

HOUSE BILL No. 6097

September 17, 1992, Introduced by Reps. Nye, Ciaramitaro, Gubow, Martin, Perry Bullard, Brown, Barns, Hoffman and London and referred to the Committee on Judiciary.

A bill to amend sections 2528, 2529, 5756, 8202, 8371, 8381, and 8420 of Act No. 236 of the Public Acts of 1961, entitled as amended

"Revised judicature act of 1961,"

sections 2528, 2529, 5756, 8371, and 8420 as amended by Act No. 310 of the Public Acts of 1988 and section 8202 as amended by Act No. 438 of the Public Acts of 1980, being sections 600.2528, 600.2529, 600.5756, 600.8202, 600.8371, 600.8381, and 600.8420 of the Michigan Compiled Laws; and to add section 880.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2528, 2529, 5756, 8202, 8371, 8381, and
2 8420 of Act No. 236 of the Public Acts of 1961, sections 2528,
3 2529, 5756, 8371, and 8420 as amended by Act No. 310 of the
4 Public Acts of 1988 and section 8202 as amended by Act No. 438 of
5 the Public Acts of 1980, being sections 600.2528, 600.2529,

1 600.5756, 600.8202, 600.8371, 600.8381, and 600.8420 of the
2 Michigan Compiled Laws, are amended and section 880 is added to
3 read as follows:

4 SEC. 880. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), AT THE
5 TIME OF FILING A PETITION IN THE PROBATE COURT FOR 1 OF THE FOL-
6 LOWING MATTERS, THE MOVING PARTY SHALL PAY A \$15.00 FILING FEE TO
7 THE PROBATE COURT REGISTRAR:

8 (A) ADMINISTRATION OF A SMALL ESTATE, WHETHER TESTATE OR
9 INTESTATE, IF THE VALUE OF THE PROPERTY INVOLVED EXCEEDS
10 \$5,000.00.

11 (B) SUPERVISED OR INDEPENDENT PROBATE OF EITHER A TESTATE OR
12 INTESTATE ESTATE.

13 (C) SUPERVISION IN AN INDEPENDENT PROBATE PROCEEDING IF THE
14 PETITION IS FILED BY A PERSON OTHER THAN THE INDEPENDENT PERSONAL
15 REPRESENTATIVE OF THE ESTATE TO WHICH THE PROCEEDING RELATES.

16 (D) ADMINISTRATION OF THE ESTATE OF A PERSON DYING
17 INTESTATE.

18 (E) ADMISSION OF A WILL TO PROBATE, WHETHER THE DECEDENT IS
19 A RESIDENT OF THIS STATE OR A NONRESIDENT.

20 (F) LOCAL ADMINISTRATION OF THE ESTATE OF A NONRESIDENT
21 DECEDENT BY A FOREIGN FIDUCIARY.

22 (G) APPOINTMENT OF A CONSERVATOR OR OTHER PROTECTIVE ORDER.

23 (H) APPOINTMENT OR REMOVAL OF A TRUSTEE.

24 (I) CONSTRUCTION OF A TRUST OR A DECLARATION OF RIGHTS UNDER
25 A TRUST.

26 (J) APPOINTMENT OF A TEMPORARY FIDUCIARY OTHER THAN A
27 GUARDIAN.

1 (K) DETERMINATION OF HEIRS.

2 (L) COMMENCING A MATTER OVER WHICH THE PROBATE COURT HAS
3 EXCLUSIVE JURISDICTION OR IS GRANTED CONCURRENT JURISDICTION PUR-
4 SUANT TO SECTION 22 OF THE REVISED PROBATE CODE, ACT NO. 642 OF
5 THE PUBLIC ACTS OF 1978, BEING SECTION 700.22 OF THE MICHIGAN
6 COMPILED LAWS, IF THAT MATTER IS ANCILLARY TO THE SETTLEMENT OF
7 AN ESTATE OF A DECEDENT, WARD, PROTECTED PERSON, OR TRUST.

8 (M) THE CHANGE OF NAME OF AN ADULT.

9 (N) ADOPTION.

