

HOUSE BILL No. 4726

(As amended April 18, 2002)

May 3, 2001, Introduced by Rep. Jamnick and referred to the Committee on Civil Law and the Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 5759 (MCL 600.5759).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5759. (1) In proceedings under this chapter, costs may
2 be allowed in the same amounts as are provided by law in other
3 civil actions in the same court, except that the costs provided
4 by section 2441 shall not apply. The court may also allow as
5 taxable costs an amount not exceeding the following:

6 (a) For a motion ~~which~~ THAT results in dismissal or judg-
7 ment, [~~\$20.00~~ \$75.00].

8 (b) For a judgment taken by default [OR CONSENT], ~~-\$15.00-~~
\$75.00.

9 (c) For the trial of a claim for possession only, [~~\$20.00~~
\$150.00].

10 (d) For the trial of a claim for damages only, [~~\$20.00~~ \$150.00].

HB4726, As Passed House, April 23, 2002

HB 4726 as amended April 18, 2002

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1 (e) For a trial including both a claim for possession and a
2 claim for money judgment, ~~-\$30.00~~ \$150.00.

3 (2) In determining taxable costs in tenancy cases, the judge
4 shall take into consideration whether the jury or judge found
5 that a portion of the rent allegedly due to the plaintiff was
6 excused by reason of the plaintiff's breach of the lease or
7 breach of his OR HER statutory covenants.

[Enacting section 1. This amendatory act takes effect January 1,
2002.]