

HOUSE BILL No. 5303

(As amended November 1, 2001)

October 18, 2001, Introduced by Rep. Mortimer and referred to the Committee on Criminal Justice.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 2529 (MCL 600.2529), as amended by 1999 PA
268.

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, OR [2950H TO 2950I] is
5 commenced, or before the filing of an application for superin-
6 tending control or for an extraordinary writ, except the writ of
7 habeas corpus, the party bringing the action or filing the appli-
8 cation shall pay the sum of \$62.00. The clerk at the end of each
9 month shall transmit for each fee collected under this
10 subdivision within the month, \$18.75 to the executive secretary

HB5303, As Passed House, November 1, 2001

2

1 of the Michigan judges retirement system created by the judges
2 retirement act of 1992, 1992 PA 234, MCL 38.2101 to 38.2670;
3 \$5.00 to the secretary of the Michigan legislative retirement
4 system for deposit with the state treasurer in the retirement
5 fund created by the Michigan legislative retirement system act,
6 1957 PA 261, MCL 38.1001 to ~~38.1060~~ 38.1080; \$5.25 to the state
7 treasurer for deposit in the general fund; \$2.00 to the state
8 treasurer to be credited to the community dispute resolution fund
9 created by the community dispute resolution act, 1988 PA 260, MCL
10 691.1551 to 691.1564; \$11.00 to the county treasurer; and the
11 balance of the filing fee to the state treasurer for deposit in
12 the state court fund created by section 151a. Beginning
13 October 1, 1994 and until October 1, 1995, the fee required under
14 this subdivision is \$72.00. Beginning October 1, 1995 and until
15 October 1, 1996, the fee required under this subdivision is
16 \$80.00. Beginning October 1, 1996 and until October 1, 1997, the
17 fee required under this subdivision is \$90.00. Beginning
18 October 1, 1997, the fee required under this subdivision is
19 \$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 municipi-
22 pal court, or an administrative tribunal or agency, the sum of
23 \$60.00. For each fee collected under this subdivision, the clerk
24 shall transmit \$15.00 to the state treasurer for deposit in the
25 state court fund created by section 151a. Beginning October 1,
26 1994 and until October 1, 1995, the fee required under this
27 subdivision is \$70.00. Beginning October 1, 1995 and until

HB5303, As Passed House, November 1, 2001

3

1 October 1, 1996, the fee required under this subdivision is
2 \$80.00. Beginning October 1, 1996 and until October 1, 1997, the
3 fee required under this subdivision is \$90.00. Beginning
4 October 1, 1997, the fee required under this subdivision is
5 \$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. Failure to pay
8 the fee within the time provided in the court rules constitutes a
9 waiver of the right to a jury trial. The sum shall be taxed in
10 favor of the party paying the fee, in case the party recovers a
11 judgment for costs.

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

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

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

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

26 (e) Except as otherwise provided in this section, upon the
27 filing of a motion the sum of \$20.00. In conjunction with an

HB5303, As Passed House, November 1, 2001

HB 5303 as amended November 1, 2001

4

1 action brought under section 2950 or 2950a, a motion fee shall
2 not be collected for a motion to dismiss the petition, a motion
3 to modify, rescind, or terminate a personal protection order, or
4 a motion to show cause for a violation of a personal protection
5 order. A MOTION FEE SHALL NOT BE COLLECTED FOR A MOTION TO DIS-
6 MISS [A PROCEEDING TO ENFORCE] A FOREIGN PROTECTION ORDER OR A
MOTION TO SHOW CAUSE FOR A
7 VIOLATION OF A FOREIGN PROTECTION ORDER UNDER SECTIONS [2950H TO
8 2950I]. For each fee collected under this subdivision, the clerk
9 shall transmit \$10.00 to the state treasurer for deposit in the
10 state court fund created by section 151a.

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

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

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

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

HB5303, As Passed House, November 1, 2001

HB 5303 as amended November 1, 2001 5

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

8 (5) The clerk of the circuit court shall prepare and submit
9 a court filing fee report to the executive secretary of the
10 Michigan judges retirement system created by the judges retire-
11 ment act of 1992, 1992 PA 234, MCL 38.2101 to 38.2670, at the
12 same time the clerk of the circuit court transmits the portion of
13 the fees collected under this section to the executive
14 secretary.

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

15 Enacting section [2]. This amendatory act does not take
16 effect unless all of the following bills of the 91st Legislature
17 are enacted into law:

18 [(a) Senate Bill No. 729 or House Bill No. 5275.

19 (b) Senate Bill No. 751 or House Bill No. 5299.

20 (c) Senate Bill No. 752 or House Bill No. 5300.

21 (d) Senate Bill No. 753 or House Bill No. 5301.

22 (e) Senate Bill No. 754 or House Bill No. 5302.

23 (f) Senate Bill No. 756 or House Bill No. 5304.

24 (g) Senate Bill No. 757 or House Bill No. 5305.

25 (h) Senate Bill No. 758 or House Bill No. 5306.

26

27

HB5303, As Passed House, November 1, 2001

HB 5303 as amended November 1, 2001

6

1

2

3

4]