10 (2) A MOVING PARTY IS NOT REQUIRED TO PAY A FEE UNDER THIS
11 SECTION IF THE MOVING PARTY IS THE ATTORNEY GENERAL, DEPARTMENT
12 OF TREASURY, DEPARTMENT OF SOCIAL SERVICES, STATE PUBLIC ADMINIS-
13 TRATOR, OR ADMINISTRATOR OF VETERANS AFFAIRS OF THE UNITED STATES
14 VETERANS ADMINISTRATION.

15 (3) THE PROBATE COURT REGISTRAR, ON OR BEFORE THE FIFTH DAY
16 OF THE MONTH FOLLOWING THE MONTH IN WHICH FEES ARE COLLECTED
17 UNDER THIS SECTION, SHALL PAY TO THE COUNTY TREASURER ALL OF
18 THOSE FEES RECEIVED DURING THE PRECEDING MONTH. THE COUNTY TREA-
19 SURER, WITHIN 15 DAYS AFTER THE RECEIPT OF THE FEES, SHALL TRANS-
20 MIT THE FEES TO THE EXECUTIVE SECRETARY OF THE MICHIGAN JUDGES
21 RETIREMENT SYSTEM CREATED BY THE JUDGES RETIREMENT ACT OF 1992.
22 THE COUNTY TREASURER SHALL ABIDE BY THE ESTABLISHED RULES AND
23 REGULATIONS GOVERNING ACCOUNTING PROCEDURES FOR COUNTIES WHEN
24 TRANSMITTING MONEY UNDER THIS SUBSECTION. THE COUNTY CLERK SHALL
25 PREPARE AND SUBMIT A COURT FILING FEE REPORT TO THE EXECUTIVE
26 SECRETARY OF THE MICHIGAN JUDGES RETIREMENT SYSTEM CREATED BY THE

1 JUDGES RETIREMENT ACT OF 1992 AT THE SAME TIME THE COUNTY CLERK
2 TRANSMITS THE FEES COLLECTED UNDER THIS SECTION.

3 (4) THE COUNTY CLERK SHALL PREPARE AND SUBMIT A COURT FILING
4 FEE REPORT TO THE EXECUTIVE SECRETARY OF THE MICHIGAN JUDGES
5 RETIREMENT SYSTEM CREATED BY THE JUDGES RETIREMENT ACT OF 1992 AT
6 THE SAME TIME THE COUNTY CLERK TRANSMITS THE PORTION OF THE FEES
7 COLLECTED UNDER THIS SECTION.

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

11 (a) Before ~~any~~ A civil action is commenced in ~~any~~ THE
12 circuit court, or before the filing of ~~any~~ AN application for
13 superintending control or for an extraordinary writ, except the
14 writ of habeas corpus, the moving party shall pay the sum of
15 \$42.00. The clerk shall transmit, at the end of each month, for
16 each \$42.00 collected within the month, \$18.75 to the executive
17 secretary of the ~~judges~~ MICHIGAN JUDGES retirement system ~~for~~
18 ~~remittal pursuant to section 2530a~~ CREATED BY THE JUDGES RETIRE-
19 MENT ACT OF 1992; \$5.00 to the secretary of the MICHIGAN legisla-
20 tive retirement system for deposit with the state treasurer in
21 the retirement fund created by THE MICHIGAN LEGISLATIVE RETIRE-
22 MENT SYSTEM ACT, Act No. 261 of the Public Acts of 1957, as
23 amended, being sections 38.1001 to 38.1060 of the Michigan
24 Compiled Laws; \$5.25 to the state treasurer for deposit in the
25 general fund; \$2.00 to the state treasurer to be credited to the
26 community dispute resolution fund created by the community
27 dispute resolution act, ACT NO. 260 OF THE PUBLIC ACTS OF 1988,

1 BEING SECTIONS 691.1551 TO 691.1564 OF THE MICHIGAN COMPILED
2 LAWS; and the balance of the filing fee to the county treasurer.

3 (b) Before the filing and entering of ~~any~~ A transcript,
4 claim of appeal, or motion for leave to appeal from the district
5 court, the sum of \$5.00.

