

SUBSTITUTE FOR
SENATE BILL NO. 531

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding chapter 19A.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER 19A

SEC. 1985. AS USED IN THIS CHAPTER:

(A) "AUTHORIZED COURT" MEANS A COURT ACCEPTED BY THE STATE
COURT ADMINISTRATIVE OFFICE UNDER SECTION 1991 FOR ACCESS TO THE
ELECTRONIC FILING SYSTEM.

(B) "AUTOMATED PAYMENT" MEANS AN ELECTRONIC PAYMENT METHOD
AUTHORIZED BY THE STATE COURT ADMINISTRATIVE OFFICE AT THE
DIRECTION OF THE SUPREME COURT, INCLUDING, BUT NOT LIMITED TO,
PAYMENTS MADE WITH CREDIT AND DEBIT CARDS.

(C) "CIVIL ACTION" MEANS AN ACTION THAT IS NOT A CRIMINAL

1 CASE, A CIVIL INFRACTION ACTION, OR A PROCEEDING INVOLVING A
2 JUVENILE UNDER CHAPTER XIIIA OF THE PROBATE CODE OF 1939, 1939 PA
3 288, MCL 712A.1 TO 712A.32.

4 (D) "CLERK" MEANS THE CLERK OF THE COURT REFERENCED IN THE
5 RULES OF THE SUPREME COURT AND INCLUDES THE CLERK OF THE SUPREME
6 COURT, CHIEF CLERK OF THE COURT OF APPEALS, COUNTY CLERK, PROBATE
7 REGISTER, DISTRICT COURT CLERK, OR CLERK OF THE COURT OF CLAIMS
8 WHERE THE CIVIL ACTION IS COMMENCED, AS APPLICABLE.

9 (E) "COURT FUNDING UNIT" MEANS 1 OF THE FOLLOWING, AS
10 APPLICABLE:

11 (i) FOR CIRCUIT OR PROBATE COURT, THE COUNTY.

12 (ii) FOR DISTRICT COURT, THE DISTRICT FUNDING UNIT AS THAT
13 TERM IS DEFINED IN SECTION 8104.

14 (iii) FOR THE SUPREME COURT, COURT OF APPEALS, OR COURT OF
15 CLAIMS, THE STATE.

16 (F) "ELECTRONIC FILING SYSTEM" MEANS A SYSTEM AUTHORIZED AFTER
17 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS CHAPTER BY
18 THE SUPREME COURT FOR THE ELECTRONIC FILING OF DOCUMENTS USING A
19 PORTAL CONTRACTED FOR BY THE STATE COURT ADMINISTRATIVE OFFICE FOR
20 THE FILING OF DOCUMENTS IN THE SUPREME COURT, COURT OF APPEALS,
21 CIRCUIT COURT, PROBATE COURT, DISTRICT COURT, AND COURT OF CLAIMS.

22 (G) "ELECTRONIC FILING SYSTEM FEE" MEANS THE FEE DESCRIBED IN
23 SECTION 1986.

24 (H) "PARTY" MEANS THE PERSON OR ENTITY COMMENCING A CIVIL
25 ACTION.

26 (I) "QUALIFIED VENDOR" MEANS A PRIVATE VENDOR SELECTED BY THE
27 STATE COURT ADMINISTRATIVE OFFICE BY A COMPETITIVE BIDDING PROCESS

1 TO EFFECTUATE THE PURPOSE OF SECTION 1991(3).

2 SEC. 1986. (1) IF A FEE FOR COMMENCING A CIVIL ACTION IS
3 AUTHORIZED OR REQUIRED BY LAW, IN ADDITION TO THAT FEE, THE CLERK
4 SHALL ALSO COLLECT AN ELECTRONIC FILING SYSTEM FEE, SUBJECT TO
5 SECTION 1993, AS FOLLOWS:

6 (A) FOR CIVIL ACTIONS FILED IN THE SUPREME COURT, COURT OF
7 APPEALS, CIRCUIT COURT, PROBATE COURT, AND COURT OF CLAIMS, \$25.00.

8 (B) EXCEPT AS PROVIDED IN SUBDIVISIONS (C) AND (D), FOR CIVIL
9 ACTIONS FILED IN THE DISTRICT COURT, INCLUDING ACTIONS FILED FOR
10 SUMMARY PROCEEDINGS, \$10.00.

11 (C) FOR CIVIL ACTIONS FILED IN DISTRICT COURT IF A CLAIM FOR
12 MONEY DAMAGES IS JOINED WITH A CLAIM FOR RELIEF OTHER THAN MONEY
13 DAMAGES, \$20.00.

14 (D) FOR CIVIL ACTIONS FILED IN THE SMALL CLAIMS DIVISION OF
15 DISTRICT COURT, \$5.00.

16 (2) SUBJECT TO SECTION 1991, THE CLERK SHALL COLLECT THE
17 ELECTRONIC FILING SYSTEM FEE LISTED UNDER SUBSECTION (1) FROM THE
18 PARTY AT THE TIME THE CIVIL ACTION IS COMMENCED, WHETHER OR NOT THE
19 DOCUMENT COMMENCING THE CIVIL ACTION WAS FILED ELECTRONICALLY.

