

HOUSE BILL No. 6056

May 9, 2002, Introduced by Reps. Lipsey, Adamini, Howell, Faunce and LaSata 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 8420 (MCL 600.8420), as amended by 1993
PA 189.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8420. (1) A fee of \$17.00 shall be charged and col-
2 lected for the filing of the affidavit for the commencement of
3 any action in which the amount in controversy does not exceed
4 \$600.00, ~~and~~ a fee of \$32.00 shall be charged and collected in
5 any action in which the amount in controversy exceeds \$600.00 BUT
6 DOES NOT EXCEED \$1,750.00, AND A FEE OF \$52.00 SHALL BE CHARGED
7 AND COLLECTED IN ANY ACTION IN WHICH THE AMOUNT IN CONTROVERSY
8 EXCEEDS \$1,750.00. A fee in an amount equal to the prevailing
9 postal rate for the service provided shall be charged and
10 collected for each defendant to whom a copy of the affidavit is

1 mailed by the clerk. A fee of \$15.00 shall be charged and
2 collected for the issuance of a writ of execution, attachment, or
3 garnishment, and for the issuance of a judgment debtor discovery
4 subpoena. Except as otherwise provided in this chapter, a fee or
5 charge shall not be collected by an officer for any service
6 rendered under this chapter or for the taking of affidavits for
7 use in connection with any action commenced under this chapter.

8 (2) Of each \$17.00 filing fee collected within the month, at
9 the end of each month, the clerk shall transmit \$2.00 to the
10 state treasurer to be credited to the community dispute resolu-
11 tion fund created ~~by~~ UNDER SECTION 4 OF the community dispute
12 resolution act, ~~Act No. 260 of the Public Acts of 1988, being~~
13 ~~sections 691.1551 to 691.1564 of the Michigan Compiled Laws 1988~~
14 PA 260, MCL 691.1554; \$4.50 to the executive secretary of the
15 Michigan judges retirement system created ~~by~~ UNDER the judges
16 retirement act of 1992, ~~Act No. 234 of the Public Acts of 1992,~~
17 ~~being sections 38.2101 to 38.2608 of the Michigan Compiled Laws~~
18 1992 PA 234, MCL 38.2101 TO 38.2670; \$5.50 to the treasurer of
19 the district control unit in which the action was commenced; and
20 the balance to the state treasurer for deposit in the state court
21 fund created in section 151a.

22 (3) Of each \$32.00 filing fee collected within the month, at
23 the end of each month, the clerk shall transmit \$2.00 to the
24 state treasurer to be credited to the community dispute resolu-
25 tion fund created ~~by Act No. 260 of the Public Acts of 1988~~
26 UNDER SECTION 4 OF THE COMMUNITY DISPUTE RESOLUTION ACT, 1988
27 PA 260, MCL 691.1554; \$9.00 to the executive secretary of the

1 MICHIGAN judges retirement system CREATED UNDER THE JUDGES
2 RETIREMENT ACT OF 1992, 1992 PA 234, MCL 38.2101 TO 38.2670;
3 \$11.00 to the treasurer of the district control unit in which the
4 action was commenced; and the balance to the state treasurer for
5 deposit in the state court fund created in section 151a.

6 (4) OF EACH \$52.00 FILING FEE COLLECTED WITHIN THE MONTH, AT
7 THE END OF EACH MONTH, THE CLERK SHALL TRANSMIT \$2.00 TO THE
8 STATE TREASURER TO BE CREDITED TO THE COMMUNITY DISPUTE RESOLU-
9 TION FUND CREATED UNDER SECTION 4 OF THE COMMUNITY DISPUTE RESO-
10 LUTION ACT, 1988 PA 260, MCL 691.1554; \$13.50 TO THE EXECUTIVE
11 SECRETARY OF THE MICHIGAN JUDGES RETIREMENT SYSTEM CREATED UNDER
12 THE JUDGES RETIREMENT ACT OF 1992, 1992 PA 234, MCL 38.2101 TO
13 38.2670; \$16.50 TO THE TREASURER OF THE DISTRICT CONTROL UNIT IN
14 WHICH THE ACTION WAS COMMENCED; AND THE BALANCE TO THE STATE
15 TREASURER FOR DEPOSIT IN THE STATE COURT FUND CREATED IN SECTION
16 151A.

17 (5) ~~-(4)-~~ If the affidavit and notice to appear and answer
18 are served by personal service, the person serving the process is
19 entitled to the same fee and mileage as for the service of a sum-
20 mons and complaint out of the district court.

21 (6) ~~-(5)-~~ The clerk of the district court shall prepare and
22 submit a court filing fee report to the executive secretary of
23 the Michigan judges retirement system created ~~by Act No. 234 of~~
24 ~~the Public Acts of 1992~~ UNDER THE JUDGES RETIREMENT ACT OF 1992,
25 1992 PA 234, MCL 38.2101 TO 38.2670, at the same time the clerk
26 of the district court transmits the portion of the fees collected
27 under this section to the executive secretary OF THE MICHIGAN

1 JUDGES RETIREMENT SYSTEM CREATED UNDER THE JUDGES RETIREMENT ACT
2 OF 1992, 1992 PA 234, MCL 38.2101 TO 38.2670.