

**SUBSTITUTE FOR  
HOUSE BILL NO. 4737**

A bill to amend 1961 PA 236, entitled  
"Revised judiciary act of 1961,"  
by amending sections 2529, 5756, 8371, and 8731 (MCL 600.2529,  
600.5756, 600.8371, and 600.8731), sections 2529, 5756, and 8371  
as amended by 2003 PA 138 and section 8731 as amended by 2003 PA  
95.

**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 2950m is  
5 commenced, or before the filing of an application for  
6 superintending control or for an extraordinary writ, except the  
7 writ of habeas corpus, the party bringing the action or filing  
8 the application shall pay the sum of \$150.00. The clerk at the

1 end of each month shall transmit for each fee collected under  
2 this subdivision within the month \$31.00 to the county treasurer  
3 and the balance of the filing fee to the state treasurer for  
4 deposit in the civil filing fee fund created in section 171.

5 (b) Before the filing of a claim of appeal or motion for  
6 leave to appeal from the district court, probate court, a  
7 municipal court, or an administrative tribunal or agency, the sum  
8 of \$150.00. For each fee collected under this subdivision, the  
9 clerk shall transmit \$31.00 to the county treasurer and the  
10 balance of the fee to the state treasurer for deposit in the  
11 civil filing fee fund created in section 171.

12 (c) If a trial by jury is demanded, the party making the  
13 demand at the time shall pay the sum of \$85.00. Failure to pay  
14 the fee at the time the demand is made constitutes a waiver of  
15 the right to a jury trial. The sum shall be taxed in favor of  
16 the party paying the fee, in case the party recovers a judgment  
17 for costs. For each fee collected under this subdivision, the  
18 clerk shall transmit \$25.00 to the state treasurer for deposit in  
19 the juror compensation reimbursement fund created in section  
20 151d.

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

27 (i) If the matter was contested or uncontested and was not

1 submitted to domestic relations mediation or investigation by the  
2 friend of the court, \$30.00.

3 (ii) If the matter was contested or uncontested and was  
4 submitted to domestic relations mediation, \$50.00.

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

8 (e) Except as otherwise provided in this section, upon the  
9 filing of a motion the sum of \$20.00. In conjunction with an  
10 action brought under section 2950 or 2950a, a motion fee shall  
11 not be collected for a motion to dismiss the petition, a motion  
12 to modify, rescind, or terminate a personal protection order, or  
13 a motion to show cause for a violation of a personal protection  
14 order. A motion fee shall not be collected for a motion to  
15 dismiss a proceeding to enforce a foreign protection order or a  
16 motion to show cause for a violation of a foreign protection  
17 order under sections 2950h to 2950m. For each fee collected  
18 under this subdivision, the clerk shall transmit \$10.00 to the  
19 state treasurer for deposit in the state court fund created by  
20 section 151a.

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

1 charged.

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

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

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

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

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

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

24 Sec. 5756. (1) If the complaint is for the recovery of  
25 possession of premises only, the fee for filing a proceeding  
26 under this chapter is \$45.00. Beginning October 1, 2005, the fee  
27 required under this subsection is \$40.00.

1       (2) If a claim for a money judgment is joined with a claim  
2 for the recovery of possession of premises, the plaintiff shall  
3 pay a supplemental filing fee in the same amount as established  
4 by law for the filing of a claim for a money judgment in the same  
5 court.

6       (3) Of each filing fee collected under this section, at the  
7 end of each month, the clerk of the district court shall transmit  
8 \$17.00 to the treasurer of the district funding unit in which the  
9 action was commenced, of which not less than \$5.00 shall be used  
10 by the district funding unit to fund the operation of the  
11 district court; and the balance to the state treasurer for  
12 deposit in the civil filing fee fund created by section 171.  
13 Beginning October 1, 2005, the amount of each fee that the clerk  
14 shall transmit to the treasurer of the district funding unit is  
15 reduced to \$12.00.

16       (4) At the end of each month, the clerk of the district court  
17 shall transmit each supplemental filing fee collected under this  
18 section in the same manner as a fee under section 8371 for the  
19 filing of a claim for money judgment for the same amount is  
20 transmitted.