6 (c) For each trial before a court of record, with or without
7 a jury, the plaintiff shall pay the sum of \$10.00. The clerk
8 shall pay \$5.00 of each trial fee to the state treasurer, to
9 apply to the credit of the general fund, and \$5.00 of each trial
10 fee into the county treasury, to apply to the credit of the gen-
11 eral fund.

12 (d) Before the entry of ~~any~~ A final judgment by default in
13 pleading in an action without a jury or by consent without trial,
14 or the entry of a judgment against a garnishee defendant upon a
15 district court transcript, or upon the entry of a judgment on an
16 award from ~~any~~ A board or referee upon whose award the law per-
17 mits the entry of judgment, and in all other cases finally dis-
18 posed of by court order except those described in subdivision

19 (e), the sum of \$10.00. The clerk shall pay \$5.00 of each judg-
20 ment fee to the state treasurer, to apply to the credit of the
21 general fund.

22 (e) Before the entry of ~~any~~ A final judgment in an action
23 ~~wherein~~ IN WHICH trial has been had, or ~~where~~ IN WHICH a jury
24 is called to render a verdict upon default in pleading, the sum
25 of \$10.00. The clerk shall pay \$5.00 of each judgment fee to the
26 state treasurer, to apply to the credit of the general fund.

1 (f) Beginning July 1, 1983, in addition to the judgment fee
2 provided in subdivision (d) or (e), before entry of a final
3 judgment in an action for divorce or separate maintenance ~~where~~
4 IN WHICH minor children are involved, or the entry of a final
5 judgment in a child custody dispute submitted to the circuit
6 court as an original action, 1 of the following sums, which shall
7 be deposited by the county treasurer as provided in
8 section 2530:

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

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

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

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

22 (h) For ~~any and all~~ services relative to the receipt,
23 safekeeping, or ~~putting out~~ EXPENDING of money, or the purchas-
24 ing, taking, or transferring of ~~any security therefor~~, or the
25 collecting of interest ~~thereon~~ ON A SECURITY, under the direc-
26 tion of the court, not specifically provided for in this section,
27 the clerk shall receive ~~such~~ THE allowance and compensation

1 ~~, and~~ from ~~such of~~ the parties as the court may consider just
2 and shall direct ~~, by an~~ COURT order, ~~for that purpose,~~
3 after notice to the parties to be charged.

4 (1) Upon appeal to the supreme court, the sum of \$10.00.

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

10 (3) In counties where the county clerk receives the fees of
11 his or her office, all or in part, instead of a salary, all or in
12 part, the clerk shall pay over to the county treasurer the sum of
13 \$5.00 on each civil action that is commenced in the circuit
14 court.

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

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

23 (6) After January 1, 1993 the filing fee shall be \$40.00 and
24 the state treasurer shall not credit \$2.00 to the community dis-
25 pute resolution fund CREATED BY ACT NO. 260 OF THE PUBLIC ACTS OF
26 1988.

1 (7) THE CLERK OF THE CIRCUIT COURT SHALL PREPARE AND SUBMIT
2 A COURT FILING FEE REPORT TO THE EXECUTIVE SECRETARY OF THE
3 MICHIGAN JUDGES RETIREMENT SYSTEM CREATED BY THE JUDGES RETIRE-
4 MENT ACT OF 1992 AT THE SAME TIME THE CLERK OF THE CIRCUIT COURT
5 TRANSMITS THE PORTION OF THE FEES COLLECTED UNDER THIS SECTION TO
6 THE EXECUTIVE SECRETARY.

