

SENATE BILL No. 1321

June 20, 2006, Introduced by Senators GEORGE, HAMMERSTROM and GOSCHKA and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2529 and 8371 (MCL 600.2529 and 600.8371), section 2529 as amended by 2004 PA 205 and section 8371 as amended by 2003 PA 178.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2529. (1) In the circuit court, the following fees shall
2 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 2950m is
5 commenced, or before the filing of an application for
6 superintending control or for an extraordinary writ, except ~~the~~ A
7 writ of habeas corpus, the party bringing the action or filing the
8 application shall pay ~~the sum of~~ \$150.00 **FOR EACH DEFENDANT NAMED**

1 **IN THE ACTION.** The clerk at the end of each month shall transmit
2 for each fee collected under this subdivision within the month
3 \$31.00 to the county treasurer and the balance of the filing fee to
4 the state treasurer for deposit in the civil filing fee fund
5 created in section 171.

6 (b) Before the filing of a claim of appeal or motion for leave
7 to appeal from the district court, probate court, a municipal
8 court, or an administrative tribunal or agency, the ~~sum of~~
9 **APPELLANT OR MOVING PARTY SHALL PAY** \$150.00. For each fee collected
10 under this subdivision, the clerk shall transmit \$31.00 to the
11 county treasurer and the balance of the fee to the state treasurer
12 for deposit in the civil filing fee fund created in section 171.

13 (c) ~~If~~ **AT THE TIME** a trial by jury is demanded, the party
14 making the demand ~~at the time~~ shall pay ~~the sum of~~ \$85.00.
15 Failure to pay the fee at the time the demand is made constitutes a
16 waiver of the right to a jury trial. The ~~sum~~ **FEE PAID** shall be
17 taxed in favor of the party paying ~~the fee, in case~~ **IT IF** the
18 party recovers a judgment for costs. For each fee collected under
19 this subdivision, the clerk shall transmit \$25.00 to the state
20 treasurer for deposit in the juror compensation reimbursement fund
21 created in section 151d.

22 (d) Before entry of a final judgment or order in an action in
23 which the custody, support, or parenting time of minor children is
24 determined or modified, the party submitting the judgment or order
25 shall pay 1 of the following fees: ~~—, which shall be deposited by~~
26 ~~the county treasurer as provided in section 2530.~~

27 (i) In an action in which the custody or parenting time of

1 minor children is determined, \$80.00.

2 (ii) In an action in which the support of minor children is
3 determined or modified, \$40.00. This fee does not apply when a fee
4 is paid under subparagraph (i). The court may order a party to
5 reimburse to the other party all or a portion of the fee paid by
6 that other party.

7 (e) Except as otherwise provided in this section, upon the
8 filing of a motion, the ~~sum of~~ **MOVING PARTY SHALL PAY** \$20.00. In
9 conjunction with an action brought under section 2950 or 2950a, a
10 motion fee shall not be collected for a motion to dismiss the
11 petition, a motion to modify, rescind, or terminate a personal
12 protection order, or a motion to show cause for a violation of a
13 personal protection order. A motion fee shall not be collected for
14 a motion to dismiss a proceeding to enforce a foreign protection
15 order or a motion to show cause for a violation of a foreign
16 protection order under sections 2950h to 2950m. A motion fee shall
17 not be collected for a request for a hearing to contest income
18 withholding under section 7 of the support and parenting time
19 enforcement act, 1982 PA 295, MCL 552.607. For each fee collected
20 under this subdivision, the clerk shall transmit \$10.00 to the
21 state treasurer for deposit in the state court fund created by
22 section 151a.