21       ~~(5) The clerk of the district court shall prepare and submit~~  
22 ~~a court filing fee report to the executive secretary of the~~  
23 ~~Michigan judges retirement system created by the judges~~  
24 ~~retirement act of 1992, 1992 PA 234, MCL 38.2101 to 38.2670, at~~  
25 ~~the same time the clerk of the district court transmits the~~  
26 ~~portion of the fees collected under this section to the executive~~  
27 ~~secretary.~~

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

3       (2) Before a civil action is commenced in the district court,  
4 the party commencing the action shall pay to the clerk the sum of  
5 \$150.00 if the amount in controversy exceeds \$10,000.00. For  
6 each fee collected under this subsection, the clerk shall  
7 transmit \$31.00 to the treasurer of the district funding unit in  
8 which the action was commenced, and shall transmit the balance to  
9 the state treasurer for deposit in the civil filing fee fund  
10 created by section 171.

11       (3) Before a civil action is commenced in the district court,  
12 the party commencing the action shall pay to the clerk the sum of  
13 \$65.00 if the amount in controversy exceeds \$1,750.00 but does  
14 not exceed \$10,000.00. Beginning October 1, 2005, the fee  
15 required under this subsection is \$60.00. For each fee collected  
16 under this subsection, the clerk shall transmit \$23.00 to the  
17 treasurer of the district funding unit in which the action was  
18 commenced, of which not less than \$5.00 shall be used by the  
19 district funding unit to fund the operation of the district  
20 court; and shall transmit the balance to the state treasurer for  
21 deposit in the civil filing fee fund created by section 171.  
22 Beginning October 1, 2005, the amount of each fee that the clerk  
23 shall transmit to the treasurer of the district funding unit is  
24 reduced to \$18.00.

25       (4) Before a civil action is commenced in the district court,  
26 the party commencing the action shall pay to the clerk the sum of  
27 \$45.00 if the amount in controversy exceeds \$600.00 but does not

1 exceed \$1,750.00. Beginning October 1, 2005, the fee required  
2 under this subsection is \$40.00. For each fee collected under  
3 this subsection, the clerk shall transmit \$17.00 to the treasurer  
4 of the district funding unit in which the action was commenced,  
5 of which not less than \$5.00 shall be used by the district  
6 funding unit to fund the operation of the district court; and  
7 shall transmit the balance to the state treasurer for deposit in  
8 the civil filing fee fund created by section 171. Beginning  
9 October 1, 2005, the amount of each fee that the clerk shall  
10 transmit to the treasurer of the district funding unit is reduced  
11 to \$12.00.

12 (5) Before a civil action is commenced in the district court,  
13 the party commencing the action shall pay to the clerk the sum of  
14 \$25.00 if the amount in controversy does not exceed \$600.00.  
15 Beginning October 1, 2005, the fee required under this subsection  
16 is \$20.00. For each fee collected under this subsection, the  
17 clerk shall transmit \$11.00 to the treasurer of the district  
18 funding unit in which the action was commenced, of which not less  
19 than \$5.00 shall be used by the district funding unit to fund the  
20 operation of the district court; and shall transmit the balance  
21 to the state treasurer for deposit in the civil filing fee fund  
22 created by section 171. Beginning October 1, 2005, the amount of  
23 each fee that the clerk shall transmit to the treasurer of the  
24 district funding unit is reduced to \$6.00.

25 (6) The judge shall order payment of any statutory fees  
26 waived or suspended if the person subject to the fee is receiving  
27 public assistance or is determined by the court to be indigent.

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

4       (8) Except for civil actions filed for relief under chapter  
5 43, 57, or 84, if a civil action is filed for relief other than  
6 money damages, the filing fee shall be equal to the filing fee in  
7 actions for money damages in excess of \$1,750.00 but not in  
8 excess of \$10,000.00 as provided in subsection (3) and shall be  
9 transmitted in the same manner as a fee under subsection (3) is  
10 transmitted. If a claim for money damages is joined with a claim  
11 for relief other than money damages, the plaintiff shall pay a  
12 supplemental filing fee in the same amount as required under  
13 subsections (2) to (5).

