

# SENATE BILL No. 941

February 4, 2004, Introduced by Senators CHERRY, SWITALSKI and OLSHOVE and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
(MCL 600.101 to 600.9947) by adding section 641.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 641. (1) If an action in the circuit court has been  
2 evaluated as required by court rule and if the judge determines  
3 at the conclusion of a pretrial hearing held in the action that  
4 the amount of damages sustained may be less than the  
5 jurisdictional limitation as to the amount in controversy  
6 applicable to the district court, the judge may, without the  
7 consent of the parties, remove the action to the district court.

8       (2) An action removed under this section shall be transferred  
9 to the district court in the county where the action is pending  
10 in which venue would have been proper had the action been filed  
11 in district court. If venue would have been proper in more than

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1 1 district in the county, the circuit court clerk shall assign  
2 the action by lot to 1 of the districts.

3 (3) When transferring an action to a district court under  
4 this section, the circuit court clerk shall forward to the  
5 district court, as a filing fee, a portion of the filing fee paid  
6 in circuit court equal to the applicable district court filing  
7 fee.

8 (4) The clerk of a district court shall promptly notify all  
9 parties to the action of the date on which the district court  
10 receives an action removed under this section.

11 (5) In an action to which this section applies, if a jury  
12 trial has been properly demanded, whether before or after removal  
13 of the action to the district court, the jury fee shall be paid  
14 to the circuit court and the circuit court is responsible for  
15 payment of compensation to the jurors. The right to a jury trial  
16 in an action removed under this section is controlled by the  
17 following, as applicable:

18 (a) If a jury has been demanded and the jury fee paid in the  
19 circuit court before removal, the demand is preserved after  
20 removal of the action to the district court.

21 (b) If a jury trial has been demanded but the jury fee has  
22 not been paid in the circuit court before removal, the party who  
23 demanded the jury in the circuit court shall pay the appropriate  
24 jury fee within 20 days after the case is received in the  
25 district court. The party waives trial by jury in the district  
26 court if the fee is not paid within that period.

27 (c) A waiver of jury trial before removal is inoperative

1 after removal to district court. If a jury has been waived in  
2 the circuit court, a party waives trial by jury in the district  
3 court if the party does not file a demand for a jury trial in the  
4 district court and pay the appropriate district court jury fee  
5 within 20 days after the case is received in the district court.

6 (6) After removal of an action under this section from a  
7 multijudge circuit court, the district court may take proofs at a  
8 hearing. If at the conclusion of the hearing it is shown that  
9 the damages may exceed the jurisdictional limitation as to the  
10 amount in controversy applicable to the district court, the  
11 action may be transferred back to the circuit court. If an  
12 action is transferred back to the circuit court under this  
13 subsection, it shall be reassigned to a different circuit judge.

14 (7) The jurisdictional limitation as to the amount in  
15 controversy applicable to cases commenced in the district court  
16 does not apply to a judgment entered in an action removed to  
17 district court under this section.