

**SUBSTITUTE FOR  
SENATE BILL NO. 438**

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending sections 321, 880, 880a, 880b, 1027, 2529, 5756,  
8371, and 8420 (MCL 600.321, 600.880, 600.880a, 600.880b,  
600.1027, 600.2529, 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,  
and sections 2529 and 8371 as amended by 2002 PA 605, and by  
adding section 171.

**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.**  
4       **(2) The state treasurer shall credit to the civil filing fee**

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

11 (3) In the state fiscal years beginning October 1, 2003 and  
12 October 1, 2004, the state treasurer shall distribute the  
13 proceeds of the fund monthly as follows:

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

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

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

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

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

26 (f) To the secretary of the legislative retirement system for  
27 deposit with the state treasurer in the retirement fund created

1 by the Michigan legislative retirement system act, 1957 PA 261,  
2 MCL 38.1001 to 38.1080, 1.5% of the fund balance.

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

4 (4) In the state fiscal year beginning October 1, 2005 and in  
5 subsequent state fiscal years, the state treasurer shall  
6 distribute the proceeds of the fund monthly as follows:

7 (a) To the state court fund created in section 151a, 64.2% of  
8 the fund balance.

9 (b) To the community dispute resolution fund created by the  
10 community dispute resolution act, 1988 PA 260, MCL 691.1551 to  
11 691.1564, 4.4% of the fund balance.

12 (c) To the executive secretary of the Michigan judges  
13 retirement system created by the judges retirement act of 1992,  
14 1992 PA 234, MCL 38.2101 to 38.2670, 27.5% of the fund balance.

15 (d) To the secretary of the legislative retirement system for  
16 deposit with the state treasurer in the retirement fund created  
17 by the Michigan legislative retirement system act, 1957 PA 261,  
18 MCL 38.1001 to 38.1080, 1.9% of the fund balance.

19 (e) To the state general fund, 2.0% of the fund balance.

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

23 (a) The sum of ~~—\$250.00—~~ **\$375.00** for an appeal as of right,  
24 for an application for leave to appeal, or for an original  
25 proceeding. This fee shall be paid only once for appeals that  
26 are taken by multiple parties from the same lower court order or  
27 judgment and can be consolidated. **Beginning October 1, 2005, the**

1 **fee required under this subdivision is \$250.00.**

2 (b) Upon the entry of any motion except a motion described in  
3 subdivision (c) upon the motion docket, the sum of \$75.00.

4 (c) Upon the entry of a motion for immediate consideration or  
5 a motion to expedite appeal upon the motion docket, the sum of  
6 \$150.00. This fee shall be paid only once regardless of the  
7 number of lower court files involved in the appeal. A  
8 prosecuting attorney is exempt from paying a fee under this  
9 subdivision when filing a motion for immediate consideration or a  
10 motion to expedite appeal with regard to an appeal arising out of  
11 a criminal proceeding.

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

17 (3) The clerk shall charge the sum of 50 cents per page for  
18 all uncertified copies of opinions, excepting those sent to 1  
19 counsel representing each party in the case, for which no charge  
20 shall be made.

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

26 (5) Each month the clerk of the court of appeals shall  
27 deposit with the state treasurer all fees collected, securing and

1 filing a receipt for the fees deposited.

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

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

6 Sec. 880. (1) Except as otherwise provided in this section  
7 and section 880a, at the time of commencing a civil action or  
8 proceeding in the probate court, the party commencing the civil  
9 action or proceeding shall pay a ~~-\$100.00-~~ \$150.00 filing fee to  
10 the probate court register. **Beginning October 1, 2005, the fee**  
11 **required under this subsection is \$100.00.**

12 (2) At the time of commencing a proceeding under section 3982  
13 of the estates and protected individuals code, 1998 PA 386, MCL  
14 700.3982, the party commencing the proceeding shall pay a \$25.00  
15 filing fee to the probate court register.

16 (3) Except as otherwise provided by law, a fee shall not be  
17 charged for commencing a proceeding in probate court under a  
18 provision of the mental health code, 1974 PA 258, MCL 330.1001 to  
19 330.2106.

