIMUM OF
3 3 ROUND TRIPS for each defendant, \$13.00 plus mileage.

4 (b) For personal service of an affidavit of account and
5 statement, AT A MAXIMUM OF 3 ROUND TRIPS for each defendant,
6 \$13.00 plus mileage.

7 (c) For a summons and affidavit in garnishment, AT A MAXIMUM
8 OF 3 ROUND TRIPS for each garnishee and defendant, \$10.00 plus
9 mileage.

10 (d) For seizure and delivery of goods in a case of claim and
11 delivery, AT A MAXIMUM OF 3 ROUND TRIPS FOR EACH CASE, \$27.00
12 plus mileage, plus the actual and reasonable expense of taking,
13 keeping, and delivering the goods.

14 (e) For receiving and filing a bond from or on behalf of a
15 defendant in a case of claim and delivery, AT A MAXIMUM OF
16 3 ROUND TRIPS FOR EACH DEFENDANT, \$2.00.

17 (f) For an order to show cause, AT A MAXIMUM OF 3 ROUND
18 TRIPS FOR EACH ORDER, \$13.00 plus mileage.

19 (g) For a subpoena on discovery, AT A MAXIMUM OF 3 ROUND
20 TRIPS FOR EACH SUBPOENA, \$13.00 plus mileage.

21 (h) For a writ, affidavit, and bond in a case of attachment,
22 AT A MAXIMUM OF 3 ROUND TRIPS FOR EACH CASE, \$13.00 plus
23 mileage.

24 (i) For the seizure of property in a case of attachment, AT
25 A MAXIMUM OF 3 ROUND TRIPS FOR EACH CASE, \$27.00 plus mileage,
26 plus the actual and reasonable expense for taking and keeping the
27 property.

1 (j) For levy under a writ of execution, AT A MAXIMUM OF
2 3 ROUND TRIPS FOR EACH WRIT, \$27.00 plus mileage, plus the actual
3 and reasonable expense for taking, keeping, and sale, plus, if
4 the judgment is satisfied prior to sale, 7% of the first
5 \$5,000.00 in receipts and 3% of receipts exceeding the first
6 \$5,000.00.

7 (k) For sale on levy in a case of execution, AT A MAXIMUM OF
8 3 ROUND TRIPS FOR EACH CASE, 7% of the first \$5,000.00 in
9 receipts and 3% of any receipts exceeding the first \$5,000.00.

10 (l) For each notice of sale on levy in the case of an execu-
11 tion or mechanics lien posted in a public place in the city or
12 township, AT A MAXIMUM OF 3 ROUND TRIPS FOR EACH NOTICE, \$13.00
13 plus mileage.

14 (m) For a writ for the restitution of premises, AT A MAXIMUM
15 OF 3 ROUND TRIPS FOR EACH WRIT, \$27.00 plus mileage, plus the
16 actual and reasonable expense for moving property out of the
17 premises.

18 (n) For a subpoena directed to a witness, including a judg-
19 ment debtor, AT A MAXIMUM OF 3 ROUND TRIPS FOR EACH SUBPOENA,
20 \$13.00 plus mileage.

21 (o) For a civil bench warrant or body execution, AT A MAXI-
22 MUM OF 3 ROUND TRIPS FOR EACH BENCH WARRANT OR BODY EXECUTION,
23 \$27.00 plus mileage, plus \$13.00 per hour for the amount of time
24 ~~—, if any, —~~ involved in executing the warrant.

25 (2) Each of the fees prescribed in subsection (1), except
26 the fee prescribed in subsection (1)(e), shall increase by \$1.00

1 on October 1, 1995, \$1.00 on October 1, 1996, and \$1.00 on
2 October 1, 1997.

3 (3) Upon submitting a sworn affidavit, a person who serves
4 process out of the circuit court, the probate court, the district
5 court, or any municipal court is entitled to receive a \$10.00 fee
6 for each process that has an incorrect address. This fee is in
7 addition to any fee to which the person is entitled under
8 subsection (1).

9 (4) Mileage allowed under subsection (1) shall be the same
10 rate per mile, each way, as the rate allowed by the state civil
11 service commission for employees in the state classified civil
12 service and shall be computed by the shortest distance from the
13 CIRCUIT COURT WITHIN THE COUNTY TO THE place of service. ~~to the~~
14 ~~following location:~~

15 ~~(a) For service out of any court other than the district~~
16 ~~court, and within the same county, to the court.~~

17 ~~(b) For service out of any court other than the district~~
18 ~~court, but outside of the county in which the process originates,~~
19 ~~to the comparable court in that county.~~

20 ~~(c) For service out of the district court and within the~~
21 ~~same district, to the court which is the place of return.~~

22 ~~(d) For service out of the district court, but outside of~~
23 ~~the district in which the process originates, to the place of the~~
24 ~~court in that district.~~

25 (5) The fees allowed for the service of an execution and for
26 advertising in conjunction with an execution shall be collected
27 by virtue of the execution, in the same manner as the sum

1 directed to be levied in the execution. If there are several
2 executions against the defendant, at the time of the advertising
3 of the defendant's property, in the hands of the same sheriff or
4 other officer, there shall be only 1 advertising fee charged on
5 the whole, and the sheriff or other officer shall elect upon
6 which execution he or she will receive that fee.

7 (6) ~~Any~~ A person who serves process out of the circuit
8 court, the probate court, the district court, or ~~any~~ A munici-
9 pal court and who demands or receives ~~any~~ A greater ~~fees~~ FEE
10 or compensation for performing ~~any of the services~~ A SERVICE
11 mentioned in this section than as allowed by this section, shall,
12 in addition to all other liabilities now provided by law, be
13 liable to the party injured, for paying the illegal fees, in 3
14 times the amount ~~so~~ demanded, received, or paid, together with
15 all costs of the action.

16 (7) ~~Any~~ A sheriff or other officer who, after the fees
17 specified by this section have been tendered, neglects or refuses
18 ~~any of the services~~ A SERVICE required by law shall be liable
19 to the party injured for all damages ~~which~~ THAT the party sus-
20 tains by reason of that neglect or refusal.