

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4748**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 321, 880, 880a, 880b, 1027, 2529, 2538, 5756, 8371, and 8420 (MCL 600.321, 600.880, 600.880a, 600.880b, 600.1027, 600.2529, 600.2538, 600.5756, 600.8371, and 600.8420), section 321 as amended by 1997 PA 182, sections 880 and 880b as amended by 2000 PA 56, section 880a as added and sections 5756 and 8420 as amended by 1993 PA 189, section 1027 as added by 1996 PA 388, sections 2529 and 8371 as amended by 2002 PA 605, and section 2538 as amended by 1999 PA 151, and by adding sections 171 and 244.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 171. (1) The civil filing fee fund is created in the**
2 **state treasury. The money in the fund shall be used as provided**
3 **in this section.**

1 (2) The state treasurer shall credit to the civil filing fee
2 fund deposits of proceeds from the collection of revenue from
3 court filing fees designated by law for deposit in the fund and
4 shall credit all income from investment credited to the fund by
5 the state treasurer. The state treasurer may invest money in the
6 fund in any manner authorized by law for the investment of state
7 money. However, an investment shall not interfere with any
8 apportionment, allocation, or payment of money as required by
9 this section. The unencumbered balance remaining in the fund at
10 the end of a fiscal year shall remain in the fund and shall not
11 revert to the general fund.

12 (3) In the state fiscal year beginning October 1, 2003 and in
13 subsequent state fiscal years, the state treasurer shall
14 distribute the proceeds of the fund monthly as follows:

15 (a) To the state court fund created in section 151a, 48.5% of
16 the fund balance.

17 (b) To the court equity fund created in section 151b, 8.2% of
18 the fund balance.

19 (c) To the judicial technology improvement fund created in
20 section 175, 11.1% of the fund balance.

21 (d) To the community dispute resolution fund created by the
22 community dispute resolution act, 1988 PA 260, MCL 691.1551 to
23 691.1564, 5.2% of the fund balance.

24 (e) To the executive secretary of the Michigan judges
25 retirement system created by the judges retirement act of 1992,
26 1992 PA 234, MCL 38.2101 to 38.2670, 24% of the fund balance.

27 (f) To the secretary of the legislative retirement system for

1 deposit with the state treasurer in the retirement fund created
2 by the Michigan legislative retirement system act, 1957 PA 261,
3 MCL 38.1001 to 38.1080, 1.5% of the fund balance.

4 (g) To the state general fund, 1.5% of the fund balance.

5 Sec. 244. (1) The following fees shall be paid to the
6 supreme court clerk and may be taxed as costs when costs are
7 allowed by the supreme court:

8 (a) The sum of \$375.00 for an application for leave to
9 appeal.

10 (b) The sum of \$375.00 for an original proceeding.

11 (c) The sum of \$150.00 for a motion for immediate
12 consideration or a motion to expedite appeal, except that a
13 prosecuting attorney is exempt from paying a fee under this
14 subdivision in an appeal arising out of a criminal proceeding, if
15 the defendant is represented by a court-appointed lawyer.

16 (d) The sum of \$75.00 for all other motions.

17 (e) Fifty cents per page for a certified copy of a paper,
18 from a public record.

19 (f) The sum of \$5.00 for certified docket entries.

20 (g) The sum of \$1.00 for certification of a copy presented to
21 the clerk.

22 (h) Fifty cents per page for a copy of an opinion; however, 1
23 copy must be given without charge to the attorney for each party
24 in the case.

25 (2) A person who is unable to pay a filing fee may ask the
26 supreme court to waive the fee by filing a motion and an
27 affidavit disclosing the reason for that inability.

1 Sec. 321. (1) The following fees shall be paid to the clerk
2 of the court of appeals — and may be taxed as costs where costs
3 are allowed by order of the court:

4 (a) The sum of ~~-\$250.00-~~ **\$375.00** for an appeal as of right,
5 for an application for leave to appeal, or for an original
6 proceeding. This fee shall be paid only once for appeals that
7 are taken by multiple parties from the same lower court order or
8 judgment and can be consolidated.