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

10 (a) Before a civil action is commenced, or before the filing
11 of an application for superintending control or for an extraordi-
12 nary writ, except the writ of habeas corpus, the moving party
13 shall pay the sum of \$42.00. The clerk at the end of each month
14 shall transmit for each \$42.00 collected within the month,
15 \$18.75 to the executive secretary of the ~~judges~~ MICHIGAN
16 JUDGES retirement system ~~for remittal pursuant to section 2530a~~
17 CREATED BY THE JUDGES RETIREMENT ACT OF 1992; \$5.00 to the secre-
18 tary of the MICHIGAN legislative retirement system for deposit
19 with the state treasurer in the retirement fund created by THE
20 MICHIGAN LEGISLATIVE RETIREMENT SYSTEM ACT, Act No. 261 of the
21 Public Acts of 1957, as amended, being sections 38.1001 to
22 38.1060 of the Michigan Compiled Laws; \$5.25 to the state trea-
23 surer for deposit in the general fund; \$2.00 to the state trea-
24 surer to be credited to the community dispute resolution fund
25 created by the community dispute resolution act, ACT NO. 260 OF
26 THE PUBLIC ACTS OF 1988, BEING SECTIONS 691.1551 TO 691.1564 OF

1 THE MICHIGAN COMPILED LAWS; and the balance of the filing fee to
2 the county treasurer.

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

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

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

19 (e) Before entry of a final judgment in an action ~~where~~ IN
20 WHICH trial has been had, or ~~where~~ IN WHICH a jury is called to
21 render a verdict upon default in pleading, the sum of \$10.00.

22 (f) In addition to the judgment fee provided in subdivision
23 (d) or (e), before entry of a final judgment in an action for
24 divorce or separate maintenance ~~where~~ IN WHICH minor children
25 are involved, or the entry of a final judgment in a child custody
26 dispute submitted to the circuit court as an original action, 1

1 of the following sums, which shall be deposited by the county
2 treasurer as provided in section 2530:

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

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

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

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

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

15 (i) For services relative to the receipt, safekeeping, or
16 ~~putting out~~ EXPENDING of money, or the purchasing, taking, or
17 transferring of a security, or the collecting of interest on a
18 security, under the direction of the court, not specifically pro-
19 vided in this section, the clerk shall receive the allowance and
20 compensation ~~—~~ from the parties as the court may consider just
21 and shall direct by ~~an~~ COURT order, after notice to the parties
22 to be charged.

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

24 (2) The sums paid as provided in this section shall be held
25 to be in full for all clerk, entry, and judgment fees in an
26 action from the commencement of the action to and including the

1 issuance and return of the execution or other final process, and
2 are taxable as costs.

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

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

9 (5) After January 1, 1993 the filing fee shall be \$40.00 and
10 the state treasurer shall not credit \$2.00 to the community dis-
11 pute resolution fund CREATED BY ACT NO. 260 OF THE PUBLIC ACTS OF
12 1988.

13 (6) THE CLERK OF THE CIRCUIT COURT SHALL PREPARE AND SUBMIT
14 A COURT FILING FEE REPORT TO THE EXECUTIVE SECRETARY OF THE
15 MICHIGAN JUDGES RETIREMENT SYSTEM CREATED BY THE JUDGES RETIRE-
16 MENT ACT OF 1992 AT THE SAME TIME THE CLERK OF THE CIRCUIT COURT
17 TRANSMITS THE PORTION OF THE FEES COLLECTED UNDER THIS SECTION TO
18 THE EXECUTIVE SECRETARY.

19 Sec. 5756. (1) If the complaint is for the recovery of pos-
20 session of premises only, the fee for filing a proceeding under
21 this chapter ~~shall be~~ IS \$22.00.

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

1 (3) Of each filing fee and supplemental filing fee collected
2 ~~pursuant to~~ UNDER this section, at the end of each month, the
3 clerk of the district court shall transmit \$2.00 to the state
4 treasurer to be credited to the community dispute resolution fund
5 created by the community dispute resolution act, ACT NO. 260 OF
6 THE PUBLIC ACTS OF 1988, BEING SECTIONS 691.1551 TO 691.1564 OF
7 THE MICHIGAN COMPILED LAWS; 45% of the remaining filing fee and
8 supplemental filing fee to the executive secretary of the
9 ~~judges'~~ MICHIGAN JUDGES retirement system ~~for remittal pursu-~~
10 ~~ant to section 2530a~~ CREATED BY THE JUDGES RETIREMENT ACT OF
11 1992; and the balance to the treasurer of the district control
12 unit in which the action was commenced.

