

# HOUSE BILL No. 5258

September 20, 2007, Introduced by Rep. Hammel and referred to the Committee on Appropriations.

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending section 1101 (MCL 450.5101), as amended by 2003 PA 81.

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

- 1           Sec. 1101. (1) ~~The~~**SUBJECT TO SUBSECTION (7), THE** fees to be  
2 paid to the administrator when the documents described in this  
3 subsection are delivered to him or her for filing are as follows:  
4           (a) Certificate of correction, \$25.00.  
5           (b) Articles of organization, \$50.00.  
6           (c) Amendment to the articles of organization, \$25.00.  
7           (d) Restated articles of organization, \$50.00.  
8           (e) Application for reservation of name, \$25.00.

1 (f) Certificate of assumed name or a certificate of  
2 termination of assumed name, \$25.00.

3 (g) Annual statement of resident agent and registered office,  
4 ~~\$15.00 if paid through September 30, 2003 and after September 30,~~  
5 ~~2007. Beginning October 1, 2003 through September 30, 2007, the fee~~  
6 ~~is \$25.00.~~

7 (h) Certificate of restoration of good standing, \$50.00.

8 (i) Notice of resignation of resident agent, or statement of  
9 change of registered office or resident agent, \$5.00.

10 (j) Certificate of merger as provided in article 7, \$100.00.

11 (k) Certificate of abandonment, \$10.00.

12 (l) Certificate of conversion, \$25.00.

13 (m) Certificate of dissolution, \$10.00.

14 (n) Application of a foreign limited liability company for a  
15 certificate of authority to transact business in this state,  
16 \$50.00.

17 (o) Certificate correcting statement contained in an  
18 application for a certificate of authority to transact business in  
19 this state, \$25.00.

20 (p) Certificate attesting to the occurrence of a merger of a  
21 foreign limited liability company, as provided in section 1005,  
22 \$10.00.

23 (q) Application for withdrawal and issuance of a certificate  
24 of withdrawal of a foreign limited liability company, \$10.00.

25 (2) In addition to a fee required to file a document, the  
26 administrator may charge a fee of \$50.00 if the document is filed  
27 by facsimile or other electronic transmission or the administrator

1 is requested to transmit a document by facsimile or other  
2 electronic transmission.

3 (3) The administrator shall not refund all or any part of a  
4 fee described in this section. The administrator shall deposit all  
5 fees received and collected under this section in the state  
6 treasury to the credit of the administrator, who may only use the  
7 money credited pursuant to legislative appropriation and only in  
8 carrying out those duties of the department required by law.

9 (4) A minimum charge of \$1.00 for each certificate and 50  
10 cents per folio shall be paid to the administrator for certifying a  
11 part of a file or record pertaining to a domestic or foreign  
12 limited liability company if a fee is not set forth in subsection  
13 (1). The administrator may furnish copies of documents, reports,  
14 and papers required or permitted by law to be filed with the  
15 administrator, and shall charge for those copies pursuant to a  
16 schedule of fees that the administrator shall adopt with the  
17 approval of the state administrative board. The administrator shall  
18 retain the revenue collected under this subsection and use it to  
19 defray the costs of the department's copying and certifying  
20 services.

21 (5) If a domestic or foreign limited liability company pays  
22 fees or penalties by check and the check is dishonored, the fee is  
23 considered unpaid and the filing of all related documents will be  
24 rescinded.

25 (6) The administrator may accept payment by credit card,  
26 instead of cash or check, as payment of a fee under this act. The  
27 administrator shall determine which credit cards he or she shall

1 accept for payment of a fee.

2 (7) THE ADMINISTRATOR MAY CHANGE THE AMOUNT OF ANY FEES  
3 DESCRIBED IN SUBSECTION (1) BY RULE PROMULGATED UNDER THE  
4 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO  
5 24.328. ANY FEE CHANGES BY THE ADMINISTRATOR UNDER THIS SUBSECTION  
6 SHALL TAKE EFFECT ON THE EFFECTIVE DATE OF THE RULE.