

HOUSE BILL No. 6105

August 4, 2004, Introduced by Rep. Newell and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 4012 (MCL 600.4012), as amended by 1996 PA
10.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4012. (1) Except for garnishment of a tax refund under
2 section 4061a, and subject to subsection (2), a writ of
3 garnishment of periodic payments remains in effect for the period
4 prescribed by the Michigan court rules — **or, if the periodic**
5 **payments are for wages, salary, commissions, or other earnings,**
6 **for 1 of the following time periods, as applicable:**

7 (a) If the garnishment is for less than \$500.00, 182 days.

8 (b) If the garnishment is for \$500.00 or more, 1 year.

9 (2) A garnishee is not liable for a writ of garnishment of
10 periodic payments under subsection (1) to the extent that the

1 garnishee is required to satisfy another writ of garnishment
2 against the same defendant having a higher priority or having the
3 same priority but received at an earlier date. For purposes of
4 this subsection, writs of garnishment have priority in the
5 following order:

6 (a) A garnishment resulting from an obligation of court
7 ordered support as defined in section 2 of the support and
8 parenting time enforcement act, ~~Act No. 295 of the Public Acts~~
9 ~~of 1982, being section 552.602 of the Michigan Compiled Laws~~
10 **1982 PA 295, MCL 552.602.**

11 (b) A levy of the state or a governmental unit of the state
12 to satisfy a tax liability.

13 (c) Any other garnishments, in the order in which they are
14 served.

15 (3) Except as otherwise provided by statute, a plaintiff
16 shall pay a fee of \$6.00 at the time a writ ~~to the garnishee~~ of
17 garnishment of periodic payments is served ~~upon~~ **on** the
18 garnishee.

19 (4) As used in this section and section 8410a, "periodic
20 payments" means wages, salary, commissions, and other earnings,
21 land contract payments, rent, and other periodic debt or contract
22 payments that are or become payable during the effective period
23 of the writ of garnishment. Periodic payments do not mean any of
24 the following:

25 (a) Payments by a financial institution of interest on a
26 deposit account.

27 (b) Charges made by a financial institution automatically

1 against an account ~~which~~ **that** applies to a debt under an
2 automatic payment authorization executed by the account owner.

3 (c) Payments made by a financial institution to honor a check
4 or draft or to comply with an account holder's order of
5 withdrawal of funds from an account.

6 (d) Interest earned on a certificate of deposit that is paid
7 into a deposit account.