13 (4) After January 1, 1993 the filing fee ~~shall be~~ IS
14 \$20.00 and the state treasurer shall not credit \$2.00 to the com-
15 munity dispute resolution fund AS PROVIDED IN SUBSECTION (3).

16 (5) THE CLERK OF THE DISTRICT COURT SHALL PREPARE AND SUBMIT
17 A COURT FILING FEE REPORT TO THE EXECUTIVE SECRETARY OF THE
18 MICHIGAN JUDGES RETIREMENT SYSTEM CREATED BY THE JUDGES RETIRE-
19 MENT ACT OF 1992 AT THE SAME TIME THE CLERK OF THE DISTRICT COURT
20 TRANSMITS THE PORTION OF THE FEES COLLECTED UNDER THIS SECTION TO
21 THE EXECUTIVE SECRETARY.

22 Sec. 8202. (1) A district judge shall receive an annual
23 salary payable by ~~the~~ THIS state equal to 90% of the annual
24 salary payable by ~~the~~ THIS state to a circuit judge.

25 (2) In addition to the salary received from ~~the~~ THIS
26 state, a district judge may receive from a district control unit
27 in which the judge regularly holds court an additional salary as

1 determined by the governing legislative body of the district
2 control unit. Supplemental salaries paid by a district control
3 unit shall be uniform as to all judges who regularly hold court
4 in the district control unit. In the thirty-sixth district each
5 district judge shall receive an additional salary ~~which~~ THAT,
6 when added to the annual salary paid by the state under subsec-
7 tion (1), equals 88% of the annual salary of a justice of the
8 supreme court. The total annual additional salary paid to a dis-
9 trict court judge by the district control units in which the
10 judge regularly holds court shall not cause the district judge's
11 total annual salary received from state and district control unit
12 funds to exceed 88% of the annual salary of a justice of the
13 supreme court. However, an increase in the amount of salary pay-
14 able to a judge of the district court caused by an increase in
15 the salary of a justice of the supreme court resulting from the
16 operation of Act No. 357 of the Public Acts of 1968, as amended,
17 being sections 15.211 to 15.218 of the Michigan Compiled Laws,
18 after ~~the effective date of subsection (8)~~ SEPTEMBER 1, 1981,
19 shall not be effective until February 1 of the year in which the
20 increase in the salary of a justice of the supreme court becomes
21 effective. If an increase in salary becomes effective on
22 February 1 of a year in which an increase in the salary of a jus-
23 tice of the supreme court becomes effective, the increase shall
24 be retroactive to January 1 of that year.

25 (3) A district judge who holds court in a county other than
26 the county of the judge's residence shall be reimbursed for his
27 or her actual and necessary expenses incurred in holding court

1 upon certification and approval by the court administrator. Upon
2 certification of the judge's expenses, the sum shall be paid out
3 of the state treasury ~~in accordance with~~ PURSUANT TO the
4 accounting laws of this state.

5 (4) Salaries of a district court judge may be increased but
6 shall not be decreased during a term of office except and only to
7 the extent of a general salary reduction in all other branches of
8 government.

9 (5) Except as provided in subsection (6), the supreme court,
10 by rule, may establish civil and criminal trial divisions within
11 the district court. ~~which~~ THE rules shall provide for the
12 rotation of judges among the trial divisions.

13 (6) The judges of the district court for the thirty-sixth
14 district shall establish functional divisions of the court
15 ~~which~~ THAT are necessary for the effective administration of
16 justice within the district. As ordered by the chief judge of
17 the district, judges of that district shall be rotated among the
18 functional divisions of the court established pursuant to this
19 subsection.

20 (7) A judge of the district court is eligible to be a member
21 of the ~~judges~~ MICHIGAN JUDGES retirement system created by
22 ~~Act No. 198 of the Public Acts of 1951, as amended, being~~
23 ~~sections 38.801 to 38.830 of the Michigan Compiled Laws~~ THE
24 JUDGES RETIREMENT ACT OF 1992.

25 (8) The district court in a district may hold evening and
26 Saturday sessions.

