

Act No. 67  
Public Acts of 1991  
Approved by the Governor  
July 3, 1991  
Filed with the Secretary of State  
July 3, 1991

**STATE OF MICHIGAN  
86TH LEGISLATURE  
REGULAR SESSION OF 1991**

Introduced by Rep. Profit

# ENROLLED HOUSE BILL No. 4064

AN ACT to amend Act No. 236 of the Public Acts of 1961, entitled as amended "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act," as amended, being sections 600.101 to 600.9947 of the Michigan Compiled Laws, by adding sections 4012 and 8410a.

*The People of the State of Michigan enact:*

Section 1. Act No. 236 of the Public Acts of 1961, as amended, being sections 600.101 to 600.9947 of the Michigan Compiled Laws, is amended by adding sections 4012 and 8410a to read as follows:

Sec. 4012. (1) Subject to subsection (2), a writ of garnishment of periodic payments owed or to be owed issued by the court remains in effect and is not dissolved until 1 or more of the following occur:

(a) The amount withheld by the garnishee defendant and paid over to the clerk of the court equals or exceeds the amount of the judgment, interest, and costs or, if the garnishee defendant does not pay the indebtedness to the court, the amount required to be withheld by the garnishee defendant equals or exceeds the amount of the judgment, interest, and costs.

(b) The expiration of 91 days after the date on which the writ of garnishment is issued.

(c) As otherwise ordered by the court.

(2) A garnishee defendant is not liable for a writ of garnishment of periodic payments under subsection (1) to the extent that the garnishee defendant is required to satisfy another writ of garnishment against the same principal defendant having a higher priority or having the same priority but received at an earlier date. For purposes of this subsection, the priority of writs of garnishment is as follows in the order stated:

(a) A garnishment resulting from an obligation of court ordered support as defined in section 2 of the support and visitation enforcement act, Act No. 295 of the Public Acts of 1982, being section 552.602 of the Michigan Compiled Laws.

(b) A levy of the state or a governmental unit of the state to satisfy a tax liability.

(c) Any other garnishment.

(3) A plaintiff shall pay a fee of \$6.00 to the garnishee defendant at the time a writ of garnishment of periodic payments is served upon the garnishee defendant.

(4) As used in this section and section 8410a, "periodic payments" include wages, earnings, land contract payments, rent, and other periodic debt or contract payments.

Sec. 8410a. A writ of garnishment of periodic payments owed or to be owed issued by the small claims division of the district court remains in effect as provided in section 4012.

Section 2. This amendatory act shall take effect December 31, 1991.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.

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