20 (3) IF THE COURT WAIVES PAYMENT OF A FEE FOR COMMENCING A
21 CIVIL ACTION BECAUSE THE COURT DETERMINES THAT THE PARTY IS
22 INDIGENT OR UNABLE TO PAY THE FEE, THE COURT SHALL ALSO WAIVE
23 PAYMENT OF THE ELECTRONIC FILING SYSTEM FEE.

24 (4) A PARTY THAT IS A GOVERNMENTAL ENTITY IS NOT REQUIRED TO
25 PAY AN ELECTRONIC FILING SYSTEM FEE.

26 (5) THE CLERK MAY ACCEPT AUTOMATED PAYMENT OF ANY FEE BEING
27 PAID TO THE COURT. IF THE BANK OR OTHER ELECTRONIC COMMERCE

1 BUSINESS CHARGES THE COURT OR COURT FUNDING UNIT A MERCHANT
2 TRANSACTION FEE, THE CLERK MAY CHARGE THE PERSON PAYING THE FEE AN
3 ADDITIONAL AUTOMATED PAYMENT SERVICE FEE AS AUTHORIZED BY THE STATE
4 COURT ADMINISTRATIVE OFFICE. THE AMOUNT OF THE AUTOMATED PAYMENT
5 SERVICE FEE SHALL NOT EXCEED THE ACTUAL MERCHANT TRANSACTION FEE TO
6 BE CHARGED TO THE COURT OR COURT FUNDING UNIT FOR ACCEPTING AN
7 AUTOMATED PAYMENT BY A BANK OR OTHER ELECTRONIC COMMERCE BUSINESS,
8 OR 3% OF THE AUTOMATED PAYMENT, WHICHEVER IS LESS.

9 SEC. 1987. (1) EXCEPT FOR AN AUTOMATED PAYMENT SERVICE FEE
10 COLLECTED UNDER SECTION 1986(5), AND EXCEPT AS PROVIDED IN
11 SUBSECTION (2), THE ELECTRONIC FILING SYSTEM FEE AUTHORIZED UNDER
12 THIS CHAPTER IS THE ONLY FEE THAT MAY BE CHARGED TO OR COLLECTED IN
13 A CIVIL ACTION SPECIFICALLY FOR ELECTRONIC FILING.

14 (2) IF, PURSUANT TO A SUPREME COURT ORDER, A COURT OR COURT
15 FUNDING UNIT IS COLLECTING A FEE FOR ELECTRONIC FILING OTHER THAN
16 THE ELECTRONIC FILING SYSTEM FEE ON SEPTEMBER 30, 2015, THE COURT
17 OR COURT FUNDING UNIT MAY CONTINUE TO COLLECT \$2.50 FOR FILING OR
18 \$5.00 FOR FILING AND SERVICE, IN ADDITION TO THE ELECTRONIC SYSTEM
19 FILING FEE UNTIL DECEMBER 31, 2016.

20 SEC. 1989. AN ELECTRONIC FILING SYSTEM FEE COLLECTED SHALL BE
21 REMITTED BY THE CLERK TO THE STATE TREASURER FOR DEPOSIT INTO THE
22 JUDICIAL ELECTRONIC FILING FUND CREATED UNDER SECTION 176 AND SHALL
23 BE USED TO ESTABLISH AN ELECTRONIC FILING SYSTEM AND SUPPORTING
24 TECHNOLOGY AS PROVIDED IN THIS CHAPTER.

25 SEC. 1990. ANY ELECTRONIC FILING SYSTEM FEE PAID BY A PARTY IS
26 A RECOVERABLE TAXABLE COST.

27 SEC. 1991. (1) A COURT MAY APPLY TO THE SUPREME COURT FOR

1 ACCESS TO AND USE OF THE ELECTRONIC FILING SYSTEM.

2 (2) IF THE SUPREME COURT ACCEPTS A COURT UNDER SUBSECTION (1),
3 THE STATE COURT ADMINISTRATIVE OFFICE SHALL USE MONEY FROM THE
4 JUDICIAL ELECTRONIC FILING FUND ESTABLISHED UNDER SECTION 176 TO
5 PAY THE COSTS OF TECHNOLOGICAL IMPROVEMENTS NECESSARY FOR THAT
6 COURT TO OPERATE ELECTRONIC FILING.

7 (3) THE SUPREME COURT MAY SELECT A QUALIFIED VENDOR FOR THE
8 ELECTRONIC FILING SYSTEM.

9 SEC. 1992. NOTHING IN THIS CHAPTER SHALL BE CONSTRUED TO
10 REQUIRE A PERSON TO FILE A DOCUMENT ELECTRONICALLY. A COURT OR
11 COURT FUNDING UNIT SHALL NOT REQUIRE OR PERMIT A PERSON TO FILE A
12 DOCUMENT ELECTRONICALLY EXCEPT AS DIRECTED BY THE SUPREME COURT.

13 SEC. 1993. AN ELECTRONIC FILING SYSTEM FEE SHALL NOT BE
14 COLLECTED UNDER SECTION 1986(1) LATER THAN 5 YEARS AFTER THE
15 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS CHAPTER.

16 Enacting section 1. This amendatory act takes effect January
17 1, 2016.

18 Enacting section 2. This amendatory act does not take effect
19 unless all of the following bills of the 98th Legislature are
20 enacted into law:

21 (a) Senate Bill No. 532.

22 (b) Senate Bill No. 533.