1 (9) Except as provided in subsection (10), ~~the~~ THIS state
2 shall reimburse to a district control unit paying an additional
3 salary to a district judge a portion of that additional salary in
4 an amount provided by law, unless the additional salary, includ-
5 ing any cost-of-living allowance, payable by that district con-
6 trol unit causes the total annual salary of a district judge to
7 exceed the applicable percentage of the salary of a justice of
8 the supreme court.

9 (10) Notwithstanding the limitations of subsection (9), the
10 state shall reimburse a district control unit pursuant to subsec-
11 tion (9), even if the additional salary, including any
12 cost-of-living allowance, payable by that district control unit
13 on ~~the effective date of subsection (9)~~ SEPTEMBER 1, 1981
14 causes the total annual salary of a district judge to exceed the
15 applicable percentage of the salary of a justice of the supreme
16 court payable on ~~the effective date of subsection (9)~~
17 SEPTEMBER 1, 1981. However, if the additional salary of a dis-
18 trict judge increases beyond the amount payable to the judge on
19 ~~the effective date of subsection (9)~~ SEPTEMBER 1, 1981, and if
20 the total annual salary of the judge exceeds the applicable per-
21 centage of the salary of a justice of the supreme court, the dis-
22 trict control unit shall return to the state any amount paid
23 under subsection (9) during that state fiscal year, and shall be
24 ineligible to receive reimbursement under subsection (9) until
25 the total annual salary of the district judge does not exceed the
26 applicable percentage of the salary of the justice of the supreme
27 court.

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

7 (2) Of each filing fee collected within the month, at the
8 end of each month, the clerk shall transmit \$2.00 to the state
9 treasurer to be credited to the community dispute resolution fund
10 created by the community dispute resolution act, ACT NO. 260 OF
11 THE PUBLIC ACTS OF 1988, BEING SECTIONS 691.1551 TO 691.1564 OF
12 THE MICHIGAN COMPILED LAWS; 45% of the remaining filing fee to
13 the executive secretary of the MICHIGAN JUDGES retirement system
14 ~~for remittal pursuant to section 2530a~~ CREATED BY THE JUDGES
15 RETIREMENT ACT OF 1992; and the balance of each filing fee to the
16 treasurer of the district control unit in which the action was
17 commenced.

18 (3) The judge may order payment of any statutory fees waived
19 or suspended until the conclusion of the litigation, upon a show-
20 ing by affidavit of indigency or inability to pay.

21 (4) Neither ~~the~~ THIS state nor a political subdivision of
22 ~~the~~ THIS state shall be required to pay a filing fee in a civil
23 infraction action.

24 (5) Except for civil actions filed for relief under chapter
25 43, 57, or 84, if a civil action is filed for relief other than
26 money damages, the filing fee shall be equal to the filing fee in

1 actions for money damages in excess of \$3,000.00 as provided in
2 subsection (1).

3 (6) After January 1, 1993 the filing fee shall be \$30.00 if
4 the amount in controversy exceeds \$3,000.00, \$20.00 if the amount
5 in controversy exceeds \$600.00, and \$10.00 if the amount does not
6 exceed \$600.00, and the state treasurer shall not credit \$2.00 to
7 the community dispute resolution fund CREATED BY ACT NO. 260 OF
8 THE PUBLIC ACTS OF 1988.

9 (7) THE CLERK OF THE DISTRICT COURT SHALL PREPARE AND SUBMIT
10 A COURT FILING FEE REPORT TO THE EXECUTIVE SECRETARY OF THE
11 MICHIGAN JUDGES RETIREMENT SYSTEM CREATED BY THE JUDGES RETIRE-
12 MENT ACT OF 1992 AT THE SAME TIME THE CLERK OF THE DISTRICT COURT
13 TRANSMITS THE PORTION OF THE FEES COLLECTED UNDER THIS SECTION TO
14 THE EXECUTIVE SECRETARY.

