

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

CHAPTER 19

COMMENCEMENT OF ACTION AND SERVICE OF PROCESS

600.1901 Civil action; commencement; filing of complaint.

Sec. 1901. A civil action is commenced by filing a complaint with the court.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.1902 "Victim" defined; civil action against victim of criminal sexual conduct or assault with intent to commit criminal sexual conduct; dismissal; period of limitations; applicability of section.

Sec. 1902. (1) As used in this section, "victim" means any 1 of the following:

(a) The person alleging to have been subjected to a crime described in subsection (2).

(b) The parent, guardian, or custodian of the person described in subdivision (a), if the person is less than 18 years of age.

(c) The parent, guardian, or custodian of the person described in subdivision (a), if the person is so mentally incapacitated that he or she cannot meaningfully understand or participate in the legal process.

(2) A defendant in a criminal action for criminal sexual conduct in any degree or assault with intent to commit criminal sexual conduct shall not commence or maintain a civil action against a victim of the crime for which the defendant is charged if both of the following circumstances exist:

(a) The criminal action is pending in a trial court of this state, of another state, or of the United States.

(b) The civil action is based upon statements or reports made by the victim that pertain to an incident from which the criminal action is derived.

(3) The court shall dismiss without prejudice a civil action commenced or maintained in violation of subsection (2).

(4) The period of limitations for the bringing of a civil action described in subsection (2) is tolled for the period of time during which the criminal action is pending in a trial court of this state, of another state, or of the United States.

(5) This section does not apply if the victim files a civil action based upon an incident from which the criminal action is derived against the defendant in the criminal action.

(6) This section shall apply only if the criminal action against the defendant is based upon a crime allegedly committed after the effective date of the amendatory act that added this section.

History: Add. 1990, Act 28, Eff. Mar. 28, 1991.

600.1905 Summons; issuance; duplicate; form; contents; amendment of process or proof of service.

Sec. 1905. (1) Upon the filing of the complaint the clerk of the court in which the complaint is filed shall forthwith issue summons. Separate summons may issue against any defendant. Duplicate summons may be issued from time to time with like effect as the original summons.

(2) The form of all summons shall be "In the name of the people of the state of Michigan." The summons shall be under the seal of the court, contain the name of the court, the names of the parties and name of the court clerk, be directed to the defendant or defendants, state the name and address of the plaintiff's attorney, if any, otherwise the plaintiff's address, and the time within which these rules require the defendant to answer or take such other action as may be permitted by law, and shall notify the defendant that in case of his or her failure to do so judgment will be rendered against him or her for the relief demanded in the complaint.

(3) At any time and upon such terms as it deems just, the court may in its discretion allow any process or proof of service thereof to be amended, unless it clearly appears that material prejudice would result to the substantial rights of the party against whom the process issued.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1984, Act 109, Imd. Eff. May 24, 1984.

600.1908 Process; persons to make service; inapplicable to orders under the extreme risk protection order act.

Sec. 1908. (1) Process in civil actions may be served by any person of suitable age and discretion who is not a party nor an officer of a corporate party.

(2) If service of process is to be made in the manner prescribed by section 1912 on a person in a governmental institution, hospital, or home, the service of process must be made by the person in charge of

the institution or by a member of the staff of the institution.

(3) This section does not apply to service under the extreme risk protection order act.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 2023, Act 35, Eff. Feb. 13, 2024.

600.1910 Proof of service; methods; failure to make proof of service.

Sec. 1910. (1) Proof of service of process must be made by 1 of the following methods:

(a) Written acknowledgment of the receipt of a summons and a copy of the complaint, dated and signed by the person authorized under this act to receive them.

(b) A certificate, stating the facts of service, if service is made in this state by any of the following:

(i) A sheriff.

(ii) A deputy sheriff, medical examiner, court officer, or constable, or a deputy of any of these officers.

(c) If service is made by any other individual, a written statement of the facts of service that is signed and dated and verified by the following statement: "I declare under the penalty of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief."

(2) Failure to make proof of service does not affect the validity of the service.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1978, Act 317, Imd. Eff. July 10, 1978;—Am. 1994, Act 403, Eff. Apr. 1, 1995;—Am. 2022, Act 36, Eff. Mar. 29, 2023.

600.1912 Process; personal service on individual.

Sec. 1912. Service of process may be made upon an individual by leaving a summons and a copy of the complaint with the defendant personally.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.1913 Process; substituted service.

