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House Bill 4140 (Substitute H-3 as reported without amendment)

Sponsor: Representative Marc Shulman

House Committee: Civil Law and the Judiciary

Senate Committee: Judiciary

CONTENT

The bill would add Chapter 80 ("The Cyber Court") to the Revised Judicature Act. Chapter 80 would create the Cyber Court to resolve certain disputes between business and commercial entities in a setting where all matters would have to be heard by means of electronic communications. The following provisions would apply:

- The Cyber Court would have concurrent jurisdiction over business and commercial actions in which the amount in dispute exceeded \$25,000.
- A Cyber Court case would have to be heard by the judge, without a jury.
- A \$200 filing fee would be required for actions filed in the Cyber Court.
- Practice and procedure would be governed by special rules adopted by the Supreme Court.
- Cases filed in the Cyber Court could be removed to the circuit court, and decisions could be appealed to the Court of Appeals.
- The Supreme Court would have to appoint the Cyber Court clerk and assign to the Cyber Court elected judges who requested consideration for the assignment; the total number of judges assigned would have to reflect the court's caseload.
- By October 1, 2004, the State Court Administrator would have to report to the Legislature on the Cyber Court's operation.
- A legislative oversight committee would be created.
- The Supreme Court would have to adopt rules to implement Chapter 80.

The sections of the bill requiring the adoption of rules for its implementation and creating a legislative oversight committee would take effect on January 1, 2002. The remainder of the bill would take effect on October 1, 2002.

Proposed MCL 600.8001-600.8029

Legislative Analyst: S. Lowe

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on the State depending on the caseload and the number of judges assigned to the Cyber Court. Costs also would include facility and equipment costs. No information has been provided to facilitate an estimate regarding the technology costs of the proposed Cyber Court. That cost would depend on the adaptability of available space and level of technology required.

The bill would require the Cyber Court to maintain its staff and support services in Lansing. However, other than requiring the Supreme Court to appoint a Cyber Court clerk, the bill does not specify the number of new employees. Other staff might include a judicial secretary, law clerk, and a technician to operate the Cyber Court equipment.

Date Completed: 12-12-01

Fiscal Analyst: B. Bowerman

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Analysis available @ <http://www.michiganlegislature.org>

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.