23 (f) For services under the direction of the court that are not
24 specifically provided for in this section ~~relative to the receipt~~
25 **RELATED TO RECEIVING**, safekeeping, or expending ~~of~~ money, ~~or the~~
26 purchasing, taking, or transferring ~~of~~ a security, or ~~the~~
27 collecting ~~of~~ interest on a security, ~~the clerk shall receive~~ **A**

1 **PARTY SHALL PAY** the allowance and compensation ~~from the parties as~~
2 **THAT** the court ~~may consider~~ **DETERMINES TO BE** just ~~and shall~~
3 ~~direct by court order,~~ **AS ORDERED BY THE COURT** after notice to the
4 parties. ~~to be charged.~~

5 (g) Upon appeal to the court of appeals or the supreme court,
6 the ~~sum of~~ **APPELLANT SHALL PAY** \$25.00.

7 (h) The ~~sum of~~ **APPLICANT OR REQUESTING PARTY SHALL PAY**
8 \$15.00 as a service fee for each writ of garnishment, attachment,
9 **OR** execution ~~, or~~ **AND EACH** judgment debtor discovery subpoena
10 issued.

11 (2) The ~~sums~~ **FEES** paid as provided in this section ~~shall be~~
12 ~~held to be~~ **ARE PAYMENT** in full for all clerk, entry, and judgment
13 fees in an action from the commencement of the action to and
14 including the issuance and return of the execution or other final
15 process, and are taxable as costs.

16 (3) Except as otherwise provided in this section, the fees
17 **PAID UNDER THIS SECTION** shall be paid ~~over~~ to the county
18 treasurer as required by law.

19 (4) At the end of each month, the clerk shall transmit for
20 each fee collected under subsection (1)(d) \$10.00 to the state
21 treasurer for deposit in the fund created by section 6a of the
22 office of child support act, 1971 PA 174, MCL 400.236a. The balance
23 of the fee collected under subsection (1)(d)(i) shall be paid to the
24 county treasurer and deposited by the county treasurer as provided
25 under section 2530 to be used to fund services that are not title
26 IV-D services. The balance of the fee collected under subsection
27 (1)(d)(ii) shall be paid to the county treasurer and deposited by

1 the county treasurer as provided under section 2530.

2 (5) The court shall order any of the fees prescribed in this
3 section waived or suspended, in whole or in part, upon a showing by
4 affidavit of indigency or inability to pay.

5 (6) If the person filing an action under subsection (1)(d) is
6 a public officer acting in his or her official capacity, if the
7 order is submitted with the initial filing as a consent order, or
8 other good cause is shown, the court shall order the fee under
9 subsection (1)(d) waived or suspended. If a fee is waived or
10 suspended and the action is contested, the court may require that 1
11 or more of the parties to the action pay the fee under subsection
12 (1)(d).

13 Sec. 8371. (1) In the district court, the fees prescribed in
14 this section shall be paid to the clerk of the court.

15 (2) Before a civil action is commenced in the district court,
16 the party commencing the action shall pay to the clerk ~~the sum of~~
17 \$150.00 **FOR EACH DEFENDANT NAMED IN THE ACTION** if the amount in
18 controversy exceeds \$10,000.00. For each fee collected under this
19 subsection, the clerk shall transmit \$31.00 to the treasurer of the
20 district funding unit in which the action was commenced, and shall
21 transmit the balance to the state treasurer for deposit in the
22 civil filing fee fund created by section 171.

23 (3) Before a civil action is commenced in the district court,
24 the party commencing the action shall pay to the clerk ~~the sum of~~
25 \$65.00 **FOR EACH DEFENDANT NAMED IN THE ACTION** if the amount in
26 controversy exceeds \$1,750.00 but does not exceed \$10,000.00.
27 Beginning October 1, 2005, the fee required under this subsection

1 is \$60.00 **FOR EACH DEFENDANT NAMED IN THE ACTION**. For each fee
2 collected under this subsection, the clerk shall transmit \$23.00 to
3 the treasurer of the district funding unit in which the action was
4 commenced, of which not less than \$5.00 shall be used by the
5 district funding unit to fund the operation of the district court;
6 and shall transmit the balance to the state treasurer for deposit
7 in the civil filing fee fund created by section 171. Beginning
8 October 1, 2005, the amount of each fee that the clerk shall
9 transmit to the treasurer of the district funding unit is reduced
10 to \$18.00.