Sec. 1913. (1) Service of process may be made,

(a) upon an individual nonresident defendant having any of the contacts, ties or relations with this state as specified in chapter 7 of this act, by service of a summons and a copy of the complaint upon such agent, employee, representative, salesman or servant of the defendant as may be found within the state, and by sending a summons and a copy of the complaint by registered mail addressed to the defendant at his last known address.

(b) upon an infant defendant, by leaving a summons and a copy of the complaint with a person having the care and control of him with whom he resides, or with his legal guardian, or

(c) upon a defendant who has been judicially declared incompetent and for whom a guardian has been appointed and is acting, by leaving a summons and a copy of the complaint with the guardian.

(2) If the individual defendant is in a state institution a copy of the complaint shall also be mailed to the attorney general.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.1917 Process; service on partnership or limited partnership.

Sec. 1917. Service of process upon a partnership or limited partnership may be made by

(1) leaving a summons and a copy of the complaint with any general partner personally, or

(2) leaving a summons and a copy of the complaint with a person in charge of a partnership office or business establishment at such office or place of business and sending a summons and a copy of the complaint by registered mail, addressed to any general partner at his usual place of abode or last known address.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.1918 Civil action; service of process on person doing business under assumed name.

Sec. 1918. Process issued from any court of record against an individual doing business under an assumed name may be served upon the individual, or by leaving the process during regular office or business hours at the office or place of business of the individual with any person in charge thereof.

History: Add. 1962, Act 187, Imd. Eff. May 24, 1962.

600.1920 Process; service on corporation; insurers.

Sec. 1920. Service of process upon a corporation, whether domestic or foreign, may be made by

(1) leaving a summons and a copy of the complaint with any officer or the resident agent, or

(2) leaving a summons and a copy of the complaint with any director, trustee, or person in charge of any office or business establishment and sending a summons and a copy of the complaint by registered mail, addressed to the principal office of the corporation, or

(3) leaving a summons and a copy of the complaint with any of the persons who may have been the last

presiding officer, president, cashier, secretary, or treasurer, in the case of any corporation which may have ceased to do business by failing to keep up its organization by the appointment of officers or otherwise, or whose term of existence may have expired by limitation, or

(4) mailing a summons and a copy of the complaint by registered mail to the corporation or an appropriate corporation officer and to the Michigan corporation and securities commission if:

(a) the corporation has failed to appoint and maintain a resident agent or to file a certificate of such appointment as by law required; or

(b) the corporation has failed to keep up its organization by the appointment of officers or otherwise, or the term of whose existence has expired by limitation.

In all cases in which an insurer is a defendant, service shall not be made by leaving a summons and a copy of the complaint with a resident agent; and in cases in which a defendant is a foreign insurer, 2 summonses and a copy of the complaint shall be delivered to or mailed to the office of the commissioner of insurance by registered mail.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.1923 Process; service on partnership association or unincorporated voluntary association.

Sec. 1923. Service of process upon a partnership association or unincorporated voluntary association may be made by leaving a summons and a copy of the complaint with any officer, director, trustee, agent, or person in charge of an office or business establishment, and sending a summons and a copy of the complaint by registered mail, addressed to any office of the partnership association or unincorporated voluntary association. If no office can be found, a summons and a copy of the complaint shall be mailed by registered mail to a member of such association other than the person with whom a summons and complaint was left.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.1925 Process; service on public, municipal or governmental corporation, boards, or bodies.

Sec. 1925. Service of process upon public, municipal, quasi-municipal, or governmental corporations, unincorporated boards, or public bodies, may be made by leaving a summons and a copy of the complaint with

(1) the chairman of the board of supervisors or the county clerk, in the case of counties;

(2) the mayor, city clerk, or city attorney, in the case of cities;

(3) the president or village clerk, or in their absence with any of the trustees, in the case of villages;

(4) the supervisor or township clerk, in the case of townships;

(5) the president, secretary, or treasurer, in the case of school districts;

(6) the president or secretary, in the case of the state board of education;

(7) the president, secretary, or other member of the governing body, in the case of any corporate body or unincorporated board, now or hereafter having charge or control of any state institution;

(8) The president, chairman, secretary, manager, or clerk, in the case of any other public body organized or existing under the constitution or any law of this state, when by statute no other method of service is specially provided.

