

HOUSE BILL No. 5737

April 2, 1992, Introduced by Reps. Perry Bullard, Bandstra, Gubow, Goss, Strand, Fitzgerald, Jondahl, Dalman and Jamian and referred to the Committee on Judiciary.

A bill to amend sections 2528, 2529, 5756, 8371, and 8420 of Act No. 236 of the Public Acts of 1961, entitled as amended "Revised judicature act of 1961," as amended by Act No. 310 of the Public Acts of 1988, being sections 600.2528, 600.2529, 600.5756, 600.8371, and 600.8420 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2528, 2529, 5756, 8371, and 8420 of Act
2 No. 236 of the Public Acts of 1961, as amended by Act No. 310 of
3 the Public Acts of 1988, being sections 600.2528, 600.2529,
4 600.5756, 600.8371, and 600.8420 of the Michigan Compiled Laws,
5 are amended to read as follows:

6 Sec. 2528. (1) In the circuit court in a county having a
7 population of less than 100,000 the following fees shall be paid
8 to the clerk of the court:

1 (a) Before any civil action is commenced in any circuit
2 court, or before the filing of any application for superintending
3 control or for an extraordinary writ, except the writ of habeas
4 corpus, the moving party shall pay the sum of \$42.00. The clerk
5 shall transmit, at the end of each month, for each \$42.00 col-
6 lected within the month, \$18.75 to the executive secretary of the
7 judges' retirement system for remittal pursuant to section 2530a;
8 \$5.00 to the secretary of the legislative retirement system for
9 deposit with the state treasurer in the retirement fund created
10 by THE MICHIGAN LEGISLATIVE RETIREMENT SYSTEM ACT, Act No. 261 of
11 the Public Acts of 1957, as amended, being sections 38.1001 to
12 38.1060 of the Michigan Compiled Laws; \$5.25 to the state trea-
13 surer for deposit in the general fund; \$2.00 to the state trea-
14 surer to be credited to the community dispute resolution fund
15 created by the community dispute resolution act, ACT NO. 260 OF
16 THE PUBLIC ACTS OF 1988, BEING SECTIONS 691.1551 TO 691.1564 OF
17 THE MICHIGAN COMPILED LAWS; and the balance of the filing fee to
18 the county treasurer.

19 (b) Before the filing and entering of any transcript, claim
20 of appeal, or motion for leave to appeal from the district court,
21 the sum of \$5.00.

22 (c) For each trial before a court of record, with or without
23 a jury, the plaintiff shall pay the sum of \$10.00. The clerk
24 shall pay \$5.00 of each trial fee to the state treasurer, to
25 apply to the credit of the general fund, and \$5.00 of each trial
26 fee into the county treasury, to apply to the credit of the
27 general fund.

1 (d) Before the entry of any final judgment by default in
2 pleading in an action without a jury or by consent without trial,
3 or the entry of a judgment against a garnishee defendant upon a
4 district court transcript, or upon the entry of a judgment on an
5 award from any board or referee upon whose award the law permits
6 the entry of judgment, and in all other cases finally disposed of
7 by court order except those described in subdivision (e), the sum
8 of \$10.00. The clerk shall pay \$5.00 of each judgment fee to the
9 state treasurer, to apply to the credit of the general fund.

10 (e) Before the entry of any final judgment in an action
11 ~~wherein~~ IN WHICH trial has been had, or where a jury is called
12 to render a verdict upon default in pleading, the sum of \$10.00.
13 The clerk shall pay \$5.00 of each judgment fee to the state trea-
14 surer, to apply to the credit of the general fund.

15 (f) Beginning July 1, 1983, in addition to the judgment fee
16 provided in subdivision (d) or (e), before entry of a final judg-
17 ment in an action for divorce or separate maintenance where minor
18 children are involved, or the entry of a final judgment in a
19 child custody dispute submitted to the circuit court as an origi-
20 nal action, 1 of the following sums, which shall be deposited by
21 the county treasurer as provided in section 2530:

22 (i) If the matter was contested or uncontested and was not
23 submitted to domestic relations mediation or investigation by the
24 office of the friend of the court, \$30.00.