11 (4) Before a civil action is commenced in the district court,
12 the party commencing the action shall pay to the clerk ~~the sum of~~
13 \$45.00 **FOR EACH DEFENDANT NAMED IN THE ACTION** if the amount in
14 controversy exceeds \$600.00 but does not exceed \$1,750.00.
15 Beginning October 1, 2005, the fee required under this subsection
16 is \$40.00 **FOR EACH DEFENDANT NAMED IN THE ACTION**. For each fee
17 collected under this subsection, the clerk shall transmit \$17.00 to
18 the treasurer of the district funding unit in which the action was
19 commenced, of which not less than \$5.00 shall be used by the
20 district funding unit to fund the operation of the district court;
21 and shall transmit the balance to the state treasurer for deposit
22 in the civil filing fee fund created by section 171. Beginning
23 October 1, 2005, the amount of each fee that the clerk shall
24 transmit to the treasurer of the district funding unit is reduced
25 to \$12.00.

26 (5) Before a civil action is commenced in the district court,
27 the party commencing the action shall pay to the clerk ~~the sum of~~

1 \$25.00 **FOR EACH DEFENDANT NAMED IN THE ACTION** if the amount in
2 controversy does not exceed \$600.00. Beginning October 1, 2005, the
3 fee required under this subsection is \$20.00 **FOR EACH DEFENDANT**
4 **NAMED IN THE ACTION**. For each fee collected under this subsection,
5 the clerk shall transmit \$11.00 to the treasurer of the district
6 funding unit in which the action was commenced, of which not less
7 than \$5.00 shall be used by the district funding unit to fund the
8 operation of the district court; and shall transmit the balance to
9 the state treasurer for deposit in the civil filing fee fund
10 created by section 171. Beginning October 1, 2005, the amount of
11 each fee that the clerk shall transmit to the treasurer of the
12 district funding unit is reduced to \$6.00.

13 (6) The judge shall order payment of any statutory fees waived
14 or suspended if the person subject to the fee is receiving public
15 assistance or is determined by the court to be indigent.

16 (7) Neither this state nor a political subdivision of this
17 state shall be required to pay a filing fee in a civil infraction
18 action.

19 (8) Except for civil actions filed for relief under chapter
20 43, 57, or 84, if a civil action is filed for relief other than
21 money damages, the filing fee shall be equal to the filing fee in
22 actions for money damages in excess of \$1,750.00 but not in excess
23 of \$10,000.00 as provided in subsection (3) and shall be
24 transmitted in the same manner as a fee under subsection (3) is
25 transmitted. If a claim for money damages is joined with a claim
26 for relief other than money damages, the plaintiff shall pay a
27 supplemental filing fee in the same amount as required under

1 subsections (2) to (5).

2 (9) ~~If~~ **AT THE TIME** a trial by jury is demanded, the party
3 making the demand ~~at the time~~ shall pay ~~the sum of~~ \$50.00.
4 Failure to pay the fee at the time the demand is made constitutes a
5 waiver of the right to a jury trial. The ~~sum~~ **FEE PAID** shall be
6 taxed in favor of the party paying ~~the fee, in case~~ **IT IF** the
7 party recovers a judgment for costs. For each fee collected under
8 this subsection, the clerk shall transmit \$10.00 to the state
9 treasurer for deposit in the juror compensation reimbursement fund
10 created in section 151d.

11 (10) ~~A sum of~~ **THE MOVING PARTY SHALL PAY** \$20.00 ~~shall be~~
12 ~~assessed~~ for all motions filed in a civil action. A motion fee
13 shall not be assessed in a civil infraction action. For each fee
14 collected under this subsection, the clerk shall transmit \$10.00 to
15 the state treasurer for deposit in the state court fund created in
16 section 151a and the balance shall be transmitted to the treasurer
17 of the district funding unit for the district court in the district
18 in which the action was commenced.