

HOUSE BILL No. 5894

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

A bill to amend section 8306 of Act No. 236 of the Public Acts of 1961, entitled as amended
"Revised judicature act of 1961,"
as amended by Act No. 278 of the Public Acts of 1984, being section 600.8306 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 8306 of Act No. 236 of the Public Acts
2 of 1961, as amended by Act No. 278 of the Public Acts of 1984,
3 being section 600.8306 of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 8306. (1) Subject to the limitations of jurisdictional
6 amount and venue otherwise applicable in the particular court,
7 the district court and municipal courts shall have the same power
8 with respect to attachment and garnishment as the circuit court.

1 (2) The conditions upon which relief is available under this
2 section shall be the same as are applicable to actions in the
3 circuit court under section 4001 with respect to attachment and
4 under ~~section~~ SECTIONS 4011 AND 4012 with respect to
5 garnishment.

6 (3) The district court and municipal courts may exercise the
7 jurisdiction granted by this section only if action is taken in
8 accordance with rules adopted by the supreme court to protect the
9 parties.

10 (4) In the district court, except where service of a writ of
11 garnishment is a prerequisite to the exercise of jurisdiction
12 under the conditions prescribed in section 4011(3), all garnish-
13 ment proceedings shall be treated as auxiliary actions to the
14 principal action. The party commencing such a proceeding in the
15 district court shall not be required to pay an additional filing
16 fee or jury fee with respect to that garnishment proceeding.

17 ~~The~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5), THE clerk
18 shall charge and collect ~~the sum of~~ A \$5.00 ~~as a~~ service fee
19 for ~~the issuance of every~~ EACH writ of garnishment, attachment,
20 ~~or~~ execution, ~~and for each~~ OR judgment debtor discovery sub-
21 poena issued.

22 (5) THE CLERK OF THE DISTRICT COURT IN THE THIRTY-SIXTH DIS-
23 TRICT SHALL CHARGE AND COLLECT THE FOLLOWING FEES:

24 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION (B), A
25 \$15.00 SERVICE FEE FOR EACH WRIT OF GARNISHMENT, ATTACHMENT, EXE-
26 CUTION, OR JUDGMENT DEBTOR DISCOVERY SUBPOENA ISSUED.

1 (B) A \$45.00 SERVICE FEE FOR EACH WRIT OF GARNISHMENT OF
2 PERIODIC PAYMENTS ISSUED.

3 (6) ON OR BEFORE THE FIFTEENTH DAY OF EACH MONTH, THE FEES
4 COLLECTED UNDER SUBSECTION (5) SHALL BE TRANSMITTED TO THE STATE
5 TREASURER. THE STATE TREASURER SHALL DEPOSIT THE FEES IN THE
6 FUND CREATED IN SECTION 8380.

7 (7) ~~-(5)-~~ Fees shall not be required with respect to attach-
8 ment and garnishment except as otherwise provided by law.