9 (b) Upon the entry of any motion except a motion described in
10 subdivision (c) upon the motion docket, the sum of ~~-\$75.00~~
11 **\$100.00. Beginning October 1, 2005, the fee required under this**
12 **subdivision is \$75.00.**

13 (c) Upon the entry of a motion for immediate consideration or
14 a motion to expedite appeal upon the motion docket, the sum of
15 ~~-\$150.00-~~ **\$200.00.** This fee shall be paid only once regardless
16 of the number of lower court files involved in the appeal. A
17 prosecuting attorney is exempt from paying a fee under this
18 subdivision when filing a motion for immediate consideration or a
19 motion to expedite appeal with regard to an appeal arising out of
20 a criminal proceeding. **Beginning October 1, 2005, the fee**
21 **required under this subdivision is \$150.00.**

22 (2) The clerk of the court of appeals shall be allowed the
23 sum of 50 cents per page for certified copies of any entries or
24 papers in any action or proceedings when required for any other
25 purpose than one connected with the progress or disposition of
26 such action or proceeding.

27 (3) The clerk shall charge the sum of 50 cents per page for

1 all uncertified copies of opinions, excepting those sent to 1
2 counsel representing each party in the case, for which no charge
3 shall be made.

4 (4) If a person is unable to pay the fees required by this
5 section, the person, by motion, accompanied by the person's
6 affidavit stating facts showing such inability, may ask the court
7 to waive the fees and the court or a judge of the court may waive
8 payment of the fees.

9 (5) Each month the clerk of the court of appeals shall
10 deposit with the state treasurer all fees collected, securing and
11 filing a receipt for the fees deposited.

12 (6) Costs shall be awarded in the discretion of the court.

13 (7) Upon appeal to the court of appeals, there shall be paid
14 to the clerk of the trial court the sum of \$10.00 as an appeal
15 fee.

16 Sec. 880. (1) Except as otherwise provided in this section
17 and section 880a, at the time of commencing a civil action or
18 proceeding in the probate court, the party commencing the civil
19 action or proceeding shall pay a ~~-\$100.00-~~ **\$150.00** filing fee to
20 the probate court register.

21 (2) At the time of commencing a proceeding under section 3982
22 of the estates and protected individuals code, 1998 PA 386, MCL
23 700.3982, the party commencing the proceeding shall pay a \$25.00
24 filing fee to the probate court register.

25 (3) Except as otherwise provided by law, a fee shall not be
26 charged for commencing a proceeding in probate court under a
27 provision of the mental health code, 1974 PA 258, MCL 330.1001 to

1 330.2106.

2 (4) A party is not required to pay a fee under this section
3 if the party is the attorney general, department of treasury,
4 family independence agency, state public administrator, or
5 administrator of veterans affairs of the United States veterans
6 administration, or an agency of county government.

7 (5) The probate register, on or before the fifth day of the
8 month following the month in which fees are collected under this
9 section, shall transmit to the county treasurer all fees
10 collected under this section during the preceding month. Within
11 15 days after receiving the fees, the county treasurer shall
12 transmit ~~-\$21.00 of each fee collected under subsection (1) to~~
13 ~~the executive secretary of the Michigan judges retirement system~~
14 ~~created by the judges retirement act of 1992, 1992 PA 234, MCL~~
15 ~~38.2101 to 38.2670, and the balance of each fee~~ **all fees**
16 collected under subsection (1) **to the civil filing fee fund**
17 **created in section 171** and all fees collected under subsection
18 (2) to the state treasurer for deposit in the state court fund
19 created by section 151a.

20 Sec. 880a. (1) Except as otherwise provided in this section
21 and section 880, at the time of commencing a guardianship or
22 limited guardianship proceeding in the probate court, the party
23 commencing the proceeding shall pay a ~~-\$50.00~~ **\$150.00** filing fee
24 to the probate register.

25 (2) A party is not required to pay a fee under this section
26 if the party is the attorney general, department of treasury,
27 ~~department of social services~~ **family independence agency**, state

1 public administrator, or administrator of veterans affairs of the
2 United States veterans administration, or an agency of county
3 government.

4 (3) The probate register, on or before the fifth day of the
5 month following the month in which any fees are collected under
6 this section, shall transmit to the county treasurer all fees
7 collected under this section during the preceding month. Within
8 15 days after receiving the fees, the county treasurer shall
9 transmit all fees collected to the state treasurer for deposit in
10 the ~~state court~~ **civil filing fee** fund created by section ~~151a~~
11 **171**.