25 (ii) If the matter was contested or uncontested and was sub-
26 mitted to domestic relations mediation, \$50.00.

1 (iii) If the matter was contested or uncontested and the
2 office of the friend of the court conducted an investigation and
3 made a recommendation to the court, \$70.00.

4 (g) If causes of action are consolidated or tried simulta-
5 neously and separate judgments rendered, the sum of \$10.00 on the
6 entry of each judgment. The clerk shall pay \$5.00 of each judg-
7 ment fee to the state treasurer, to apply to the credit of the
8 general fund.

9 (h) For ~~any and all~~ services UNDER THE DIRECTION OF THE
10 COURT THAT ARE NOT SPECIFICALLY PROVIDED FOR IN THIS SECTION rel-
11 ative to the receipt, safekeeping, or ~~putting out~~ PAYMENT of
12 money, or the purchasing, taking, or transferring of ~~any~~ A
13 security ~~therefor,~~ or the collecting of interest ~~thereon,~~
14 ~~under the direction of the court, not specifically provided for~~
15 ~~in this section~~ ON THE MONEY, the clerk shall receive ~~such~~ THE
16 allowance and compensation, ~~and~~ from ~~such of~~ the parties as
17 the court may consider just and shall direct ~~—~~ by an order,
18 ~~for that purpose,~~ after notice to the parties to be charged.

19 (i) Upon appeal to the supreme court, the sum of \$10.00.

20 (2) The sum or sums paid under this section shall be held to
21 be in full for all clerk, entry, and judgment fees in any action
22 from the commencement of the action to and including the issuance
23 and return of the execution or other final process, and are tax-
24 able as costs.

25 (3) In counties where the county clerk receives the fees of
26 his or her office, all or in part, instead of a salary, all or in
27 part, the clerk shall pay over to the county treasurer the sum of

1 \$5.00 on each civil action that is commenced in the circuit
2 court.

3 (4) In counties where the county clerk is paid a salary
4 instead of fees collected by the county clerk, pursuant to this
5 chapter, all fees shall be paid over to the county treasurer as
6 required by law, except as otherwise provided in this section.

7 (5) The court may order any of the fees prescribed in this
8 section waived or suspended until the conclusion of the litiga-
9 tion, upon a showing by affidavit of indigency or inability to
10 pay.

11 (6) After January 1, ~~1993~~ 1996 the filing fee shall be
12 \$40.00 and the state treasurer shall not credit \$2.00 to the com-
13 munity dispute resolution fund.

14 Sec. 2529. (1) In the circuit court in a county having a
15 population of 100,000 or more the following fees shall be paid to
16 the clerk of the court:

17 (a) Before a civil action is commenced, or before the filing
18 of an application for superintending control or for an extraordi-
19 nary writ, except the writ of habeas corpus, the moving party
20 shall pay the sum of \$42.00. The clerk at the end of each month
21 shall transmit for each \$42.00 collected within the month, \$18.75
22 to the executive secretary of the judges' retirement system for
23 remittal pursuant to section 2530a; \$5.00 to the secretary of the
24 legislative retirement system for deposit with the state trea-
25 surer in the retirement fund created by THE MICHIGAN LEGISLATIVE
26 RETIREMENT SYSTEM ACT, Act No. 261 of the Public Acts of 1957, as
27 amended, being sections 38.1001 to 38.1060 of the Michigan

1 Compiled Laws; \$5.25 to the state treasurer for deposit in the
2 general fund; \$2.00 to the state treasurer to be credited to the
3 community dispute resolution fund created by the community dis-
4 pute resolution act, ACT NO. 260 OF THE PUBLIC ACTS OF 1988,
5 BEING SECTIONS 691.1552 TO 691.1564 OF THE MICHIGAN COMPILED
6 LAWS; and the balance of the filing fee to the county treasurer.

7 (b) Before the filing and entering of a transcript, claim of
8 appeal, or motion for leave to appeal from the district court or
9 a municipal court, the sum of \$5.00.

