

HOUSE BILL No. 6175

June 5, 2002, Introduced by Rep. Patterson 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 8408 and 8412 (MCL 600.8408 and 600.8412),
section 8408 as amended by 1991 PA 192 and section 8412 as
amended by 1984 PA 278.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8408. (1) ~~An~~ EXCEPT AS PROVIDED IN THIS CHAPTER, AN
2 attorney at law, except on the attorney's own behalf, a collec-
3 tion agency or agent or employee of a collection agency, or a
4 person other than the plaintiff and defendant ~~, except as is~~
5 ~~otherwise provided in this chapter,~~ shall not take part in ~~the~~
6 filing, ~~prosecution, or defense of~~ PROSECUTING, OR DEFENDING
7 litigation in the small claims division.

8 (2) A sole proprietorship, partnership, or corporation as
9 plaintiff or defendant may be represented by an officer or

1 employee who has direct and personal knowledge of facts in
2 dispute. If the officer or employee who has direct and personal
3 knowledge of facts in dispute is no longer employed by the
4 defendant or plaintiff or is medically unavailable, the represen-
5 tation may be ~~made~~ by that person's supervisor, or by the sole
6 proprietor, a partner, or an officer or a member of the board of
7 directors of a corporation.

8 (3) A RENTAL PROPERTY OWNER MAY BE REPRESENTED BY EITHER OF
9 THE FOLLOWING:

10 (A) A RENTAL PROPERTY MANAGER ACTING UNDER A WRITTEN AGREE-
11 MENT WITH THE RENTAL PROPERTY OWNER.

12 (B) AN EMPLOYEE OR RELATIVE OF THE RENTAL PROPERTY OWNER WHO
13 HAS DIRECT AND PERSONAL KNOWLEDGE OF THE FACTS IN DISPUTE.

14 (4) ~~-(3)-~~ A county, city, village, township, or local or
15 intermediate school district as plaintiff or defendant may be
16 represented only by an elected or appointed officer or an
17 employee who has direct and personal knowledge of the facts in
18 dispute. If the officer or employee who has direct and personal
19 knowledge of the facts in dispute is no longer an officer or
20 employee of the plaintiff or defendant, the representation may be
21 ~~made~~ by that officer's successor or that employee's supervisor,
22 or by a member of the governing body of the county, city, vil-
23 lage, township, or local or intermediate school district. ~~-In~~
24 ~~addition, a~~ A person may not represent a county, city, village,
25 township, or local or intermediate school district in the small
26 claims division unless authorized to appear in the case by the

1 governing body of the county, city, village, township, or local
2 or intermediate school district.

3 (5) ~~-(4)-~~ Before commencement of a trial, the plaintiff or
4 defendant may, upon demand, require that the trial be conducted
5 before a district court judge and not a magistrate, or may remove
6 the case from the small claims division to the general civil
7 division of the district court. If the parties commence a trial
8 of the case in the small claims division, both parties waive all
9 rights mentioned in section 8412.

10 Sec. 8412. Unless a party removes a small claims action to
11 the district court ~~pursuant to~~ UNDER section ~~8408(4)-~~ 8408,
12 all parties to ~~an~~ THE action ~~in the small claims division~~
13 ~~shall be considered to have waived~~ WAIVE the right to counsel,
14 the right to trial by jury, the right to recover more than the
15 ~~applicable~~ jurisdictional amount ~~as~~ prescribed by section
16 8401, and ~~any right of~~ THE RIGHT TO appeal, except that if the
17 action is heard before a district court magistrate ~~pursuant to~~
18 UNDER section 8427, the parties have a right to an appeal to the
19 small claims division of the district court as provided by sec-
20 tion 8427. The affidavit prescribed in section 8402 shall con-
21 tain a statement that the plaintiff understands that he or she
22 has waived these rights.