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

25 (5) The probate register, on or before the fifth day of the  
26 month following the month in which fees are collected under this  
27 section, shall transmit to the county treasurer all fees

1 collected under this section during the preceding month. Within  
 2 15 days after receiving the fees, the county treasurer shall  
 3 transmit ~~-\$21.00 of each fee collected under subsection (1) to~~  
 4 ~~the executive secretary of the Michigan judges retirement system~~  
 5 ~~created by the judges retirement act of 1992, 1992 PA 234, MCL~~  
 6 ~~38.2101 to 38.2670, and the balance of each fee~~ **all fees**  
 7 collected under subsection (1) **to the civil filing fee fund**  
 8 **created in section 171** and all fees collected under subsection  
 9 (2) to the state treasurer for deposit in the state court fund  
 10 created by section 151a.

11 Sec. 880a. (1) Except as otherwise provided in this section  
 12 and section 880, at the time of commencing a guardianship or  
 13 limited guardianship proceeding in the probate court, the party  
 14 commencing the proceeding shall pay a ~~-\$50.00~~ **\$150.00** filing fee  
 15 to the probate register. **Beginning October 1, 2005, the fee**  
 16 **required under this subsection is \$50.00.**

17 (2) A party is not required to pay a fee under this section  
 18 if the party is the attorney general, department of treasury,  
 19 ~~department of social services~~ **family independence agency**, state  
 20 public administrator, or administrator of veterans affairs of the  
 21 United States veterans administration, or an agency of county  
 22 government.

23 (3) The probate register, on or before the fifth day of the  
 24 month following the month in which any fees are collected under  
 25 this section, shall transmit to the county treasurer all fees  
 26 collected under this section during the preceding month. Within  
 27 15 days after receiving the fees, the county treasurer shall

1 transmit all fees collected to the state treasurer for deposit in  
2 the ~~state court~~ **civil filing fee** fund created by section ~~151a~~  
3 **171**.

4       Sec. 880b. (1) Except as otherwise provided by law, after  
5 the commencement of a civil action or proceeding in the probate  
6 court, a party filing a motion, petition, account, objection, or  
7 claim shall pay a ~~\$15.00~~ **\$20.00** motion fee to the probate  
8 register. **Beginning October 1, 2005, the fee required under this**  
9 **subsection is \$15.00.**

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

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

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

22       (5) The probate register, on or before the fifth day of the  
23 month following the month in which fees are collected under this  
24 section, shall transmit to the county treasurer all fees  
25 collected under this section during the preceding month. Within  
26 15 days after receiving the fees, the county treasurer shall  
27 transmit 50% of each fee collected to the state treasurer for

1 deposit in the state court fund created by section 151a and shall  
2 deposit the remaining 50% of each fee in the county general fund  
3 for use exclusively for expenses of the probate court, to be  
4 first applied toward expenses in adult guardianship proceedings  
5 of the independent evaluations, legal counsel, and periodic  
6 review mandated by article 5 of the estates and protected  
7 individuals code, 1998 PA 386, MCL 700.5101 to ~~700.5513~~  
8 **700.5520.**

9       Sec. 1027. (1) At the time of commencing an ancillary  
10 guardianship or limited guardianship proceeding in the family  
11 division of circuit court, the party commencing the proceeding  
12 shall pay a ~~-\$50.00-~~ **\$150.00** filing fee to the family division of  
13 circuit court. **Beginning October 1, 2005, the fee required under**  
14 **this subsection is \$50.00.**

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

20       (3) The clerk of the court, on or before the fifth day of the  
21 month following the month in which any fees are collected under  
22 this section, shall transmit to the county treasurer all fees  
23 collected under this section during the preceding month. Within  
24 15 days after receiving the fees, the county treasurer shall  
25 transmit, ~~all fees collected to the state treasurer for deposit~~  
26 ~~in the state court fund created by section 151a.~~ **for each fee**  
27 **collected before October 1, 2005, \$31.00 to the county treasurer**



1 and the balance of the fee to the state treasurer for deposit in  
 2 the civil filing fees fund created in section 171. Beginning  
 3 October 1, 2005, within 15 days after receiving the fees, the  
 4 county treasurer shall transmit all fees collected on or after  
 5 October 1, 2005 to the state treasurer for deposit in the civil  
 6 filing fees fund created in section 171.