12 Sec. 880b. (1) Except as otherwise provided by law, after
13 the commencement of a civil action or proceeding in the probate
14 court, a party filing a motion, petition, account, objection, or
15 claim shall pay a ~~\$15.00~~ **\$20.00** motion fee to the probate
16 register.

17 (2) A fee shall not be charged under this section in a
18 guardianship or limited guardianship proceeding if the moving
19 party is the subject of the proceeding.

20 (3) A fee shall not be charged under this section in a
21 conservatorship proceeding if the moving party is the subject of
22 the proceeding or, if the conservatorship is for a minor, for a
23 motion to release restricted funds.

24 (4) A party is not required to pay a fee under this section
25 if the party is the attorney general, department of treasury,
26 family independence agency, state public administrator, or
27 administrator of veterans affairs of the United States veterans

1 administration, or an agency of county government.

2 (5) The probate register, on or before the fifth day of the
3 month following the month in which fees are collected under this
4 section, shall transmit to the county treasurer all fees
5 collected under this section during the preceding month. Within
6 15 days after receiving the fees, the county treasurer shall
7 transmit 50% of each fee collected to the state treasurer for
8 deposit in the state court fund created by section 151a and shall
9 deposit the remaining 50% of each fee in the county general fund
10 for use exclusively for expenses of the probate court, to be
11 first applied toward expenses in adult guardianship proceedings
12 of the independent evaluations, legal counsel, and periodic
13 review mandated by article 5 of the estates and protected
14 individuals code, 1998 PA 386, MCL 700.5101 to ~~700.5513~~
15 **700.5520**.

16 Sec. 1027. (1) At the time of commencing an ancillary
17 guardianship or limited guardianship proceeding in the family
18 division of circuit court, the party commencing the proceeding
19 shall pay a ~~\$50.00~~ **\$150.00** filing fee to the family division of
20 circuit court.

21 (2) A party is not required to pay a fee under this section
22 if the party is the attorney general, department of treasury,
23 family independence agency, state public administrator, or
24 administrator of veterans affairs of the United States veterans
25 administration, or an agency of county government.

26 (3) The clerk of the court, on or before the fifth day of the
27 month following the month in which any fees are collected under

1 this section, shall transmit to the county treasurer all fees
2 collected under this section during the preceding month. Within
3 15 days after receiving the fees, the county treasurer shall
4 transmit, ~~all fees collected to the state treasurer for deposit~~
5 ~~in the state court fund created by section 151a.~~ **for each fee**
6 **collected, \$31.00 to the county treasurer and the balance of the**
7 **fee to the state treasurer for deposit in the civil filing fee**
8 **fund created in section 171.**

9 Sec. 2529. (1) In the circuit court, the following fees
10 shall be paid to the clerk of the court:

11 (a) Before a civil action other than an action brought
12 exclusively under section 2950, 2950a, or 2950h to ~~2950/~~ **2950m**
13 is commenced, or before the filing of an application for
14 superintending control or for an extraordinary writ, except the
15 writ of habeas corpus, the party bringing the action or filing
16 the application shall pay the sum of ~~\$100.00~~ **\$150.00**. The
17 clerk at the end of each month shall transmit for each fee
18 collected under this subdivision within the month ~~—, \$18.75 to~~
19 ~~the executive secretary of the Michigan judges retirement system~~
20 ~~created by the judges retirement act of 1992, 1992 PA 234,~~
21 ~~MCL 38.2101 to 38.2670; \$5.00 to the secretary of the Michigan~~
22 ~~legislative retirement system for deposit with the state~~
23 ~~treasurer in the retirement fund created by the Michigan~~
24 ~~legislative retirement system act, 1957 PA 261, MCL 38.1001 to~~
25 ~~38.1080; \$5.25 to the state treasurer for deposit in the general~~
26 ~~fund; \$2.00 to the state treasurer to be credited to the~~
27 ~~community dispute resolution fund created by the community~~

1 ~~dispute resolution act, 1988 PA 260, MCL 691.1551 to 691.1564;~~
2 ~~\$11.00~~ **\$31.00** to the county treasurer ~~—~~ and the balance of the
3 filing fee to the state treasurer for deposit in the ~~—state~~
4 ~~court~~ **civil filing fee** fund created in section ~~—151a—~~ **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 ~~—\$100.00—~~ **\$150.00**. For each fee collected under this
9 subdivision, the clerk shall transmit ~~—\$15.00—~~ **\$31.00 to the**
10 **county treasurer and the balance of the fee** to the state
11 treasurer for deposit in the ~~—state court—~~ **civil filing fee** fund
12 created in section ~~—151a—~~ **171**.

