

# HOUSE BILL No. 4075

January 28, 2003, Introduced by Rep. Hummel and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending section 2529 (MCL 600.2529), as amended by 2002  
PA 605.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 2529. (1) In the circuit court, the following fees  
2 shall be paid to the clerk of the court:

3       (a) Before a civil action other than an action brought  
4 exclusively under section 2950, 2950a, or 2950h to 2950/ is  
5 commenced, or before ~~the~~ filing ~~of~~ an application for  
6 superintending control or for an extraordinary writ, except ~~the~~  
7 a writ of habeas corpus, the party bringing the action or filing  
8 the application shall pay ~~the sum of~~ \$100.00. ~~The clerk at~~  
9 **At** the end of each month, **the clerk** shall transmit for each fee  
10 collected under this subdivision ~~within~~ **during** the month ~~—~~

1 \$18.75 to the executive secretary of the Michigan judges  
2 retirement system created by the judges retirement act of 1992,  
3 1992 PA 234, MCL 38.2101 to 38.2670; \$5.00 to the secretary of  
4 the Michigan legislative retirement system for deposit with the  
5 state treasurer in the retirement fund created by the Michigan  
6 legislative retirement system act, 1957 PA 261, MCL 38.1001 to  
7 38.1080; \$5.25 to the state treasurer for deposit in the general  
8 fund; \$2.00 to the state treasurer to be credited to the  
9 community dispute resolution fund created by the community  
10 dispute resolution act, 1988 PA 260, MCL 691.1551 to 691.1564;  
11 \$11.00 to the county treasurer; and the balance of the filing fee  
12 to the state treasurer for deposit in the state court fund  
13 created in section 151a.

14 (b) Before ~~the~~ filing ~~of~~ a claim of appeal or motion for  
15 leave to appeal from the district court, probate court, a  
16 municipal court, or an administrative tribunal or agency, ~~the~~  
17 ~~sum of~~ \$100.00. For each fee collected under this subdivision,  
18 the clerk shall transmit \$15.00 to the state treasurer for  
19 deposit in the state court fund created in section 151a.

20 (c) ~~If~~ **At the time** a trial by jury is demanded, the party  
21 making the demand ~~at the time~~ shall pay ~~the sum of~~ \$85.00.  
22 Failure to pay the fee at the time the demand is made constitutes  
23 a waiver of the right to a jury trial. The ~~sum~~ **jury fee** shall  
24 be taxed in favor of the party ~~paying~~ **that paid** the fee ~~, in~~  
25 ~~case~~ **if** the party recovers a judgment for costs. For each fee  
26 collected under this subdivision, the clerk shall transmit \$25.00  
27 to the state treasurer for deposit in the juror compensation

1 reimbursement fund created in section 151d.

2 (d) Before entry of a final judgment in an action for divorce  
3 or separate maintenance in which minor children are involved, or  
4 the entry of a final judgment in a child custody dispute  
5 submitted to the circuit court as an original action, 1 of the  
6 following, ~~sums,~~ which shall be deposited by the county  
7 treasurer as provided in section 2530:

8 (i) If the ~~matter was contested or uncontested and~~ **action**  
9 was not submitted to domestic relations mediation or  
10 investigation by the friend of the court, \$30.00.

11 (ii) If the ~~matter was contested or uncontested and~~ **action**  
12 was submitted to domestic relations mediation, \$50.00.

13 (iii) If the ~~matter was contested or uncontested and the~~  
14 office of the friend of the court conducted an investigation and  
15 made a recommendation to the court, \$70.00.

16 (e) Except as otherwise provided in this section, ~~upon the~~  
17 **on** filing ~~of~~ a motion ~~the sum of~~ **or on filing an initial**  
18 **petition under section 2950 or 2950a**, \$20.00. In ~~conjunction~~  
19 ~~with~~ an action brought under section 2950 or 2950a, a motion fee  
20 shall not be collected for a motion to dismiss the petition, a  
21 motion to modify, rescind, or terminate a personal protection  
22 order, or a motion to show cause for a violation of a personal  
23 protection order. A motion fee shall not be collected for a  
24 motion to dismiss a proceeding to enforce a foreign protection  
25 order or a motion to show cause for a violation of a foreign  
26 protection order under sections 2950h to 2950l. For each fee  
27 collected under this subdivision, the clerk shall transmit \$10.00

1 to the state treasurer for deposit in the state court fund  
2 created by section 151a.

3 (f) For services under the direction of the court that are  
4 not specifically provided for in this section relative to ~~the~~  
5 receipt, safekeeping, or ~~expending~~ **expenditure** of money, ~~or~~  
6 ~~the~~ purchasing, taking, or transferring ~~of~~ a security, or  
7 ~~the~~ collecting ~~of~~ interest on a security, ~~the clerk shall~~  
8 ~~receive~~ **a party shall pay** the allowance and compensation ~~from~~  
9 ~~the parties as~~ **considered just and ordered by** the court ~~may~~  
10 ~~consider just and shall direct by court order,~~ after notice to  
11 the ~~parties~~ **party** to be charged.

12 (g) Upon appeal to the court of appeals or the supreme court,  
13 ~~the sum of~~ \$25.00.

14 (h) ~~The sum of \$15.00 as~~ **As** a service fee for each writ of  
15 garnishment, attachment, execution, or judgment debtor discovery  
16 subpoena issued, **\$15.00**.

17 (2) The ~~sums~~ **fees** paid as provided in this section ~~shall~~  
18 ~~be held to be~~ **are payment** in full for all clerk, entry, and  
19 judgment fees in an action from the commencement of the action  
20 ~~to and including~~ **through** the issuance and return of the  
21 execution or other final process, and are taxable as costs.

22 (3) Except as otherwise provided in this section, **the clerk**  
23 **of the circuit court shall pay** the fees ~~shall be paid over~~  
24 **collected under this section** to the county treasurer as required  
25 by law.

26 (4) The court shall order ~~any of the fees~~ **a fee** prescribed  
27 in this section waived or suspended, in whole or in part, upon a

1 showing by affidavit of indigency or inability to pay.

2 (5) The clerk of the circuit court shall prepare and submit a  
3 court filing fee report to the executive secretary of the  
4 Michigan judges retirement system created by the judges  
5 retirement act of 1992, 1992 PA 234, MCL 38.2101 to 38.2670, at  
6 the same time the clerk of the circuit court transmits the  
7 portion of the fees collected under this section to the executive  
8 secretary.