The service of process may be made on any officer having substantially the same duties as those named or described irrespective of their titles. In any case, service may be made by leaving a summons and a copy of the complaint with a person in charge of the office of any of the above-described officers upon whom service may be made and sending by registered mail a summons and a copy of the complaint addressed to such officer at his office.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.1930 Process; service on individual's agent or public officer.

Sec. 1930. Service of process upon any defendant may be made by leaving a summons and a copy of the complaint with an agent authorized by written appointment or by law to receive service of process. Whenever, pursuant to statute, service of process is to be made on a nongovernmental defendant by service on a public officer, the service on the public officer may be made by registered mail addressed to his office.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.1940 Process; personal jurisdiction not required; service of process.

Sec. 1940. In all civil actions in which personal jurisdiction over a defendant is not required, the court may order the defendant to answer or take such other action as may be permitted by law. The order shall be made

after the plaintiff, his attorney, or an agent having knowledge of the facts files an affidavit dated not more than 10 days prior thereto showing 1 or more of the following facts:

- (1) the defendant resides outside the state;
- (2) the whereabouts of the defendant and his residence are unknown;
- (3) a summons has been returned showing that service of process cannot be made in the county where the action is pending.

Every such affidavit shall state either the defendant's address, the defendant's last known address, or that no address of the defendant is known.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.1945 Process; order for substituted service; contents; unknown defendants.

Sec. 1945. The order shall contain the name of the court, the names of the parties, directions as to where and when to answer or take such other action as may be permitted by law, a statement describing the nature of the proceedings, and a statement as to the effect of failure to take the indicated steps. If the names of some or all of the defendants are unknown, the order shall describe the relationship of the unknown defendants to the matter to be litigated in the best way possible, as for example, unknown claimant, unknown owners, unknown heirs, devisees, legatees, or assigns of a named person.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.1947 Notice of pendency of action; publication.

Sec. 1947. The defendant may be notified of the pendency of the action and his obligation thereto by:

(1) publishing a copy of the order in a newspaper at least once each week for 4 consecutive weeks or for such further time as the court may require, and

(2) mailing on or before the date of the second publication a copy of the order to the defendant at his address which the plaintiff knows or should by diligent inquiry be expected to know. When the address of any defendant is not known and cannot be ascertained upon diligent inquiry, a copy of the order shall be mailed to the defendant at his last known address. If the plaintiff does not know, and cannot ascertain, upon diligent inquiry, the present or last known address of the defendant, mailing a copy of the order is not required.

Publication is not necessary if a copy of the order has been served upon the defendant in person or by registered mail at least 20 days before the time prescribed for the answer of such defendant, and in case of service by registered mail an official return receipt signed by the defendant is attached to the affidavit of service.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.1950 Repealed. 2022, Act 74, Imd. Eff. May 12, 2022.

Compiler's note: The repealed section defined the term newspaper.

600.1951 Mailing of service; manner.

Sec. 1951. Mailing under section 1947 shall be accomplished by complying with the following:

(1) Enclosing a copy of the order as above described in a sealed envelope with first class postage fully prepaid addressed to the defendant at the address hereinbefore required, on which envelope there is listed a return address to which it can be returned in case delivery cannot be made.

(2) Depositing the envelope and contents in the United States government mail.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.1955 Substituted service; proof.

Sec. 1955. Service of process made pursuant to sections 1940 to 1960 shall be proved as follows:

(1) If made by publication, by an affidavit of the publisher or his agent

(a) stating facts establishing the qualification of the newspaper in which the order was published,

(b) setting out a copy of the published order,

(c) stating the dates on which it was published.

(2) If made by mailing, by an affidavit of 1 or more persons who are not parties to the litigation

(a) setting out a copy of the order mailed,

(b) stating facts to establish that such order was sealed in an envelope addressed to the defendant, setting out the name of the defendant and the address to which it was sent,

(c) stating facts to establish where and when the envelope was deposited in the United States government mail,

(d) stating the amount of postage placed on the envelope and that this was sufficient as required by postal regulations to permit first class passage of the envelope,

(e) stating the facts to establish the return address on the envelope.

(3) Whenever mailing is not required under section 1947, an affidavit by the plaintiff or his attorney or the agent of either having knowledge of the facts shall be filed within 10 days after the date of the second publication of a copy of the order. The affidavit shall set forth facts justifying the failure to mail and shall include a showing of diligent inquiry. The person to whom an envelope, mailed under section 1947, is returned shall report to the court by affidavit the fact of the return together with the returned envelope.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.1960 Substituted service; jurisdiction on defendant's interest.