13 (c) If a trial by jury is demanded, the party making the
14 demand at the time shall pay the sum of \$85.00. Failure to pay
15 the fee at the time the demand is made constitutes a waiver of
16 the right to a jury trial. The sum shall be taxed in favor of
17 the party paying the fee, in case the party recovers a judgment
18 for costs. For each fee collected under this subdivision, the
19 clerk shall transmit \$25.00 to the state treasurer for deposit in
20 the juror compensation reimbursement fund created in section
21 151d.

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

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

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

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

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

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

1 shall direct by court order, after notice to the parties to be
2 charged.

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

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

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

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

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

18 (5) The clerk of the circuit court shall prepare and submit a
19 court filing fee report to the executive secretary of the
20 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
23 portion of the fees collected under this section to the executive
24 secretary.

25 Sec. 2538. (1) For services provided that are not
26 reimbursable, **except as directed in subsection (3)**, under the
27 provisions of part D of title IV of the social security act,

1 chapter 531, 49 Stat. 620, 42 U.S.C. 651 to 655, 656 to 660, and
2 663 to 669b, every person required to make payments of support or
3 maintenance to be collected by the friend of the court or the
4 state disbursement unit shall pay a fee of ~~-\$1.25-~~ **\$1.50** per
5 month for every month or portion of a month that support or
6 maintenance is required to be paid. The fee shall be paid
7 monthly, quarterly, or semiannually as required by the friend of
8 the court. The friend of the court shall provide notice of the
9 fee required by this section to the person ordered to pay the
10 support and that the fee shall be paid monthly or as otherwise
11 determined by the friend of the court. The friend of the court
12 or SDU shall transmit 25 cents of each fee collected under this
13 section to the appropriate county treasurer for deposit into the
14 general fund of the county, **25 cents to the state treasurer for**
15 **deposit in the fund created in subsection (3),** and ~~shall~~
16 ~~transmit~~ the balance to the state treasurer for deposit in the
17 state court fund created in section 151a.

18 (2) The department, the SDU, and each office of the friend of
19 the court shall cooperate in the transition to the centralized
20 receipt and disbursement of support and fees. An office of the
21 friend of the court shall continue to receive and disburse
22 support and fees through the transition, based on the schedule
23 developed as required by section 6 of the office of child support
24 act, 1971 PA 174, MCL 400.236, and modifications to that schedule
25 as the department considers necessary.

26 (3) **A child support enforcement fund is created within the**
27 **state treasury. The state treasurer may receive money or other**

House Bill No. 4748 as amended July 3, 2003

1 assets from any source for deposit into the fund. The state
 2 treasurer shall direct the investment of the fund. <<Monies deposited in
 the fund are not fees collected under the Title IV-D state plan.>>The
 state
 3 treasurer shall credit to the fund interest and earnings from
 4 fund investments. Money in the fund at the close of the fiscal
 5 year shall remain in the fund and shall not lapse to the general
 6 fund. The department of attorney general shall expend money from
 7 the fund, upon appropriation, only for the expenses incurred by
 8 that department in child support enforcement activities and,
 9 pursuant to an interagency agreement, representing the office of
 10 child support. <<Money expended from the fund by the department of
 attorney general shall not be treated as program income under the state
 plan.>>

11 (4) ~~-(3)-~~ As used in this section, "state disbursement unit"
 12 or "SDU" means the entity established in section 6 of the office
 13 of child support act, 1971 PA 174, MCL 400.236.

14 Sec. 5756. (1) If the complaint is for the recovery of
 15 possession of premises only, the fee for filing a proceeding
 16 under this chapter is ~~-\$32.00-~~ \$45.00. **Beginning October 1,**
 17 **2005, the fee required under this subsection is \$40.00.**

18 (2) If a claim for a money judgment is joined with a claim
 19 for the recovery of possession of premises, the plaintiff shall
 20 pay a supplemental filing fee in the same amount as established
 21 by law for the filing of a claim for a money judgment in the same
 22 court.