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

9 (a) Before a civil action other than an action brought  
 10 exclusively under section 2950, 2950a, or 2950h to ~~2950/~~ 2950m  
 11 is commenced, or before the filing of an application for  
 12 superintending control or for an extraordinary writ, except the  
 13 writ of habeas corpus, the party bringing the action or filing  
 14 the application shall pay the sum of ~~-\$100.00~~ \$150.00.  
 15 Beginning October 1, 2005, the fee required under this  
 16 subdivision is \$100.00. The clerk at the end of each month shall  
 17 transmit for each fee collected under this subdivision within the  
 18 month ~~—, \$18.75 to the executive secretary of the Michigan judges~~  
 19 ~~retirement system created by the judges retirement act of 1992,~~  
 20 ~~1992 PA 234, MCL 38.2101 to 38.2670; \$5.00 to the secretary of~~  
 21 ~~the Michigan legislative retirement system for deposit with the~~  
 22 ~~state treasurer in the retirement fund created by the Michigan~~  
 23 ~~legislative retirement system act, 1957 PA 261, MCL 38.1001 to~~  
 24 ~~38.1080; \$5.25 to the state treasurer for deposit in the general~~  
 25 ~~fund; \$2.00 to the state treasurer to be credited to the~~  
 26 ~~community dispute resolution fund created by the community~~  
 27 ~~dispute resolution act, 1988 PA 260, MCL 691.1551 to 691.1564;~~

1 ~~\$11.00~~ **\$31.00** to the county treasurer ~~—~~ and the balance of the  
2 filing fee to the state treasurer for deposit in the ~~—state~~  
3 ~~court~~ **civil filing fee** fund created in section ~~—151a—~~ 171.  
4 **Beginning October 1, 2005, the amount of each fee that the clerk**  
5 **shall transmit to the county treasurer is reduced to \$11.00.**

6 (b) Before the filing of a claim of appeal or motion for  
7 leave to appeal from the district court, probate court, a  
8 municipal court, or an administrative tribunal or agency, the sum  
9 of ~~—\$100.00—~~ **\$150.00. Beginning October 1, 2005, the fee**  
10 **required under this subdivision is \$100.00.** For each fee  
11 collected under this subdivision, the clerk shall transmit  
12 ~~—\$15.00—~~ **\$31.00 to the county treasurer and the balance of the**  
13 **fee** to the state treasurer for deposit in the ~~—state court—~~ **civil**  
14 **filing fee** fund created in section ~~—151a—~~ 171. **Beginning October**  
15 **1, 2005, the amount of each fee that the clerk shall transmit to**  
16 **the county treasurer is reduced to \$15.00.**

17 (c) If a trial by jury is demanded, the party making the  
18 demand at the time shall pay the sum of \$85.00. Failure to pay  
19 the fee at the time the demand is made constitutes a waiver of  
20 the right to a jury trial. The sum shall be taxed in favor of  
21 the party paying the fee, in case the party recovers a judgment  
22 for costs. For each fee collected under this subdivision, the  
23 clerk shall transmit \$25.00 to the state treasurer for deposit in  
24 the juror compensation reimbursement fund created in section  
25 151d.

26 (d) Before entry of a final judgment in an action for divorce  
27 or separate maintenance in which minor children are involved, or

1 the entry of a final judgment in a child custody dispute  
2 submitted to the circuit court as an original action, 1 of the  
3 following sums, which shall be deposited by the county treasurer  
4 as provided in section 2530:

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

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

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

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

26 (f) For services under the direction of the court that are  
27 not specifically provided for in this section relative to the

1 receipt, safekeeping, or expending of money, or the purchasing,  
2 taking, or transferring of a security, or the collecting of  
3 interest on a security, the clerk shall receive the allowance and  
4 compensation from the parties as the court may consider just and  
5 shall direct by court order, after notice to the parties to be  
6 charged.

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

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

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

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

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

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

1 secretary.

2       Sec. 5756. (1) If the complaint is for the recovery of  
3 possession of premises only, the fee for filing a proceeding  
4 under this chapter is ~~-\$32.00-~~ **\$40.00. Beginning October 1,**  
5 **2005, the fee required under this subsection is \$32.00.**

6       (2) If a claim for a money judgment is joined with a claim  
7 for the recovery of possession of premises, the plaintiff shall  
8 pay a supplemental filing fee in the same amount as established  
9 by law for the filing of a claim for a money judgment in the same  
10 court.

11       (3) Of each filing fee collected under this section, at the  
12 end of each month, the clerk of the district court shall transmit  
13 ~~-\$2.00 to the state treasurer to be credited to the community~~  
14 ~~dispute resolution fund created by the community dispute~~  
15 ~~resolution act, Act No. 260 of the Public Acts of 1988, being~~  
16 ~~sections 691.1551 to 691.1564 of the Michigan Compiled Laws;~~  
17 ~~\$9.00 to the executive secretary of the Michigan judges~~  
18 ~~retirement system created by the judges retirement act of 1992,~~  
19 ~~Act No. 234 of the Public Acts of 1992, being sections 38.2101 to~~  
20 ~~38.2608 of the Michigan Compiled Laws; \$11.00-~~ **\$12.00** to the  
21 treasurer of the district ~~control~~ **funding** unit in which the  
22 action was commenced ~~;~~ and the balance to the state treasurer  
23 for deposit in the ~~state court~~ **civil filing fee** fund created by  
24 section ~~151a-~~ **171. Beginning October 1, 2005, the amount of**  
25 **each fee that the clerk shall transmit to the treasurer of the**  
26 **district funding unit is reduced to \$11.00.**

27       (4) At the end of each month, the clerk of the district court

1 shall transmit each supplemental filing fee collected under this  
2 section in the same manner as a fee under section 8371 for the  
3 filing of a claim for money judgment for the same amount is  
4 transmitted.

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

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

14 (2) Before a civil action is commenced in the district court,  
15 the party commencing the action shall pay to the clerk the sum of  
16 ~~\$100.00~~ **\$150.00** if the amount in controversy exceeds  
17 \$10,000.00. **Beginning October 1, 2005, the fee required under**  
18 **this subsection is \$100.00.** For each fee collected under this  
19 subsection, the clerk shall transmit ~~\$2.00 to the state~~  
20 ~~treasurer to be credited to the community dispute resolution fund~~  
21 ~~created by the community dispute resolution act, 1988 PA 260,~~  
22 ~~MCL 691.1551 to 691.1564; \$13.50 to the executive secretary of~~  
23 ~~the Michigan judges retirement system created by the judges~~  
24 ~~retirement act of 1992, 1992 PA 234, MCL 38.2101 to 38.2670;~~  
25 ~~\$21.50~~ **\$31.00** to the treasurer of the district ~~control~~ **funding**  
26 unit in which the action was commenced ~~;~~ and shall transmit the  
27 balance to the state treasurer for deposit in the ~~state court~~

1 **civil filing fee** fund created by section ~~151a~~ 171. **Beginning**  
 2 **October 1, 2005, the amount of each fee that the clerk shall**  
 3 **transmit to the treasurer of the district funding unit is reduced**  
 4 **to \$21.50.**

5 (3) Before a civil action is commenced in the district court,  
 6 the party commencing the action shall pay to the clerk the sum of  
 7 ~~\$52.00~~ **\$60.00** if the amount in controversy exceeds \$1,750.00  
 8 but does not exceed \$10,000.00. **Beginning October 1, 2005, the**  
 9 **fee required under this subsection is \$52.00.** For each fee  
 10 collected under this subsection, the clerk shall transmit ~~\$2.00~~  
 11 ~~to the state treasurer to be credited to the community dispute~~  
 12 ~~resolution fund created by the community dispute resolution act,~~  
 13 ~~1988 PA 260, MCL 691.1551 to 691.1564; \$13.50 to the executive~~  
 14 ~~secretary of the Michigan judges retirement system created by the~~  
 15 ~~judges retirement act of 1992, 1992 PA 234, MCL 38.2101 to~~  
 16 ~~38.2670; \$16.50~~ **\$18.00** to the treasurer of the district  
 17 ~~control~~ **funding** unit in which the action was commenced ~~;~~ and  
 18 shall transmit the balance to the state treasurer for deposit in  
 19 the ~~state court~~ **civil filing fee** fund created by section ~~151a~~  
 20 171. **Beginning October 1, 2005, the amount of each fee that the**  
 21 **clerk shall transmit to the treasurer of the district funding**  
 22 **unit is reduced to \$16.50.**

