

SENATE BILL NO. 1038

October 16, 2024, Introduced by Senators CAVANAGH, BAYER, MOSS, GEISS, POLEHANKI, CHANG, MCBROOM, VICTORY, ANTHONY, KLINEFELT and MCMORROW and referred to the Committee on Finance, Insurance, and Consumer Protection.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 2529 (MCL 600.2529), as amended by 2023 PA 35.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3 (a) Before filing a civil action, including an action for
4 superintending control or another extraordinary writ, the party
5 filing the action shall pay a fee of \$150.00. This subdivision does

1 not apply to an action brought exclusively under section 2950,
2 2950a, or 2950h to 2950m, an action under the extreme risk
3 protection order act, ~~or 2023 PA 38, MCL 691.1801 to 691.1821~~, an
4 action for a writ of habeas corpus, **or an action filed under**
5 **section 33 of the telephone solicitation act**. The clerk at the end
6 of each month shall transmit for each fee collected under this
7 subdivision within the month \$31.00 to the county treasurer and the
8 balance of the filing fee to the state treasurer for deposit in the
9 civil filing fee fund created in section 171.

10 (b) Before filing a claim of appeal or motion for leave to
11 appeal from the district court, probate court, a municipal court,
12 or an administrative tribunal or agency, the appellant or moving
13 party shall pay a fee of \$150.00. For each fee collected under this
14 subdivision, the clerk shall transmit \$31.00 to the county
15 treasurer and the balance of the fee to the state treasurer for
16 deposit in the civil filing fee fund created in section 171.

17 (c) At the time a trial by jury is demanded, the party making
18 the demand shall pay a fee of \$85.00. Failure to pay the fee at the
19 time the demand is made constitutes a waiver of the right to a jury
20 trial. The fee paid must be taxed in favor of the party paying it
21 if the party recovers a judgment for costs. For each fee collected
22 under this subdivision, the clerk shall transmit \$25.00 to the
23 state treasurer for deposit in the juror compensation reimbursement
24 fund created in section 151d.

25 (d) At the time an action in which the custody, support, or
26 parenting time of a minor child is to be determined or modified is
27 filed, the party filing the action shall pay 1 of the following
28 fees:

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

1 minor child is to be determined or modified, \$80.00.

2 (ii) In an action in which the support of a minor child is to
3 be determined or modified, \$40.00. This fee does not apply if a fee
4 is paid under subparagraph (i).

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

21 (f) For services under the direction of the court that are not
22 specifically provided for in this section related to receiving,
23 safekeeping, or expending money, purchasing, taking, or
24 transferring a security, or collecting interest on a security, a
25 party shall pay the allowance and compensation that the court
26 determines to be just as ordered by the court after notice to the
27 parties.

28 (g) Upon appeal to the court of appeals or the supreme court,
29 the appellant shall pay \$25.00.

1 (h) The applicant or requesting party shall pay \$15.00 as a
2 service fee for each writ of garnishment, attachment, or execution
3 and each judgment debtor discovery subpoena issued.

4 (2) The fees paid as provided in this section are payment in
5 full for all clerk, entry, and judgment fees in an action from the
6 commencement of the action to and including the issuance and return
7 of the execution or other final process, and are taxable as costs.

8 (3) Except as otherwise provided in this section, the fees
9 paid under this section must be paid to the county treasurer as
10 required by law.

11 (4) At the end of each month, each fee collected under
12 subsection (1)(d)(i) must be paid to the county treasurer and
13 deposited by the county treasurer as provided under section 2530 to
14 be used to fund services that are not title IV-D services. The fee
15 collected under subsection (1)(d)(ii) must be paid to the county
16 treasurer and deposited by the county treasurer as provided under
17 section 2530.

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

21 (6) If the person filing an action described in subsection
22 (1)(d) is a public officer acting in his or her official capacity,
23 if the final judgment or order is submitted with the initial filing
24 as a consent judgment or order, or if other good cause is shown,
25 the court shall order the fee under subsection (1)(d) waived or
26 suspended. If a fee is waived or suspended and the action is
27 contested, the court may require that 1 or more of the parties to
28 the action pay the fee under subsection (1)(d).

29 (7) The court may order a party to pay the other party all or

1 part of a fee paid by the other party under subsection (1)(d).

2 (8) A party is not required to pay a fee under this section if
3 the party is filing a child protective action or a delinquency
4 action under section 2 of chapter XIIA of the probate code of 1939,
5 1939 PA 288, MCL 712A.2, or under the young adult voluntary foster
6 care act, 2011 PA 225, MCL 400.641 to 400.671.

7 Enacting section 1. This amendatory act does not take effect
8 unless Senate Bill No. 1037 of the 102nd Legislature is enacted
9 into law.