

HOUSE BILL No. 4771

May 28, 2003, Introduced by Reps. Tabor, Voorhees and Vander Veen and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 2529 (MCL 600.2529), as amended by 2002 PA
605.

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
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 \$100.00. The clerk at the
9 end of each month shall transmit for each fee collected under
10 this subdivision within the month, \$18.75 to the executive

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1 secretary of the Michigan judges retirement system created by the
2 judges retirement act of 1992, 1992 PA 234, MCL 38.2101 to
3 38.2670; \$5.00 to the secretary of the Michigan legislative
4 retirement system for deposit with the state treasurer in the
5 retirement fund created by the Michigan legislative retirement
6 system act, 1957 PA 261, MCL 38.1001 to 38.1080; \$5.25 to the
7 state treasurer for deposit in the general fund; \$2.00 to the
8 state treasurer to be credited to the community dispute
9 resolution fund created by the community dispute resolution act,
10 1988 PA 260, MCL 691.1551 to 691.1564; \$11.00 to the county
11 treasurer; and the balance of the filing fee to the state
12 treasurer for deposit in the state court fund created in section
13 151a.

14 (b) Before the filing of a claim of appeal or motion for
15 leave to appeal from the district court, probate court, a
16 municipal court, or an administrative tribunal or agency, the sum
17 of \$100.00. For each fee collected under this subdivision, the
18 clerk shall transmit \$15.00 to the state treasurer for deposit in
19 the state court fund created in section 151a.

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

1 151d.

2 (d) Before entry of a final judgment in an action for divorce
 3 or separate maintenance **or in an action** in which ~~minor children~~
 4 ~~are involved, or the entry of a final judgment in a child custody~~
 5 ~~dispute submitted to the circuit court as an original action~~ **the**
 6 **custody, support, or parenting time of minor children is**
 7 **determined,** 1 of the following sums: ~~, which shall be deposited~~
 8 ~~by the county treasurer as provided in section 2530:~~

9 (i) If the matter was contested or uncontested and was not
 10 submitted to domestic relations mediation or investigation by the
 11 friend of the court, ~~-\$30.00-~~ **\$40.00.**

12 (ii) If the matter was contested or uncontested and was
 13 submitted to domestic relations mediation, ~~-\$50.00-~~ **\$60.00.**

14 (iii) If the matter was contested or uncontested and the
 15 office of the friend of the court conducted an investigation and
 16 made a recommendation to the court, ~~-\$70.00-~~ **\$80.00.**

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

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

3 (f) For services under the direction of the court that are
4 not specifically provided for in this section relative to the
5 receipt, safekeeping, or expending of money, or the purchasing,
6 taking, or transferring of a security, or the collecting of
7 interest on a security, the clerk shall receive the allowance and
8 compensation from the parties as the court may consider just and
9 shall direct by court order, after notice to the parties to be
10 charged.

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

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

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

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

23 (4) At the end of each month, the clerk shall transmit for
24 each fee collected under subsection (1)(d) \$10.00 to the state
25 treasurer for deposit in the fund created by section 6a of the
26 office of child support act, 1971 PA 174, MCL 400.236a. The
27 balance of the fee shall be paid to the county treasurer and

1 deposited by the county treasurer as provided under section 2530.

2 (5) ~~—(4)—~~ The court shall order any of the fees prescribed in
3 this section waived or suspended, in whole or in part, upon a
4 showing by affidavit of indigency or inability to pay **or that the**
5 **person filing the action is a public officer acting in his or her**
6 **official capacity. If a fee is waived or suspended, the court**
7 **may require by order in the final judgment that 1 or more parties**
8 **to the case pay the fee.**

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