23 (4) Before a civil action is commenced in the district court,  
 24 the party commencing the action shall pay to the clerk the sum of  
 25 ~~\$32.00~~ **\$40.00** if the amount in controversy exceeds \$600.00 but  
 26 does not exceed \$1,750.00. **Beginning October 1, 2005, the fee**  
 27 **required under this subsection is \$32.00.** For each fee collected

1 under this subsection, the clerk shall transmit ~~-\$2.00 to the~~  
 2 ~~state treasurer to be credited to the community dispute~~  
 3 ~~resolution fund created by the community dispute resolution act,~~  
 4 ~~1988 PA 260, MCL 691.1551 to 691.1564; \$9.00 to the executive~~  
 5 ~~secretary of the Michigan judges retirement system created by the~~  
 6 ~~judges retirement act of 1992, 1992 PA 234, MCL 38.2101 to~~  
 7 ~~38.2670; \$11.00~~ **\$12.00** to the treasurer of the district  
 8 ~~control~~ **funding** unit in which the action was commenced ~~;~~ and  
 9 shall transmit the balance to the state treasurer for deposit in  
 10 the ~~state court~~ **civil filing fee** fund created by section ~~151a~~  
 11 **171. Beginning October 1, 2005, the amount of each fee that the**  
 12 **clerk shall transmit to the treasurer of the district funding**  
 13 **unit is reduced to \$11.00.**

14 (5) Before a civil action is commenced in the district court,  
 15 the party commencing the action shall pay to the clerk the sum of  
 16 ~~-\$17.00~~ **\$20.00** if the amount in controversy does not exceed  
 17 \$600.00. **Beginning October 1, 2005, the fee required under this**  
 18 **subsection is \$17.00.** For each fee collected under this  
 19 subsection, the clerk shall transmit ~~-\$2.00 to the state~~  
 20 ~~treasurer to be credited to the community dispute resolution fund~~  
 21 ~~created by the community dispute resolution act, 1988 PA 260,~~  
 22 ~~MCL 691.1551 to 691.1564; \$4.50 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;~~  
 25 ~~\$5.50~~ **\$6.00** to the treasurer of the district ~~control~~ **funding**  
 26 unit in which the action was commenced ~~;~~ and shall transmit the  
 27 balance to the state treasurer for deposit in the ~~state court~~



1 civil filing fee fund created by section ~~151a~~ 171. Beginning  
2 October 1, 2005, the amount of each fee that the clerk shall  
3 transmit to the treasurer of the district funding unit is reduced  
4 to \$5.50.

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

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

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

21 (9) If a trial by jury is demanded, the party making the  
22 demand at the time shall pay the sum of \$50.00. Failure to pay  
23 the fee at the time the demand is made constitutes a waiver of  
24 the right to a jury trial. The sum shall be taxed in favor of  
25 the party paying the fee, in case the party recovers a judgment  
26 for costs. For each fee collected under this subsection, the  
27 clerk shall transmit \$10.00 to the state treasurer for deposit in

1 the juror compensation reimbursement fund created in section  
2 151d.

3 (10) ~~If the amount in controversy in a civil action exceeds~~  
4 ~~\$10,000.00, a~~ A sum of \$20.00 shall be assessed for all motions  
5 filed in that civil action. For each fee collected under this  
6 subsection, the clerk shall transmit \$10.00 to the state  
7 treasurer for deposit in the state court fund created in  
8 section 151a and the balance shall be transmitted to the  
9 treasurer of the district ~~control~~ **funding** unit for the district  
10 court in the district in which the action was commenced.

11 (11) The clerk of the district court shall prepare and submit  
12 a court filing fee report to the executive secretary of the  
13 Michigan judges retirement system created by the judges  
14 retirement act of 1992, 1992 PA 234, MCL 38.2101 to 38.2670, at  
15 the same time the clerk of the district court transmits the  
16 portion of the fees collected under this section to the executive  
17 secretary.

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

21 (a) **\$20.00, if** the amount in controversy does not exceed  
22 \$600.00. ~~—, and a fee of \$32.00 shall be charged and collected in~~  
23 ~~any action in which~~ **Beginning October 1, 2005, the fee required**  
24 **under this subdivision is \$17.00.**

25 (b) **\$40.00, if** the amount in controversy exceeds \$600.00 **but**  
26 **does not exceed \$1,750.00. Beginning October 1, 2005, the fee**  
27 **required under this subdivision is \$32.00.**

1       (c) \$60.00, if the amount in controversy exceeds \$1,750.00.  
 2   Beginning October 1, 2005, the fee required under this  
 3   subdivision is \$32.00.

