

Act No. 31
Public Acts of 2004
Approved by the Governor
March 19, 2004
Filed with the Secretary of State
March 22, 2004
EFFECTIVE DATE: July 1, 2004

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2004**

Introduced by Rep. Jamnick

ENROLLED HOUSE BILL No. 4871

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending section 5759 (MCL 600.5759).

The People of the State of Michigan enact:

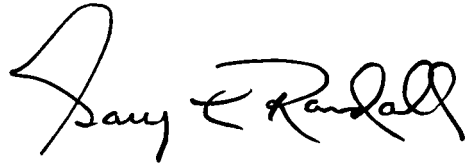
Sec. 5759. (1) In proceedings under this chapter, costs may be allowed in the same amounts as are provided by law in other civil actions in the same court, except that the costs provided by section 2441 shall not apply. The court may also allow as taxable costs an amount not exceeding the following:

- (a) For a motion that results in dismissal or judgment, \$75.00.
- (b) For a judgment taken by default or consent, \$75.00.
- (c) For the trial of a claim for possession only, \$150.00.
- (d) For the trial of a claim for a money judgment only, \$150.00.
- (e) For a trial including both a claim for possession and a claim for a money judgment, \$150.00.

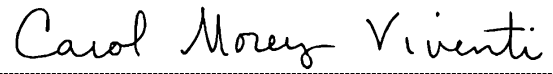
(2) In determining taxable costs in tenancy cases, the judge shall take into consideration whether the jury or judge found that a portion of the rent allegedly due to the plaintiff was excused by reason of the plaintiff's breach of the lease or breach of his or her statutory covenants.

Enacting section 1. This amendatory act takes effect July 1, 2004.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor