

SUBSTITUTE FOR  
HOUSE BILL NO. 5680

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending sections 6215, 6231, and 6245 (MCL 600.6215,  
600.6231, and 600.6245).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 6215. (1) ~~On the date set for~~ **At the hearing on a**  
2 **motion under section 6205**, the plaintiff may cross-examine the  
3 moving party ~~as to the facts set forth~~ **on the allegations** in  
4 the motion, and the judge may then enter an order requiring the  
5 defendant to pay to the clerk of the court or **directly** to the  
6 plaintiff ~~direct, a certain sum~~ **a specified amount** of money  
7 weekly, biweekly, or monthly, to apply on the judgment.  
8       (2) ~~The order shall stay~~ **An order under this section stays**  
9 the issuance of ~~any~~ **a writ of garnishment for work and labor or**  
10 **for money from work and labor in an account with a bank or other**

1 **financial institution** during the period that the defendant  
2 complies with the order. The order ~~shall~~ **does** not stay  
3 garnishment if the defendant fails to comply with its terms.

4       Sec. 6231. (1) ~~The garnishment of any money~~ **Subject to**  
5 **subsection (3), if a court has ordered that a judgment is payable**  
6 **in installments or if a signed, written agreement is filed with the**  
7 **clerk of the court under section 6225, the following are not**  
8 **subject to garnishment:**

9       **(a) Money** due or to become due for the personal work and  
10 labor of the defendant. ~~upon a judgment made payable in~~  
11 ~~installments either by the court order or agreement of parties is~~  
12 ~~prohibited, excepting upon the written order of the judge. Any~~  
13 ~~writ of garnishment issued without the order is void. The order~~  
14 ~~may be made following due notice to the defendant if installments~~  
15 ~~are due.~~

16       **(b) Money from the personal work and labor of the defendant**  
17 **in an account with a bank or other financial institution.**

18       (2) **Subject to subsection (3), a writ of garnishment**  
19 **specifically issued against money or a right to receive money**  
20 **described in subsection (1) is void, except as to money due under**  
21 **a garnishment that was filed and served before the filing of the**  
22 **petition for installment payments.**

23       (3) **If installments described in subsection (1) are overdue,**  
24 **and following notice to the defendant, a judge may issue a**  
25 **written order allowing the garnishment of money or a right to**  
26 **receive money described in subsection (1).**

27       Sec. 6245. ~~Nothing contained in this chapter shall be~~

1 ~~construed to prohibit and shall~~ **This chapter does** not prohibit a  
2 plaintiff from taking any legal means ~~for the collection of~~ **to**  
3 **collect** a judgment, ~~excepting the~~ **except for a** garnishment of  
4 money due or to become due the defendant for the **defendant's**  
5 personal work and labor ~~of the said defendant~~ **or for money from**  
6 **the defendant's personal work and labor held in an account with a**  
7 **bank or other financial institution.**