

HOUSE BILL No. 4798

May 22, 2001, Introduced by Rep. Richner 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 sections 2529 and 8371 (MCL 600.2529 and 600.8371),
section 2529 as amended by 1999 PA 268 and section 8371 as
amended by 1996 PA 388.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2529. (1) In the circuit court, the following fees
2 shall be paid to the clerk of the court:

3 (a) Before a civil action other than an action brought
4 exclusively under section 2950 or 2950a is commenced, or before
5 the filing of an application for superintending control or for an
6 extraordinary writ, except the writ of habeas corpus, the party
7 bringing the action or filing the application shall pay the sum
8 of ~~-\$62.00~~ \$100.00. The clerk at the end of each month shall
9 transmit for each fee collected under this subdivision within the

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1 month, \$18.75 to the executive secretary of the Michigan judges
2 retirement system created by the judges retirement act of 1992,
3 1992 PA 234, MCL 38.2101 to 38.2670; \$5.00 to the secretary of
4 the Michigan legislative retirement system for deposit with the
5 state treasurer in the retirement fund created by the Michigan
6 legislative retirement system act, 1957 PA 261, MCL 38.1001 to
7 ~~38.1060~~ 38.1080; \$5.25 to the state treasurer for deposit in
8 the general fund; \$2.00 to the state treasurer to be credited to
9 the community dispute resolution fund created by the community
10 dispute resolution act, 1988 PA 260, MCL 691.1551 to 691.1564;
11 \$11.00 to the county treasurer; and the balance of the filing fee
12 to the state treasurer for deposit in the state court fund cre-
13 ated ~~by~~ IN section 151a. ~~Beginning October 1, 1994 and until~~
14 ~~October 1, 1995, the fee required under this subdivision is~~
15 ~~\$72.00. Beginning October 1, 1995 and until October 1, 1996, the~~
16 ~~fee required under this subdivision is \$80.00. Beginning~~
17 ~~October 1, 1996 and until October 1, 1997, the fee required under~~
18 ~~this subdivision is \$90.00. Beginning October 1, 1997, the fee~~
19 ~~required under this subdivision is \$100.00.~~

20 (b) Before the filing of a claim of appeal or motion for
21 leave to appeal from the district court, probate court, a munici-
22 pal court, or an administrative tribunal or agency, the sum of
23 ~~\$60.00~~ \$100.00. For each fee collected under this subdivision,
24 the clerk shall transmit \$15.00 to the state treasurer for
25 deposit in the state court fund created ~~by~~ IN section 151a.
26 ~~Beginning October 1, 1994 and until October 1, 1995, the fee~~
27 ~~required under this subdivision is \$70.00. Beginning October 1,~~

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1 ~~1995 and until October 1, 1996, the fee required under this~~
2 ~~subdivision is \$80.00. Beginning October 1, 1996 and until~~
3 ~~October 1, 1997, the fee required under this subdivision is~~
4 ~~\$90.00. Beginning October 1, 1997, the fee required under this~~
5 ~~subdivision is \$100.00.~~

6 (c) If a trial by jury is demanded, the party making the
7 demand at the time shall pay the sum of ~~\$60.00~~ \$85.00. Failure
8 to pay the fee ~~within~~ AT the time ~~provided in the court rules~~
9 THE DEMAND IS MADE constitutes a waiver of the right to a jury
10 trial. The sum shall be taxed in favor of the party paying the
11 fee, in case the party recovers a judgment for costs. FOR EACH
12 FEE COLLECTED UNDER THIS SUBDIVISION, THE CLERK SHALL TRANSMIT
13 \$25.00 TO THE STATE TREASURER FOR DEPOSIT IN THE JUROR COMPENSA-
14 TION REIMBURSEMENT FUND CREATED IN SECTION 151D.

15 (d) Before entry of a final judgment in an action for
16 divorce or separate maintenance in which minor children are
17 involved, or the entry of a final judgment in a child custody
18 dispute submitted to the circuit court as an original action, 1
19 of the following sums, which shall be deposited by the county
20 treasurer as provided in section 2530:

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

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

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

4 (e) Except as otherwise provided in this section, upon the
5 filing of a motion the sum of \$20.00. In conjunction with an
6 action brought under section 2950 or 2950a, a motion fee shall
7 not be collected for a motion to dismiss the petition, a motion
8 to modify, rescind, or terminate a personal protection order, or
9 a motion to show cause for a violation of a personal protection
10 order. For each fee collected under this subdivision, the clerk
11 shall transmit \$10.00 to the state treasurer for deposit in the
12 state court fund created ~~by~~ IN section 151a.