Sec. 1960. Service of process pursuant to sections 1940 to 1960 does not give personal jurisdiction over the person of the defendant but is a reasonable means of notice to the defendant to subject the appropriate interest of the defendant in the matters described in chapter 7 of this act to the jurisdiction of the court.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.1965 Pleader; service of papers; default; effect.

Sec. 1965. (1) Unless otherwise specifically provided by this act, any party who has filed a pleading or motion shall be served with every written paper subsequently filed in the action, including a default if one has been entered against him.

(2) After a default has been served, further service of such papers need not be made upon the party against whom the default has been taken, except that

(a) further service upon him shall be made if he has filed an appearance or a demand therefor in writing, and

(b) subsequent pleadings asserting new and additional claims for relief against him shall be served in the same manner provided for service of summons and complaint.

(3) Whenever an attorney appears in behalf of a person who has not received a copy of the complaint, a copy of the complaint shall be delivered to him on his request.

(4) All papers filed on behalf of any defendant shall be served on all other defendants who are not in default.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.1968 Service of papers; attorneys; contempt.

Sec. 1968. (1) Except for the original service of the complaint and summons, service required or permitted to be made upon a party represented by an attorney shall be made upon the attorney, unless service upon the party is ordered by the court.

(2) If 2 or more attorneys represent the same party or parties, service of papers upon any one of such attorneys is sufficient. If 1 attorney appears for several parties, he is entitled to only 1 copy of any paper served upon him.

(3) Whenever a party prosecutes or defends his action in person, service of papers shall be made upon him in the manner provided in section 1970.

(4) When proceedings for contempt for disobeying any order of the court are initiated, the notice or order shall be personally delivered to such party, unless otherwise specially ordered by the court.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.1970 Service of papers; delivery to attorney; party; mailing.

Sec. 1970. Service upon the attorney shall be made by delivering a copy to him or by mailing a copy to him at his last known business address or, if he has no business address, then to his last known residence address. Service upon a party shall be made by delivering a copy to him or by mailing a copy to him at his address as stated in his pleadings.

(1) Delivery of a copy to an attorney means:

(a) handing it to the attorney personally; or

(b) leaving it at his office with his clerk or with some person in charge or, if no one is in charge or present, by leaving it in some conspicuous place therein; or

(c) if the office is closed or the attorney has no office, by leaving it at his usual place of abode with some person of suitable age and discretion residing therein.

(2) Delivery of a copy to a party means:

(a) handing it to the party personally; or

(b) leaving it at his usual place of abode with some person of suitable age and discretion residing therein.

(3) Mailing of a copy means enclosing it in a sealed envelope with first class postage fully prepaid

addressed to the person to be served and depositing the envelope and its contents in the United States government mail. Service by mailing is complete upon mailing.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.1971 Service of papers; proof of service; filing.

Sec. 1971. Except as otherwise provided by sections 1912 to 1960, proof of service of all papers required or permitted to be served may be by written acknowledgment of service, by affidavit of the person making service, or by any other proof satisfactory to the court. Proof of such service shall be filed at or prior to the time of hearing.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.1972 Service of papers; inability to make; direction of court.

Sec. 1972. Whenever service of papers subsequent to the original complaint cannot reasonably be made because of lack of an attorney of record or the inability to find a party or for any other reason, the court in which the action is pending, for cause shown on ex parte application, may direct in what manner and upon whom service may be made.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.1973 Service of papers; numerous parties.

Sec. 1973. In any action in which there are unusually large numbers of parties on the same side, the court upon motion or of its own initiative may order that service of their pleadings and replies thereto need not be made as between them, and that any cross claim, counterclaim, or matter constituting an avoidance or affirmative defense in such pleadings shall be deemed to be denied or avoided by the parties not served, and that the filing of any such pleading and service thereof upon an adverse party constitutes due notice of it to all parties. A copy of every such order shall be served upon all parties in such manner and form as the court directs.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.1974 Filing with court; definition.

Sec. 1974. The filing of pleadings and other papers with the court shall be made by filing them with the office of the clerk of the court, except that the judge may permit the papers to be filed with him, in which event he shall note thereon the filing date and forthwith transmit them to the office of the clerk of the court.

History: 1961, Act 236, Eff. Jan. 1, 1963.