14       (9) If a trial by jury is demanded, the party making the  
15 demand at the time shall pay the sum of \$50.00. Failure to pay  
16 the fee at the time the demand is made constitutes a waiver of  
17 the right to a jury trial. The sum shall be taxed in favor of  
18 the party paying the fee, in case the party recovers a judgment  
19 for costs. For each fee collected under this subsection, the  
20 clerk shall transmit \$10.00 to the state treasurer for deposit in  
21 the juror compensation reimbursement fund created in section  
22 151d.

23       (10) A sum of \$20.00 shall be assessed for all motions filed  
24 in a civil action. For each fee collected under this subsection,  
25 the clerk shall transmit \$10.00 to the state treasurer for  
26 deposit in the state court fund created in section 151a and the  
27 balance shall be transmitted to the treasurer of the district



1 funding unit for the district court in the district in which the  
2 action was commenced.

3 ~~(11) The clerk of the district court shall prepare and~~  
4 ~~submit a court filing fee report to the executive secretary of~~  
5 ~~the Michigan judges retirement system created by the judges~~  
6 ~~retirement act of 1992, 1992 PA 234, MCL 38.2101 to 38.2670, at~~  
7 ~~the same time the clerk of the district court transmits the~~  
8 ~~portion of the fees collected under this section to the executive~~  
9 ~~secretary.~~

10 Sec. 8731. (1) If a defendant does not pay a civil fine,  
11 costs, or assessment or an installment ordered under section 8727  
12 within 30 days after the date on which payment is due under  
13 section 8727 in a municipal civil infraction action brought for a  
14 violation involving the use or occupation of land or a building  
15 or other structure, the plaintiff may obtain a lien against the  
16 land, building, or structure involved in the violation by  
17 recording a copy of the court order requiring payment of the  
18 fines, costs, and assessment with the register of deeds for the  
19 county in which the land, building, or structure is located. The  
20 court order shall not be recorded unless a legal description of  
21 the property is incorporated in or attached to the court order.  
22 The lien is effective immediately upon recording of the court  
23 order with the register of deeds.

24 (2) The court order recorded with the register of deeds shall  
25 constitute notice of the pendency of the lien. In addition, a  
26 written notice of the lien shall be sent by the plaintiff by  
27 first-class mail to the owner of record of the land, building, or

1 structure at the owner's last known address.

2 (3) The lien may be enforced and discharged by a county,  
3 city, village, or township in the manner prescribed by its  
4 charter, by the general property tax act, 1893 PA 206, MCL 211.1  
5 to 211.157, or by an ordinance duly passed by the governing body  
6 of the county, city, village, or township. However, property is  
7 not subject to sale under ~~section 60 of~~ the general property  
8 tax act, 1893 PA 206, ~~MCL 211.60~~ **MCL 211.1 to 211.157**, for  
9 nonpayment of a civil fine, costs, or assessment or an  
10 installment ordered under section 8727 unless the property is  
11 also subject to sale under ~~section 60 of~~ the general property  
12 tax act, 1893 PA 206, ~~MCL 211.60~~ **MCL 211.1 to 211.157**, for  
13 delinquent property taxes.

14 (4) A lien created under this section has priority over any  
15 other lien unless 1 or more of the following apply:

16 (a) The other lien is a lien for taxes or special  
17 assessments.

18 (b) The other lien is created before May 1, 1994.

19 (c) Federal law provides that the other lien has priority.

20 (d) The other lien is recorded before the lien under this  
21 section is recorded.

22 (5) A political subdivision may institute an action in a  
23 court of competent jurisdiction for the collection of the  
24 judgment imposed by a court order for a municipal civil  
25 infraction. However, an attempt by a county, city, village, or  
26 township to collect the judgment by any process does not  
27 invalidate or waive the lien upon the land, building, or

1 structure.

2 (6) A lien provided for by this section shall not continue  
3 for a period longer than 5 years after a copy of the court order  
4 imposing a fine, costs, or assessment is recorded, unless within  
5 that time an action to enforce the lien is commenced.