13 (f) For services under the direction of the court that are
14 not specifically provided for in this section relative to the
15 receipt, safekeeping, or expending of money, or the purchasing,
16 taking, or transferring of a security, or the collecting of
17 interest on a security, the clerk shall receive the allowance and
18 compensation from the parties as the court may consider just and
19 shall direct by court order, after notice to the parties to be
20 charged.

21 (g) Upon appeal to the court of appeals or the supreme
22 court, the sum of \$25.00.

23 (h) The sum of \$15.00 as a service fee for each writ of gar-
24 nishment, attachment, execution, or judgment debtor discovery
25 subpoena issued.

26 (2) The sums paid as provided in this section shall be held
27 to be in full for all clerk, entry, and judgment fees in an

1 action from the commencement of the action to and including the
2 issuance and return of the execution or other final process, and
3 are taxable as costs.

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

6 (4) The court shall order any of the fees prescribed in this
7 section waived or suspended, in whole or in part, upon a showing
8 by affidavit of indigency or inability to pay.

9 (5) The clerk of the circuit 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, 1992 PA 234, MCL 38.2101 to 38.2670, at the
13 same time the clerk of the circuit court transmits the portion of
14 the fees collected under this section to the executive
15 secretary.

16 Sec. 8371. (1) In the district court, the fees prescribed
17 in this section shall be paid to the clerk of the court.

18 (2) Before a civil action is commenced in the district
19 court, the party commencing the action shall pay to the clerk the
20 sum of \$100.00 if the amount in controversy exceeds \$10,000.00.
21 For each fee collected under this subsection, the clerk shall
22 transmit \$2.00 to the state treasurer to be credited to the com-
23 munity dispute resolution fund created by the community dispute
24 resolution act, ~~Act No. 260 of the Public Acts of 1988, being~~
25 ~~sections 691.1551 to 691.1564 of the Michigan Compiled Laws~~ 1988
26 PA 260, MCL 691.1551 TO 691.1564; \$13.50 to the executive
27 secretary of the MICHIGAN judges retirement system CREATED BY THE

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1 JUDGES RETIREMENT ACT OF 1992, 1992 PA 234, MCL 38.2101 TO
2 38.2670; \$21.50 to the treasurer of the district control unit in
3 which the action was commenced; and shall transmit the balance to
4 the state treasurer for deposit in the state court fund created
5 by section 151a.

6 (3) Before a civil action is commenced in the district
7 court, the party commencing the action shall pay to the clerk the
8 sum of \$52.00 if the amount in controversy exceeds \$1,750.00 but
9 does not exceed \$10,000.00. For each fee collected under this
10 subsection, the clerk shall transmit \$2.00 to the state treasurer
11 to be credited to the community dispute resolution fund created
12 by the community dispute resolution act, ~~Act No. 260 of the~~
13 ~~Public Acts of 1988, being sections 691.1551 to 691.1564 of the~~
14 ~~Michigan Compiled Laws~~ 1988 PA 260, MCL 691.1551 TO 691.1564;
15 \$13.50 to the executive secretary of the MICHIGAN judges retire-
16 ment system CREATED BY THE JUDGES RETIREMENT ACT OF 1992, 1992 PA
17 234, MCL 38.2101 TO 38.2670; \$16.50 to the treasurer of the dis-
18 trict control unit in which the action was commenced; and shall
19 transmit the balance to the state treasurer for deposit in the
20 state court fund created by section 151a.