15 Sec. 8381. (1) When fines and costs are assessed by a mag-
16 istrate, a traffic bureau, or a judge of the district court, not
17 less than \$5.00 shall be assessed as costs and collected for each
18 conviction or civil infraction determination and each guilty plea
19 or civil infraction admission except for parking violations. Of
20 the costs assessed and collected, for each conviction or civil
21 infraction determination and each guilty plea or civil infraction
22 admission, \$5.00 shall be paid to the clerk of the district
23 court. ~~who~~ THE CLERK OF THE DISTRICT COURT, on or before the
24 fifteenth DAY of ~~each~~ THE month IN WHICH COSTS ARE COLLECTED
25 UNDER THIS SECTION, shall transmit ~~it to the state treasurer.~~
26 ~~The state treasurer shall deposit~~ 6% of the costs collected to
27 the STATE TREASURER FOR DEPOSIT IN THE legislative retirement

1 fund created by THE MICHIGAN LEGISLATIVE RETIREMENT SYSTEM ACT,
2 Act No. 261 of the Public Acts of 1957, as amended, being
3 sections 38.1001 to 38.1060 of the Michigan Compiled Laws; 9% of
4 the costs collected to the ~~judges' retirement fund created by~~
5 ~~Act No. 198 of the Public Acts of 1951, as amended~~ EXECUTIVE
6 SECRETARY OF THE MICHIGAN JUDGES RETIREMENT SYSTEM CREATED BY THE
7 JUDGES RETIREMENT ACT OF 1992; and ~~shall deposit~~ the balance of
8 the costs collected TO THE STATE TREASURER FOR DEPOSIT in the
9 general fund.

10 (2) THE CLERK OF THE DISTRICT COURT SHALL PREPARE AND SUBMIT
11 A COURT FILING FEE REPORT TO THE EXECUTIVE SECRETARY OF THE
12 MICHIGAN JUDGES RETIREMENT SYSTEM CREATED BY THE JUDGES RETIRE-
13 MENT ACT OF 1992 AT THE SAME TIME THE CLERK OF THE DISTRICT COURT
14 TRANSMITS THE PORTION OF THE COSTS COLLECTED UNDER THIS SECTION
15 TO THE EXECUTIVE SECRETARY.

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

1 be collected by ~~any~~ AN officer for any service rendered under
2 this chapter or for the taking of affidavits for use in connec-
3 tion with any action commenced under this chapter.

4 (2) Of each filing fee collected within the month, at the
5 end of each month, the clerk shall transmit \$2.00 to the state
6 treasurer to be credited to the community dispute resolution fund
7 created by the community dispute resolution act, ACT NO. 260 OF
8 THE PUBLIC ACTS OF 1988, BEING SECTIONS 691.1551 TO 691.1564 OF
9 THE MICHIGAN COMPILED LAWS; 45% of the remaining filing fee to
10 the executive secretary of the ~~judges~~ MICHIGAN JUDGES retire-
11 ment system ~~for remittal pursuant to section 2530a~~ CREATED BY
12 THE JUDGES RETIREMENT ACT OF 1992; and the balance of each filing
13 fee to the treasurer of the district control unit in which the
14 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~~ IS entitled to the same fee and mileage as for the service of
18 a summons and complaint out of the district court.

19 (4) After January 1, 1993 the filing fee shall be \$10.00 if
20 the amount in controversy does not exceed \$600.00, or \$20.00 if
21 the amount in controversy exceeds \$600.00, and the clerk shall
22 not transmit \$2.00 to the state treasurer to be credited to the
23 community dispute resolution fund AS PROVIDED IN SUBSECTION (2).

24 (5) THE CLERK OF THE DISTRICT COURT SHALL PREPARE AND SUBMIT
25 A COURT FILING FEE REPORT TO THE EXECUTIVE SECRETARY OF THE
26 MICHIGAN JUDGES RETIREMENT SYSTEM CREATED BY THE JUDGES
27 RETIREMENT ACT OF 1992 AT THE SAME TIME THE CLERK OF THE DISTRICT

1 COURT TRANSMITS THE PORTION OF THE FEES COLLECTED UNDER THIS
2 SECTION TO THE EXECUTIVE SECRETARY.

3 Section 2. This amendatory act shall not take effect unless
4 Senate Bill No. _____ or House Bill No. 6098 (request
5 no. 05554'92 *) of the 86th Legislature is enacted into law.