4       (2) A fee in an amount equal to the prevailing postal rate  
 5   for the service provided shall be charged and collected for each  
 6   defendant to whom a copy of the affidavit is mailed by the  
 7   clerk. A fee of \$15.00 shall be charged and collected for the  
 8   issuance of a writ of execution, attachment, or garnishment —  
 9   and for the issuance of a judgment debtor discovery subpoena.  
 10   Except as otherwise provided in this chapter, a fee or charge  
 11   shall not be collected by an officer for any service rendered  
 12   under this chapter or for the taking of affidavits for use in  
 13   connection with any action commenced under this chapter.

14       (3) ~~—(2)—~~ Of each ~~—\$17.00—~~ filing fee **under subsection (1)(a)**  
 15   collected within the month, at the end of each month, the clerk  
 16   shall transmit ~~—\$2.00 to the state treasurer to be credited to~~  
 17   ~~the community dispute resolution fund created by the community~~  
 18   ~~dispute resolution act, Act No. 260 of the Public Acts of 1988,~~  
 19   ~~being sections 691.1551 to 691.1564 of the Michigan Compiled~~  
 20   ~~Laws; \$4.50 to the executive secretary of the Michigan judges~~  
 21   ~~retirement system created by the judges retirement act of 1992,~~  
 22   ~~Act No. 234 of the Public Acts of 1992, being sections 38.2101 to~~  
 23   ~~38.2608 of the Michigan Compiled Laws; \$5.50~~ **\$6.00** to the  
 24   treasurer of the district ~~—control—~~ **funding** unit in which the  
 25   action was commenced ~~—;~~ and the balance to the state treasurer  
 26   for deposit in the ~~—state court—~~ **civil filing fee** fund created in  
 27   section ~~—151a—~~ **171**. **Beginning October 1, 2005, the amount of**

1 each fee that the clerk shall transmit to the treasurer of the  
2 district funding unit is reduced to \$5.50.

3 (4) ~~-(3)-~~ Of each ~~-\$32.00-~~ filing fee under subsection (1)(b)  
4 collected within the month, at the end of each month, the clerk  
5 shall transmit ~~-\$2.00 to the state treasurer to be credited to~~  
6 ~~the community dispute resolution fund created by Act No. 260 of~~  
7 ~~the Public Acts of 1988; \$9.00 to the executive secretary of the~~  
8 ~~judges retirement system; \$11.00~~ \$12.00 to the treasurer of the  
9 district ~~control~~ funding unit in which the action was commenced  
10 ~~;~~ and the balance to the state treasurer for deposit in the  
11 ~~state court~~ civil filing fee fund created in section ~~151a~~  
12 171. Beginning October 1, 2005, the amount of each fee that the  
13 clerk shall transmit to the treasurer of the district funding  
14 unit is reduced to \$11.00.

15 (5) Of each \$60.00 filing fee collected within the month, at  
16 the end of each month, the clerk shall transmit \$18.00 to the  
17 treasurer of the district funding unit in which the action was  
18 commenced and the balance to the state treasurer for deposit in  
19 the civil filing fee fund created in section 171. Beginning  
20 October 1, 2005, the amount of each fee that the clerk shall  
21 transmit to the treasurer of the district funding unit is reduced  
22 to \$11.00.

23 (6) ~~-(4)-~~ If the affidavit and notice to appear and answer  
24 are served by personal service, the person serving the process is  
25 entitled to the same fee and mileage as for the service of a  
26 summons and complaint out of the district court.

27 ~~-(5) The clerk of the district court shall prepare and submit~~

1 ~~a court filing fee report to the executive secretary of the~~  
2 ~~Michigan judges retirement system created by Act No. 234 of the~~  
3 ~~Public Acts of 1992 at the same time the clerk of the district~~  
4 ~~court transmits the portion of the fees collected under this~~  
5 ~~section to the executive secretary.~~

6       Enacting section 1. This amendatory act takes effect  
7 October 1, 2003.