21 (4) Before a civil action is commenced in the district
22 court, the party commencing the action shall pay to the clerk the
23 sum of \$32.00 if the amount in controversy exceeds \$600.00 but
24 does not exceed \$1,750.00. For each fee collected under this
25 subsection, the clerk shall transmit \$2.00 to the state treasurer
26 to be credited to the community dispute resolution fund created
27 by the community dispute resolution act, ~~Act No. 260 of the~~

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1 ~~Public Acts of 1988, being sections 691.1551 to 691.1564 of the~~
2 ~~Michigan Compiled Laws~~ 1988 PA 260, MCL 691.1551 TO 691.1564;
3 \$9.00 to the executive secretary of the MICHIGAN judges retire-
4 ment system CREATED BY THE JUDGES RETIREMENT ACT OF 1992, 1992 PA
5 234, MCL 38.2101 TO 38.2670; \$11.00 to the treasurer of the dis-
6 trict control unit in which the action was commenced; and shall
7 transmit the balance to the state treasurer for deposit in the
8 state court fund created by section 151a.

9 (5) Before a civil action is commenced in the district
10 court, the party commencing the action shall pay to the clerk the
11 sum of \$17.00 if the amount in controversy does not exceed
12 \$600.00. For each fee collected under this subsection, the clerk
13 shall transmit \$2.00 to the state treasurer to be credited to the
14 community dispute resolution fund created by the community dis-
15 pute resolution act, ~~Act No. 260 of the Public Acts of 1988,~~
16 ~~being sections 691.1551 to 691.1564 of the Michigan Compiled~~
17 ~~Laws~~ 1988 PA 260, MCL 691.1551 TO 691.1564; \$4.50 to the execu-
18 tive secretary of the MICHIGAN judges retirement system CREATED
19 BY THE JUDGES RETIREMENT ACT OF 1992, 1992 PA 234, MCL 38.2101 TO
20 38.2670; \$5.50 to the treasurer of the district control unit in
21 which the action was commenced; and shall transmit the balance to
22 the state treasurer for deposit in the state court fund created
23 by section 151a.

24 (6) The judge shall order payment of any statutory fees
25 waived or suspended, in whole or in part, upon a showing by affi-
26 davit of indigency or inability to pay.

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1 (7) Neither this state nor a political subdivision of this
2 state shall be required to pay a filing fee in a civil infraction
3 action.

4 (8) Except for civil actions filed for relief under chapter
5 43, 57, or 84, if a civil action is filed for relief other than
6 money damages, the filing fee shall be equal to the filing fee in
7 actions for money damages in excess of \$1,750.00 but not in
8 excess of \$10,000.00 as provided in subsection (3), and shall be
9 transmitted in the same manner as a fee under subsection (3) is
10 transmitted.

11 (9) If a trial by jury is demanded, the party making the
12 demand at the time shall pay the sum of ~~-\$40.00~~ \$50.00. Failure
13 to pay the fee ~~within~~ AT the time ~~provided in the court rules~~
14 THE DEMAND IS MADE constitutes a waiver of the right to a jury
15 trial. The sum shall be taxed in favor of the party paying the
16 fee, in case the party recovers a judgment for costs. FOR EACH
17 FEE COLLECTED UNDER THIS SUBSECTION, THE CLERK SHALL TRANSMIT
18 \$10.00 TO THE STATE TREASURER FOR DEPOSIT IN THE JUROR COMPENSA-
19 TION REIMBURSEMENT FUND CREATED IN SECTION 151D.

20 (10) If the amount in controversy in a civil action exceeds
21 \$10,000.00, a sum of \$20.00 shall be assessed for all motions
22 filed in that civil action. For each fee collected under this
23 subsection, the clerk shall transmit \$10.00 to the state trea-
24 surer for deposit in the state court fund created in section 151a
25 and the balance shall be transmitted to the treasurer of the dis-
26 trict control unit for the district court in the district in
27 which the action was commenced.

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1 (11) The clerk of the district court shall prepare and
2 submit a court filing fee report to the executive secretary of
3 the Michigan judges retirement system created by the judges
4 retirement act of 1992, ~~Act No. 234 of the Public Acts of 1992,~~
5 ~~being sections 38.2101 to 38.2608 of the Michigan Compiled Laws~~
6 1992 PA 234, MCL 38.2101 TO 38.2670, at the same time the clerk
7 of the district court transmits the portion of the fees collected
8 under this section to the executive secretary.

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

11 Enacting section 2. This amendatory act does not take
12 effect unless all of the following bills of the 91st Legislature
13 are enacted into law:

14 (a) House Bill No. 4090.

15 (b) House Bill No. 4551.

16 (c) House Bill No. 4552.

17 (d) House Bill No. 4553.