23 (3) Of each filing fee collected under this section, at the
 24 end of each month, the clerk of the district court shall transmit
 25 ~~-\$2.00 to the state treasurer to be credited to the community~~
 26 ~~dispute resolution fund created by the community dispute~~
 27 ~~resolution act, Act No. 260 of the Public Acts of 1988, being~~

1 ~~sections 691.1551 to 691.1564 of the Michigan Compiled Laws;~~
2 ~~\$9.00 to the executive secretary of the Michigan judges~~
3 ~~retirement system created by the judges retirement act of 1992,~~
4 ~~Act No. 234 of the Public Acts of 1992, being sections 38.2101 to~~
5 ~~38.2608 of the Michigan Compiled Laws; \$11.00~~ **\$17.00** to the
6 treasurer of the district ~~control~~ **funding** unit in which the
7 action was commenced, ~~—~~ **of which not less than \$5.00 shall be**
8 **used by the district funding unit to fund the operation of the**
9 **district court;** and the balance to the state treasurer for
10 deposit in the ~~state court~~ **civil filing fee** fund created by
11 section ~~151a~~ **171. Beginning October 1, 2005, the amount of**
12 **each fee that the clerk shall transmit to the treasurer of the**
13 **district funding unit is reduced to \$12.00.**

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

19 (5) The clerk of the district court shall prepare and submit
20 a court filing fee report to the executive secretary of the
21 Michigan judges retirement system created by ~~Act No. 234 of the~~
22 ~~Public Acts of 1992~~ **the judges retirement act of 1992, 1992 PA**
23 **234, MCL 38.2101 to 38.2670,** at the same time the clerk of the
24 district court transmits the portion of the fees collected under
25 this section to the executive secretary.

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

1 (2) Before a civil action is commenced in the district court,
2 the party commencing the action shall pay to the clerk the sum of
3 ~~-\$100.00-~~ **\$150.00** if the amount in controversy exceeds
4 \$10,000.00. For each fee collected under this subsection, the
5 clerk shall transmit ~~-\$2.00 to the state treasurer to be credited~~
6 ~~to the community dispute resolution fund created by the community~~
7 ~~dispute resolution act, 1988 PA 260, MCL 691.1551 to 691.1564;~~
8 ~~\$13.50 to the executive secretary of the Michigan judges~~
9 ~~retirement system created by the judges retirement act of 1992,~~
10 ~~1992 PA 234, MCL 38.2101 to 38.2670;~~ ~~\$21.50-~~ **\$31.00** to the
11 treasurer of the district ~~control-~~ **funding** unit in which the
12 action was commenced, ~~;-~~ and shall transmit the balance to the
13 state treasurer for deposit in the ~~state court-~~ **civil filing fee**
14 fund created by section ~~151a-~~ **171**.

15 (3) Before a civil action is commenced in the district court,
16 the party commencing the action shall pay to the clerk the sum of
17 ~~-\$52.00-~~ **\$65.00** if the amount in controversy exceeds \$1,750.00
18 but does not exceed \$10,000.00. **Beginning October 1, 2005, the**
19 **fee required under this subsection is \$60.00.** For each fee
20 collected under this subsection, the clerk shall transmit ~~-\$2.00~~
21 ~~to the state treasurer to be credited to the community dispute~~
22 ~~resolution fund created by the community dispute resolution act,~~
23 ~~1988 PA 260, MCL 691.1551 to 691.1564;~~ ~~\$13.50 to the executive~~
24 ~~secretary of the Michigan judges retirement system created by the~~
25 ~~judges retirement act of 1992, 1992 PA 234, MCL 38.2101 to~~
26 ~~38.2670;~~ ~~\$16.50-~~ **\$23.00** to the treasurer of the district
27 ~~control-~~ **funding** unit in which the action was commenced, ~~;-~~ **of**

1 which not less than \$5.00 shall be used by the district funding
2 unit to fund the operation of the district court; and shall
3 transmit the balance to the state treasurer for deposit in the
4 ~~state court~~ civil filing fee fund created by section ~~151a~~
5 171. Beginning October 1, 2005, the amount of each fee that the
6 clerk shall transmit to the treasurer of the district funding
7 unit is reduced to \$18.00.

