

HOUSE BILL No. 5891

June 3, 1992, Introduced by Reps. Kilpatrick, Richard A. Young and Johnson and referred to the Committee on Judiciary.

A bill to amend sections 5756 and 8371 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 600.5756 and 600.8371 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

5 Sec. 5756. (1) If the complaint is for the recovery of pos-
6 session of premises only, the fee for filing a proceeding under
7 this chapter OR CHAPTER 57A shall be AS FOLLOWS:

8 (A) EXCEPT AS PROVIDED IN SUBDIVISION (B), \$22.00.

1 (B) IN THE DISTRICT COURT IN THE THIRTY-SIXTH DISTRICT,
2 \$32.00.

3 (2) If a claim for a money judgment is joined with a claim
4 for the recovery of possession of premises, the plaintiff shall
5 pay a supplemental filing fee in the same amount as established
6 by law for the filing of a claim for a money judgment in the same
7 court.

8 (3) Of each filing fee and supplemental filing fee collected
9 pursuant to this section, at the end of each month, the clerk of
10 the district court shall transmit \$2.00 to the state treasurer to
11 be credited to the community dispute resolution fund created by
12 the community dispute resolution act; 45% of the remaining filing
13 fee and supplemental filing fee to the executive secretary of the
14 judges' retirement system for remittal pursuant to section 2530a;
15 and SHALL TRANSMIT the balance OF EACH FILING FEE AND SUPPLEMEN-
16 TAL FILING FEE COLLECTED AS FOLLOWS:

17 (A) EXCEPT AS PROVIDED IN SUBDIVISION (B), THE BALANCE OF
18 EACH FEE SHALL BE TRANSMITTED to the treasurer of the district
19 control unit in which the action was commenced.

20 (B) IN THE DISTRICT COURT IN THE THIRTY-SIXTH DISTRICT, THE
21 BALANCE OF EACH FEE SHALL BE TRANSMITTED TO THE STATE TREASURER.
22 THE STATE TREASURER SHALL DEPOSIT THE BALANCE OF EACH FEE IN THE
23 FUND CREATED IN SECTION 8380.

24 (4) After January 1, 1993 the filing fee shall be \$20.00 IN
25 SUBSECTION (1)(A) AND SHALL BE \$30.00 IN SUBSECTION (1)(B) and
26 the state treasurer shall not credit \$2.00 to the community
27 dispute resolution fund.

1 Sec. 8371. (1) Before a civil action is commenced in the
2 district court, the moving party shall pay to the clerk THE FOL-
3 LOWING FILING FEE:

4 (A) EXCEPT AS PROVIDED IN SUBDIVISION (B), the sum of \$32.00
5 if the amount in controversy exceeds \$3,000.00, the sum of \$22.00
6 if the amount in controversy exceeds \$600.00 but does not exceed
7 \$3,000.00, or the sum of \$12.00 if the amount in controversy does
8 not exceed \$600.00.

9 (B) IN THE DISTRICT COURT IN THE THIRTY-SIXTH DISTRICT, THE
10 SUM OF \$42.00 IF THE AMOUNT IN CONTROVERSY EXCEEDS \$3,000.00, THE
11 SUM OF \$32.00 IF THE AMOUNT IN CONTROVERSY EXCEEDS \$600.00 BUT
12 DOES NOT EXCEED \$3,000.00, OR THE SUM OF \$22.00 IF THE AMOUNT IN
13 CONTROVERSY DOES NOT EXCEED \$600.00.

14 (2) Of each filing fee collected within the month, at the
15 end of each month, the clerk shall transmit \$2.00 to the state
16 treasurer to be credited to the community dispute resolution fund
17 created by the community dispute resolution act; 45% of the
18 remaining filing fee to the executive secretary of the retirement
19 system for remittal pursuant to section 2530a; and SHALL TRANSMIT
20 the balance of each filing fee COLLECTED AS FOLLOWS:

21 (A) EXCEPT AS PROVIDED IN SUBDIVISION (B), THE BALANCE OF
22 EACH FEE SHALL BE TRANSMITTED to the treasurer of the district
23 control unit in which the action was commenced.

24 (B) IN THE DISTRICT COURT IN THE THIRTY-SIXTH DISTRICT, THE
25 BALANCE OF EACH FEE SHALL BE TRANSMITTED TO THE STATE TREASURER.
26 THE STATE TREASURER SHALL DEPOSIT THE BALANCE OF EACH FEE IN THE
27 FUND CREATED IN SECTION 8380.

1 (3) The judge may order payment of any statutory fees waived
2 or suspended until the conclusion of the litigation, upon a show-
3 ing 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 the filing fee shall be AS
13 FOLLOWS:

14 (A) EXCEPT AS PROVIDED IN SUBDIVISION (B), \$30.00 if the
15 amount in controversy exceeds \$3,000.00, \$20.00 if the amount in
16 controversy exceeds \$600.00, and \$10.00 if the amount does not
17 exceed \$600.00 and the state treasurer shall not credit \$2.00 to
18 the community dispute resolution fund.

19 (B) IN THE DISTRICT COURT IN THE THIRTY-SIXTY DISTRICT, THE
20 SUM OF \$40.00 IF THE AMOUNT IN CONTROVERSY EXCEEDS \$3,000.00, THE
21 SUM OF \$30.00 IF THE AMOUNT IN CONTROVERSY EXCEEDS \$600.00 BUT
22 DOES NOT EXCEED \$3,000.00, OR THE SUM OF \$20.00 IF THE AMOUNT IN
23 CONTROVERSY DOES NOT EXCEED \$600.00.