

# SENATE BILL No. 1452

September 25, 2002, Introduced by Senator SCOTT and referred to the Committee on 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 2001 PA 202 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, 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-~~ \$100.00. The clerk at the end of  
9 each month shall transmit for each fee collected under this

1 subdivision within the month, \$18.75 to the executive secretary  
 2 of the Michigan judges retirement system created by the judges  
 3 retirement act of 1992, 1992 PA 234, MCL 38.2101 to 38.2670;  
 4 \$5.00 to the secretary of the Michigan legislative retirement  
 5 system for deposit with the state treasurer in the retirement  
 6 fund created by the Michigan legislative retirement system act,  
 7 1957 PA 261, MCL 38.1001 to 38.1080; \$5.25 to the state treasurer  
 8 for deposit in the general fund; \$2.00 to the state treasurer to  
 9 be credited to the community dispute resolution fund created by  
 10 the community dispute resolution act, 1988 PA 260, MCL 691.1551  
 11 to 691.1564; \$11.00 to the county treasurer; and the balance of  
 12 the filing fee to the state treasurer for deposit in the state  
 13 court fund created ~~by~~ IN section 151a. ~~Beginning October 1,~~  
 14 ~~1994 and until October 1, 1995, the fee required under this sub-~~  
 15 ~~division is \$72.00. Beginning October 1, 1995 and until~~  
 16 ~~October 1, 1996, the fee required under this subdivision is~~  
 17 ~~\$80.00. Beginning October 1, 1996 and until October 1, 1997, the~~  
 18 ~~fee required under this subdivision is \$90.00. Beginning~~  
 19 ~~October 1, 1997, the fee required under this subdivision is~~  
 20 ~~\$100.00.~~

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

1 ~~required under this subdivision is \$70.00. Beginning October 1,~~  
2 ~~1995 and until October 1, 1996, the fee required under this sub-~~  
3 ~~division is \$80.00. Beginning October 1, 1996 and until~~  
4 ~~October 1, 1997, the fee required under this subdivision is~~  
5 ~~\$90.00. Beginning October 1, 1997, the fee required under this~~  
6 ~~subdivision is \$100.00.~~

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

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

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

25 (ii) If the matter was contested or uncontested and was sub-  
26 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. A motion fee shall not be collected for a motion to dis-  
11 miss a proceeding to enforce a foreign protection order or a  
12 motion to show cause for a violation of a foreign protection  
13 order under sections 2950h to 2950l. For each fee collected  
14 under this subdivision, the clerk shall transmit \$10.00 to the  
15 state treasurer for deposit in the state court fund created by  
16 section 151a.

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

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

1 (h) The sum of \$15.00 as a service fee for each writ of  
2 garnishment, attachment, execution, or judgment debtor discovery  
3 subpoena issued.

4 (2) The sums paid as provided in this section shall be held  
5 to be in full for all clerk, entry, and judgment fees in an  
6 action from the commencement of the action to and including the  
7 issuance and return of the execution or other final process, and  
8 are taxable as costs.

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

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

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

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

23 (2) Before a civil action is commenced in the district  
24 court, the party commencing the action shall pay to the clerk the  
25 sum of \$100.00 if the amount in controversy exceeds \$10,000.00.  
26 For each fee collected under this subsection, the clerk shall  
27 transmit \$2.00 to the state treasurer to be credited to the

1 community dispute resolution fund created by the community  
2 dispute resolution act, ~~Act No. 260 of the Public Acts of 1988,~~  
3 ~~being sections 691.1551 to 691.1564 of the Michigan Compiled~~  
4 ~~Laws~~ 1988 PA 260, MCL 691.1551 TO 691.1564; \$13.50 to the execu-  
5 tive secretary of the MICHIGAN judges retirement system CREATED  
6 BY THE JUDGES RETIREMENT ACT OF 1992, 1992 PA 234, MCL 38.2101 TO  
7 38.2670; \$21.50 to the treasurer of the district control unit in  
8 which the action was commenced; and shall transmit the balance to  
9 the state treasurer for deposit in the state court fund created  
10 by section 151a.

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

26 (4) Before a civil action is commenced in the district  
27 court, the party commencing the action shall pay to the clerk the

1 sum of \$32.00 if the amount in controversy exceeds \$600.00 but  
2 does not exceed \$1,750.00. For each fee collected under this  
3 subsection, the clerk shall transmit \$2.00 to the state treasurer  
4 to be credited to the community dispute resolution fund created  
5 by the community dispute resolution act, ~~Act No. 260 of the~~  
6 ~~Public Acts of 1988, being sections 691.1551 to 691.1564 of the~~  
7 ~~Michigan Compiled Laws~~ 1988 PA 260, MCL 691.1551 TO 691.1564;  
8 \$9.00 to the executive secretary of the MICHIGAN judges retire-  
9 ment system CREATED BY THE JUDGES RETIREMENT ACT OF 1992, 1992  
10 PA 234, MCL 38.2101 TO 38.2670; \$11.00 to the treasurer of the  
11 district control unit in which the action was commenced; and  
12 shall transmit the balance to the state treasurer for deposit in  
13 the state court fund created by section 151a.

14 (5) Before a civil action is commenced in the district  
15 court, the party commencing the action shall pay to the clerk the  
16 sum of \$17.00 if the amount in controversy does not exceed  
17 \$600.00. For each fee collected under this subsection, the clerk  
18 shall transmit \$2.00 to the state treasurer to be credited to the  
19 community dispute resolution fund created by the community dis-  
20 pute resolution act, ~~Act No. 260 of the Public Acts of 1988,~~  
21 ~~being sections 691.1551 to 691.1564 of the Michigan Compiled~~  
22 ~~Laws~~ 1988 PA 260, MCL 691.1551 TO 691.1564; \$4.50 to the execu-  
23 tive secretary of the MICHIGAN judges retirement system CREATED  
24 BY THE JUDGES RETIREMENT ACT OF 1992, 1992 PA 234, MCL 38.2101 TO  
25 38.2670; \$5.50 to the treasurer of the district control unit in  
26 which the action was commenced; and shall transmit the balance to

1 the state treasurer for deposit in the state court fund created  
2 by section 151a.

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

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

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

16 (9) If a trial by jury is demanded, the party making the  
17 demand at the time shall pay the sum of ~~\$40.00~~ \$50.00. Failure  
18 to pay the fee ~~within~~ AT the time ~~provided in the court rules~~  
19 THE DEMAND IS MADE constitutes a waiver of the right to a jury  
20 trial. The sum shall be taxed in favor of the party paying the  
21 fee, in case the party recovers a judgment for costs. FOR EACH  
22 FEE COLLECTED UNDER THIS SUBSECTION, THE CLERK SHALL TRANSMIT  
23 \$10.00 TO THE STATE TREASURER FOR DEPOSIT IN THE JUROR COMPENSA-  
24 TION REIMBURSEMENT FUND CREATED IN SECTION 151D.

25 (10) If the amount in controversy in a civil action exceeds  
26 \$10,000.00, a sum of \$20.00 shall be assessed for all motions  
27 filed in that civil action. For each fee collected under this



1 subsection, the clerk shall transmit \$10.00 to the state  
2 treasurer for deposit in the state court fund created in  
3 section 151a and the balance shall be transmitted to the trea-  
4 surer of the district control unit for the district court in the  
5 district in which the action was commenced.

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

14 Enacting section 1. This amendatory act takes effect  
15 January 1, 2003.

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

19 (a) Senate Bill No. 1448.

20

21 (b) Senate Bill No. 1449.

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23 (c) Senate Bill No. 1451.

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25 (d) Senate Bill No. 1450.

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