8 (4) Before a civil action is commenced in the district court,
9 the party commencing the action shall pay to the clerk the sum of
10 ~~\$32.00~~ \$45.00 if the amount in controversy exceeds \$600.00 but
11 does not exceed \$1,750.00. Beginning October 1, 2005, the fee
12 required under this subsection is \$40.00. For each fee collected
13 under this subsection, the clerk shall transmit ~~\$2.00 to the~~
14 ~~state treasurer to be credited to the community dispute~~
15 ~~resolution fund created by the community dispute resolution act,~~
16 ~~1988 PA 260, MCL 691.1551 to 691.1564; \$9.00 to the executive~~
17 ~~secretary of the Michigan judges retirement system created by the~~
18 ~~judges retirement act of 1992, 1992 PA 234, MCL 38.2101 to~~
19 ~~38.2670; \$11.00~~ \$17.00 to the treasurer of the district
20 ~~control~~ funding unit in which the action was commenced, ~~—~~ of
21 which not less than \$5.00 shall be used by the district funding
22 unit to fund the operation of the district court; and shall
23 transmit the balance to the state treasurer for deposit in the
24 ~~state court~~ civil filing fee fund created by section ~~151a~~
25 171. Beginning October 1, 2005, the amount of each fee that the
26 clerk shall transmit to the treasurer of the district funding
27 unit is reduced to \$12.00.

1 (5) Before a civil action is commenced in the district court,
2 the party commencing the action shall pay to the clerk the sum of
3 ~~-\$17.00-~~ **\$25.00** if the amount in controversy does not exceed
4 \$600.00. **Beginning October 1, 2005, the fee required under this**
5 **subsection is \$20.00.** For each fee collected under this
6 subsection, the clerk shall transmit ~~-\$2.00 to the state~~
7 ~~treasurer to be credited to the community dispute resolution fund~~
8 ~~created by the community dispute resolution act, 1988 PA 260,~~
9 ~~MCL 691.1551 to 691.1564; \$4.50 to the executive secretary of the~~
10 ~~Michigan judges retirement system created by the judges~~
11 ~~retirement act of 1992, 1992 PA 234, MCL 38.2101 to 38.2670;~~
12 ~~\$5.50-~~ **\$11.00** to the treasurer of the district ~~control~~ **funding**
13 unit in which the action was commenced, ~~—~~ **of which not less**
14 **than \$5.00 shall be used by the district funding unit to fund the**
15 **operation of the district court;** and shall transmit the balance
16 to the state treasurer for deposit in the ~~state court~~ **civil**
17 **filing fee** fund created by section ~~151a-~~ 171. **Beginning October**
18 **1, 2005, the amount of each fee that the clerk shall transmit to**
19 **the treasurer of the district funding unit is reduced to \$6.00.**

20 (6) The judge shall order payment of any statutory fees
21 waived or suspended ~~—, in whole or in part, upon a showing by~~
22 ~~affidavit of indigency or inability to pay~~ **if the person subject**
23 **to the fee is receiving public assistance or is determined by the**
24 **court to be indigent.**

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

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

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

20 ~~(10) If the amount in controversy in a civil action exceeds~~
21 ~~\$10,000.00, a~~ **A** sum of \$20.00 shall be assessed for all motions
22 filed in ~~that~~ **a** civil action. For each fee collected under
23 this subsection, the clerk shall transmit \$10.00 to the state
24 treasurer for deposit in the state court fund created in
25 section 151a and the balance shall be transmitted to the
26 treasurer of the district ~~control~~ **funding** unit for the district
27 court in the district in which the action was commenced.

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

8 Sec. 8420. (1) A fee of ~~-\$17.00-~~ **the following amount, as**
9 **applicable**, shall be charged and collected for the filing of the
10 affidavit for the commencement of any action: ~~in which~~

11 (a) **\$25.00, if** the amount in controversy does not exceed
12 \$600.00. ~~, and a fee of \$32.00 shall be charged and collected in~~
13 ~~any action in which~~ **Beginning October 1, 2005, the fee required**
14 **under this subdivision is \$20.00.**

15 (b) **\$45.00, if** the amount in controversy exceeds \$600.00 **but**
16 **does not exceed \$1,750.00. Beginning October 1, 2005, the fee**
17 **required under this subdivision is \$40.00.**

