

HOUSE BILL No. 6554

December 3, 2002, Introduced by Reps. Koetje and Tabor and referred to the Committee on Family and Children Services.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 2529 (MCL 600.2529), as amended by 2001 PA
202.

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, 2950a, or 2950h to 2950/ is com-
5 menced, or before the filing of an application for superintending
6 control or for an extraordinary writ, except the writ of habeas
7 corpus, the party bringing the action or filing the application
8 shall pay the sum of \$62.00. The clerk at the end of each month
9 shall transmit for each fee collected under this subdivision
10 within the month, \$18.75 to the executive secretary of the

1 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 38.1080; \$5.25 to the state treasurer
7 for deposit in the general fund; \$2.00 to the state treasurer to
8 be credited to the community dispute resolution fund created by
9 the community dispute resolution act, 1988 PA 260, MCL 691.1551
10 to 691.1564; \$11.00 to the county treasurer; and the balance of
11 the filing fee to the state treasurer for deposit in the state
12 court fund created by section 151a. Beginning October 1, 1994
13 and until October 1, 1995, the fee required under this subdivi-
14 sion is \$72.00. Beginning October 1, 1995 and until October 1,
15 1996, the fee required under this subdivision is \$80.00.
16 Beginning October 1, 1996 and until October 1, 1997, the fee
17 required under this subdivision is \$90.00. Beginning October 1,
18 1997, the fee required under this subdivision is \$100.00.

19 (b) Before the filing of a claim of appeal or motion for
20 leave to appeal from the district court, probate court, a munici-
21 pal court, or an administrative tribunal or agency, the sum of
22 \$60.00. For each fee collected under this subdivision, the clerk
23 shall transmit \$15.00 to the state treasurer for deposit in the
24 state court fund created by section 151a. Beginning October 1,
25 1994 and until October 1, 1995, the fee required under this sub-
26 division is \$70.00. Beginning October 1, 1995 and until
27 October 1, 1996, the fee required under this subdivision is

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

5 (c) If a trial by jury is demanded, the party making the
6 demand at the time shall pay the sum of \$60.00. Failure to pay
7 the fee within the time provided in the court rules constitutes a
8 waiver of the right to a jury trial. The sum shall be taxed in
9 favor of the party paying the fee, in case the party recovers a
10 judgment for costs.

11 (d) Before entry of a final judgment in an action for
12 divorce or separate maintenance ~~in which minor children are~~
13 ~~involved, or the entry of a final judgment in a child custody~~
14 ~~dispute submitted to the circuit court as an original action~~ OR
15 IN WHICH THE CUSTODY, SUPPORT, OR PARENTING TIME OF MINOR CHIL-
16 DREN ARE DETERMINED, 1 of the following sums: ~~, which shall be~~
17 ~~deposited by the county 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-~~ \$40.00.

21 (ii) If the matter was contested or uncontested and was sub-
22 mitted to domestic relations mediation, ~~-\$50.00-~~ \$60.00.

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-~~ \$80.00.

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

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
7 motion to show cause for a violation of a foreign protection
8 order under sections 2950h to 2950l. For each fee collected
9 under this subdivision, the clerk shall transmit \$10.00 to the
10 state treasurer for deposit in the state court fund created by
11 section 151a.

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

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

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

25 (2) The sums paid as provided in this section shall be held
26 to be in full for all clerk, entry, and judgment fees in an
27 action from the commencement of the action to and including the

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) AT THE END OF EACH MONTH, THE CLERK SHALL TRANSMIT FOR
6 EACH FEE COLLECTED UNDER SUBSECTION (1)(D) \$10.00 TO THE STATE
7 TREASURER FOR DEPOSIT IN THE FUND CREATED BY SECTION 6A OF THE
8 OFFICE OF CHILD SUPPORT ACT, 1971 PA 174, MCL 400.236A. THE BAL-
9 ANCE OF THE FEE SHALL BE PAID TO THE COUNTY TREASURER AND DEPOS-
10 ITED BY THE COUNTY TREASURER AS PROVIDED UNDER SECTION 2530.

11 (5) ~~-(4)-~~ The court shall order any of the fees prescribed
12 in this section waived or suspended, in whole or in part, upon a
13 showing by affidavit of indigency or inability to pay OR THAT THE
14 PERSON FILING THE ACTION IS A PUBLIC OFFICER ACTING IN HIS OR HER
15 OFFICIAL CAPACITY. IF A FEE IS WAIVED OR SUSPENDED, THE COURT
16 MAY REQUIRE BY ORDER IN THE FINAL JUDGMENT THAT 1 OR MORE PARTIES
17 TO THE CASE PAY THE FEE.

18 (6) ~~-(5)-~~ The clerk of the circuit court shall prepare and
19 submit a court filing fee report to the executive secretary of
20 the Michigan judges retirement system created by the judges
21 retirement act of 1992, 1992 PA 234, MCL 38.2101 to 38.2670, at
22 the same time the clerk of the circuit court transmits the por-
23 tion of the fees collected under this section to the executive
24 secretary.