

# HOUSE BILL No. 5680

March 23, 2004, Introduced by Reps. Middaugh, LaSata, Howell, Lipsey, Shaffer, Bisbee and Woronchak and referred to the Committee on Judiciary.

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,**  
10 **for money in an account with a bank or other financial**

1 institution, or for a state tax refund or credit during the  
2 period that the defendant complies with the order. The order  
3 ~~shall~~ **does** not stay garnishment if the defendant fails to  
4 comply with its terms.

5 Sec. 6231. (1) ~~The garnishment of any money~~ Subject to  
6 subsection (3), if a court has ordered or the parties have agreed  
7 that a judgment is payable in installments, 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 in an account with a bank or other financial  
17 institution.

18 (c) A state tax refund or installment.

19 (2) Subject to subsection (3), a writ of garnishment  
20 specifically issued against money or a right to receive money  
21 described in subsection (1) is void.

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

26 Sec. 6245. ~~Nothing contained in this chapter shall be~~  
27 ~~construed to prohibit and shall~~ This chapter does not prohibit a

1 plaintiff from taking any legal means ~~for the collection of~~ to  
2 **collect** a judgment, ~~excepting the~~ **except for a** garnishment of  
3 money due or to become due the defendant for the **defendant's**  
4 personal work and labor, ~~of the said defendant~~ **for money held**  
5 **in an account with a bank or other financial institution, or for**  
6 **a state tax refund or credit.**