

SENATE BILL No. 292

March 11, 2003, Introduced by Senators TOY and PATTERSON and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 8420 (MCL 600.8420), as amended by 1993 PA
189.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8420. (1) A fee of \$17.00 shall be charged and
2 collected for ~~the~~ filing ~~of the~~ **an** affidavit ~~for the~~
3 ~~commencement of any~~ **to commence an** action **in the small claims**
4 **division** in which the amount in controversy does not exceed
5 \$600.00, ~~and a fee of \$32.00 shall be charged and collected in~~
6 ~~any action in which~~ **if** the amount in controversy exceeds \$600.00
7 **but does not exceed \$1,750.00, and a fee of \$52.00 if the amount**
8 **in controversy exceeds \$1,750.00.** A fee in an amount equal to
9 the prevailing postal rate for the service provided shall be
10 charged and collected for each defendant to whom a copy of the

1 affidavit is mailed by the clerk. A fee of \$15.00 shall be
2 charged and collected for the issuance of a writ of execution,
3 attachment, or garnishment, and for the issuance of a judgment
4 debtor discovery subpoena. Except as otherwise provided in this
5 chapter, a fee or charge shall not be collected by an officer for
6 any service rendered under this chapter or for the taking of
7 affidavits for use in connection with any action commenced under
8 this chapter.

9 (2) Of each \$17.00 filing fee collected **under subsection (1)**
10 within the month, at the end of each month, the clerk shall
11 transmit \$2.00 to the state treasurer to be credited to the
12 community dispute resolution fund created by **section 4 of the**
13 community dispute resolution act, ~~Act No. 260 of the Public Acts~~
14 ~~of 1988, being sections 691.1551 to 691.1564 of the Michigan~~
15 ~~Compiled Laws~~ **1988 PA 260, MCL 691.1554**; \$4.50 to the executive
16 secretary of the Michigan judges retirement system created by the
17 judges retirement act of 1992, ~~Act No. 234 of the Public Acts of~~
18 ~~1992, being sections 38.2101 to 38.2608 of the Michigan Compiled~~
19 ~~Laws~~ **1992 PA 234, MCL 38.2101 to 38.2670**; \$5.50 to the treasurer
20 of the district control unit in which the action was commenced;
21 and the balance to the state treasurer for deposit in the state
22 court fund created in section 151a.

23 (3) Of each \$32.00 filing fee collected **under subsection (1)**
24 within the month, at the end of each month, the clerk shall
25 transmit \$2.00 to the state treasurer to be credited to the
26 community dispute resolution fund created by ~~Act No. 260 of the~~
27 ~~Public Acts of 1988~~ **section 4 of the community dispute**

1 resolution act, 1988 PA 260, MCL 691.1554; \$9.00 to the executive
2 secretary of the **Michigan** judges retirement system **created under**
3 **the judges retirement act of 1992, 1992 PA 234, MCL 38.2101 to**
4 **38.2670**; \$11.00 to the treasurer of the district control unit in
5 which the action was commenced; and the balance to the state
6 treasurer for deposit in the state court fund created in
7 section 151a.

8 (4) Of each \$52.00 filing fee collected under subsection (1)
9 within the month, at the end of each month, the clerk shall
10 transmit \$2.00 to the state treasurer to be credited to the
11 community dispute resolution fund created by section 4 of the
12 community dispute resolution act, 1988 PA 260, MCL 691.1554;
13 \$13.50 to the executive secretary of the Michigan judges
14 retirement system created under the judges retirement act of
15 1992, 1992 PA 234, MCL 38.2101 to 38.2670; \$16.50 to the
16 treasurer of the district control unit in which the action was
17 commenced; and the balance to the state treasurer for deposit in
18 the state court fund created in section 151a.

19 (5) ~~-(4)-~~ If ~~the~~ an affidavit and notice to appear and
20 answer ~~are~~ in the small claims division is served by personal
21 service, the person serving the process is entitled to the same
22 fee and mileage as for the service of a summons and complaint out
23 of the district court.

24 (6) ~~-(5)-~~ The clerk of the district court shall prepare and
25 submit a court filing fee report to the executive secretary of
26 the Michigan judges retirement system created by ~~Act No. 234 of~~
27 ~~the Public Acts of 1992~~ the judges retirement act of 1992, 1992

1 PA 234, MCL 38.2101 to 38.2670, at the same time the clerk of the
2 district court transmits the portion of the fees collected under
3 this section to the executive secretary **of the Michigan judges**
4 **retirement system.**