10 (c) For each trial without a jury, the plaintiff shall pay
11 the sum of \$15.00. Where a trial by jury is demanded, the party
12 making the demand at the time shall pay the sum of \$30.00.
13 Failure to pay the fee within the time provided in the court
14 rules constitutes a waiver of the right to a jury trial. The sum
15 shall be taxed in favor of the party paying the fee, in case the
16 party recovers a judgment for costs.

17 (d) Before entry of a final judgment by default in pleading
18 in an action without a jury or by consent without trial, or the
19 entry of a judgment against a garnishee defendant upon a district
20 or municipal court transcript, or the entry of a judgment on an
21 award from a board or referee upon whose award the law permits
22 the entry of judgment, the sum of \$10.00.

23 (e) Before entry of a final judgment in an action where
24 trial has been had, or where a jury is called to render a verdict
25 upon default in pleading, the sum of \$10.00.

26 (f) In addition to the judgment fee provided in subdivision
27 (d) or (e), before entry of a final judgment in an action for

1 divorce or separate maintenance where minor children are
2 involved, or the entry of a final judgment in a child custody
3 dispute submitted to the circuit court as an original action, 1
4 of the following sums, which shall be deposited by the county
5 treasurer as provided in section 2530:

6 (i) If the matter was contested or uncontested and was not
7 submitted to domestic relations mediation or investigation by the
8 friend of the court, \$30.00.

9 (ii) If the matter was contested or uncontested and was sub-
10 mitted to domestic relations mediation, \$50.00.

11 (iii) If the matter was contested or uncontested and the
12 office of the friend of the court conducted an investigation and
13 made a recommendation to the court, \$70.00.

14 (g) Upon the filing of a motion, the sum of \$10.00.

15 (h) If causes of action are consolidated or tried simulta-
16 neously and separate judgments rendered, the sum of \$10.00 on the
17 entry of each judgment.

18 (i) For services UNDER THE DIRECTION OF THE COURT THAT ARE
19 NOT SPECIFICALLY PROVIDED FOR IN THIS SECTION relative to the
20 receipt, safekeeping, or ~~putting out~~ PAYMENT of money, or the
21 purchasing, taking, or transferring of a security ~~—~~ or the col-
22 lecting of interest ~~on a security, under the direction of the~~
23 ~~court, not specifically provided in this section~~ ON THE MONEY,
24 the clerk shall receive the allowance and compensation, from the
25 parties as the court may consider just and shall direct by an
26 order, after notice to the parties to be charged.

1 (j) Upon appeal to the supreme court, the sum of \$20.00.

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

7 (3) Except as otherwise provided in this section, the fees
8 shall be paid over to the county treasurer as required by law.

9 (4) The court may order any of the fees prescribed in this
10 section waived or suspended until the conclusion of the litiga-
11 tion, upon a showing by affidavit of indigency or inability to
12 pay.

13 (5) After January 1, ~~1993~~ 1996 the filing fee shall be
14 \$40.00 and the state treasurer shall not credit \$2.00 to the com-
15 munity dispute resolution fund.

16 Sec. 5756. (1) If the complaint is for the recovery of pos-
17 session of premises only, the fee for filing a proceeding under
18 this chapter shall be \$22.00.

19 (2) If a claim for a money judgment is joined with a claim
20 for the recovery of possession of premises, the plaintiff shall
21 pay a supplemental filing fee in the same amount as established
22 by law for the filing of a claim for a money judgment in the same
23 court.

24 (3) Of each filing fee and supplemental filing fee collected
25 pursuant to this section, at the end of each month, the clerk of
26 the district court shall transmit \$2.00 to the state treasurer to
27 be credited to the community dispute resolution fund created by

1 the community dispute resolution act, ACT NO. 260 OF THE PUBLIC
2 ACTS OF 1988, BEING SECTIONS 691.1552 TO 691.1564 OF THE MICHIGAN
3 COMPILED LAWS; 45% of the remaining filing fee and supplemental
4 filing fee to the executive secretary of the judges' retirement
5 system for remittal pursuant to section 2530a; and the balance to
6 the treasurer of the district control unit in which the action
7 was commenced.