18 (c) **\$65.00, if the amount in controversy exceeds \$1,750.00.**
19 **Beginning October 1, 2005, the fee required under this**
20 **subdivision is \$60.00.**

21 (2) A fee in an amount equal to the prevailing postal rate
22 for the service provided shall be charged and collected for each
23 defendant to whom a copy of the affidavit is mailed by the
24 clerk. A fee of \$15.00 shall be charged and collected for the
25 issuance of a writ of execution, attachment, or garnishment ~~—~~
26 and for the issuance of a judgment debtor discovery subpoena.
27 Except as otherwise provided in this chapter, a fee or charge

1 shall not be collected by an officer for any service rendered
2 under this chapter or for the taking of affidavits for use in
3 connection with any action commenced under this chapter.

4 **(3) —(2)—** Of each ~~—\$17.00—~~ filing fee **under subsection (1)(a)**
5 collected within the month, at the end of each month, the clerk
6 shall transmit ~~—\$2.00 to the state treasurer to be credited to~~
7 ~~the community dispute resolution fund created by the community~~
8 ~~dispute resolution act, Act No. 260 of the Public Acts of 1988,~~
9 ~~being sections 691.1551 to 691.1564 of the Michigan Compiled~~
10 ~~Laws; \$4.50 to the executive secretary of the Michigan judges~~
11 ~~retirement system created by the judges retirement act of 1992,~~
12 ~~Act No. 234 of the Public Acts of 1992, being sections 38.2101 to~~
13 ~~38.2608 of the Michigan Compiled Laws; \$5.50~~ **\$11.00** to the
14 treasurer of the district ~~—control—~~ **funding** unit in which the
15 action was commenced, ~~—;~~ **of which not less than \$5.00 shall be**
16 **used by the district funding unit to fund the operation of the**
17 **district court;** and the balance to the state treasurer for
18 deposit in the ~~—state court—~~ **civil filing fee** fund created in
19 section ~~—151a—~~ 171. **Beginning October 1, 2005, the amount of**
20 **each fee that the clerk shall transmit to the treasurer of the**
21 **district funding unit is reduced to \$6.00.**

22 **(4) —(3)—** Of each ~~—\$32.00—~~ filing fee **under subsection (1)(b)**
23 collected within the month, at the end of each month, the clerk
24 shall transmit ~~—\$2.00 to the state treasurer to be credited to~~
25 ~~the community dispute resolution fund created by Act No. 260 of~~
26 ~~the Public Acts of 1988; \$9.00 to the executive secretary of the~~
27 ~~judges retirement system; \$11.00~~ **\$17.00** to the treasurer of the

1 district ~~control~~ **funding** unit in which the action was
2 commenced, ~~+~~ of which not less than \$5.00 shall be used by the
3 **district funding unit to fund the operation of the district**
4 **court**; and the balance to the state treasurer for deposit in the
5 ~~state court~~ **civil filing fee** fund created in section ~~151a~~
6 171. Beginning October 1, 2005, the amount of each fee that the
7 clerk shall transmit to the treasurer of the district funding
8 unit is reduced to \$12.00.

9 (5) Of each filing fee under subsection (1)(c) collected
10 within the month, at the end of each month, the clerk shall
11 transmit \$23.00 to the treasurer of the district funding unit in
12 which the action was commenced, of which not less than \$5.00
13 shall be used by the district funding unit to fund the operation
14 of the district court; and the balance to the state treasurer for
15 deposit in the civil filing fee fund created in section 171.
16 Beginning October 1, 2005, the amount of each fee that the clerk
17 shall transmit to the treasurer of the district funding unit is
18 reduced to \$18.00.

19 (6) ~~(4)~~ If the affidavit and notice to appear and answer
20 are served by personal service, the person serving the process is
21 entitled to the same fee and mileage as for the service of a
22 summons and complaint out of the district court.

23 ~~(5) The clerk of the district court shall prepare and submit~~
24 ~~a court filing fee report to the executive secretary of the~~
25 ~~Michigan judges retirement system created by Act No. 234 of the~~
26 ~~Public Acts of 1992 at the same time the clerk of the district~~
27 ~~court transmits the portion of the fees collected under this~~

1 ~~section to the executive secretary.~~

2 Enacting section 1. This amendatory act takes effect

3 October 1, 2003.