8 (4) After January 1, ~~1993~~ 1996 the filing fee shall be
9 \$20.00 and the state treasurer shall not credit \$2.00 to the com-
10 munity dispute resolution fund.

11 Sec. 8371. (1) Before a civil action is commenced in the
12 district court, the moving party shall pay to the clerk the sum
13 of \$32.00 if the amount in controversy exceeds \$3,000.00, the sum
14 of \$22.00 if the amount in controversy exceeds \$600.00 but does
15 not exceed \$3,000.00, or the sum of \$12.00 if the amount in con-
16 troversy does not exceed \$600.00.

17 (2) Of each filing fee collected within the month, at the
18 end of each month, the clerk shall transmit \$2.00 to the state
19 treasurer to be credited to the community dispute resolution fund
20 created by the community dispute resolution act, ACT NO. 260 OF
21 THE PUBLIC ACTS OF 1988, BEING SECTIONS 691.1552 TO 691.1564 OF
22 THE MICHIGAN COMPILED LAWS; 45% of the remaining filing fee to
23 the executive secretary of the retirement system for remittal
24 pursuant to section 2530a; and the balance of each filing fee to
25 the treasurer of the district control unit in which the action
26 was commenced.

1 (3) The judge may order payment of any statutory fees waived
2 or suspended until the conclusion of the litigation, upon a
3 showing by affidavit of indigency or inability to pay.

4 (4) Neither the state nor a political subdivision of the
5 state shall be required to pay a filing fee in a civil infraction
6 action.

7 (5) Except for civil actions filed for relief under chapter
8 43, 57, or 84, if a civil action is filed for relief other than
9 money damages, the filing fee shall be equal to the filing fee in
10 actions for money damages in excess of \$3,000.00 as provided in
11 subsection (1).

12 (6) After January 1, ~~1993~~ 1996 the filing fee shall be
13 \$30.00 if the amount in controversy exceeds \$3,000.00, \$20.00 if
14 the amount in controversy exceeds \$600.00, and \$10.00 if the
15 amount does not exceed \$600.00 and the state treasurer shall not
16 credit \$2.00 to the community dispute resolution fund.

17 Sec. 8420. (1) A fee of \$12.00 shall be charged and col-
18 lected for the filing of the affidavit for the commencement of
19 any action in which the amount in controversy does not exceed
20 \$600.00, and a fee of \$22.00 shall be charged and collected in
21 any action in which the amount in controversy exceeds \$600.00. A
22 fee in an amount equal to the prevailing postal rate for the
23 service provided shall be charged and collected for each
24 defendant to whom a copy of the affidavit is mailed by the
25 clerk. A fee of \$5.00 shall be charged and collected for the
26 issuance of a writ of execution, attachment, or garnishment, and
27 for the issuance of a judgment debtor discovery subpoena. Except

1 as otherwise provided in this chapter, a fee or charge shall not
2 be collected by any officer for any service rendered under this
3 chapter or for the taking of affidavits for use in connection
4 with any action commenced under this chapter.

5 (2) Of each filing fee collected within the month, at the
6 end of each month, the clerk shall transmit \$2.00 to the state
7 treasurer to be credited to the community dispute resolution fund
8 created by the community dispute resolution act, ACT NO. 260 OF
9 THE PUBLIC ACTS OF 1988, BEING SECTIONS 691.1552 TO 691.1564 OF
10 THE MICHIGAN COMPILED LAWS; 45% of the remaining filing fee to
11 the executive secretary of the judges' retirement system for
12 remittal pursuant to section 2530a; and the balance of each
13 filing fee to the treasurer of the district control unit in which
14 the action was commenced.

15 (3) If the affidavit and notice to appear and answer are
16 served by personal service, the person serving the process shall
17 be entitled to the same fee and mileage as for the service of a
18 summons and complaint out of the district court.

19 (4) After January 1, ~~1993~~ 1996 the filing fee shall be
20 \$10.00 if the amount in controversy does not exceed \$600.00, or
21 \$20.00 if the amount in controversy exceeds \$600.00, and the
22 clerk shall not transmit \$2.00 to the state treasurer to be cred-
23 ited to the community dispute resolution fund.