

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 470

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 321, 5756, 8371, and 8420 (MCL 600.321,
600.5756, 600.8371, and 600.8420), sections 321 and 8420 as amended
by 2003 PA 138 and sections 5756 and 8371 as amended by 2003 PA
178.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 321. (1) The following fees shall be paid to the clerk of
2 the court of appeals and may be taxed as costs where costs are
3 allowed by order of the court:
- 4 (a) The sum of \$375.00 for an appeal as of right, for an
5 application for leave to appeal, or for an original proceeding.

1 This fee shall be paid only once for appeals that are taken by
2 multiple parties from the same lower court order or judgment and
3 can be consolidated.

4 (b) Upon the entry of any motion except a motion described in
5 subdivision (c) upon the motion docket, the sum of \$100.00.
6 Beginning October 1, ~~2005~~ 2007, the fee required under this
7 subdivision is \$75.00.

8 (c) Upon the entry of a motion for immediate consideration or
9 a motion to expedite appeal upon the motion docket, the sum of
10 \$200.00. This fee shall be paid only once regardless of the number
11 of lower court files involved in the appeal. A prosecuting attorney
12 is exempt from paying a fee under this subdivision when filing a
13 motion for immediate consideration or a motion to expedite appeal
14 with regard to an appeal arising out of a criminal proceeding.
15 Beginning October 1, ~~2005~~ 2007, the fee required under this
16 subdivision is \$150.00.

17 (2) The clerk of the court of appeals shall be allowed the sum
18 of 50 cents per page for certified copies of ~~any~~ entries or
19 papers in any action or proceedings when required for any other
20 purpose than one connected with the progress or disposition of
21 ~~such~~ **THE** action or proceeding.

22 (3) The clerk shall charge the sum of 50 cents per page for
23 all uncertified copies of opinions, ~~excepting~~ **EXCEPT** those sent
24 to 1 counsel representing each party in the case, for which no
25 charge shall be made.

26 (4) If a person is unable to pay the fees required by this
27 section, the person, by motion, accompanied by the person's

1 affidavit stating facts showing ~~such~~ **THAT** inability, may ask the
2 court to waive the fees and the court or a judge of the court may
3 waive payment of the fees.

4 (5) Each month the clerk of the court of appeals shall deposit
5 with the state treasurer all fees collected, securing and filing a
6 receipt for the fees deposited.

7 (6) Costs shall be awarded in the discretion of the court.

8 (7) Upon appeal to the court of appeals, there shall be paid
9 to the clerk of the trial court the sum of \$10.00 as an appeal fee.

10 Sec. 5756. (1) If the complaint is for the recovery of
11 possession of premises only, the fee for filing a proceeding under
12 this chapter is \$45.00. ~~Beginning October 1, 2005, the fee~~
13 ~~required under this subsection is \$40.00.~~

14 (2) If a claim for a money judgment is joined with a claim for
15 the recovery of possession of premises, the plaintiff shall pay a
16 supplemental filing fee in the same amount as established by law
17 for the filing of a claim for a money judgment in the same court.

18 (3) Of each filing fee collected under this section, at the
19 end of each month, the clerk of the district court shall transmit
20 \$17.00 to the treasurer of the district funding unit in which the
21 action was commenced, of which not less than \$5.00 shall be used by
22 the district funding unit to fund **A DRUG TREATMENT COURT IF ONE IS**
23 **PLANNED, ESTABLISHED, OR OPERATED IN THAT JUDICIAL DISTRICT. IF THE**
24 **ENTIRE AMOUNT ATTRIBUTABLE TO THE \$5.00 PORTION IS NOT NEEDED FOR**
25 **THE OPERATION OF A DRUG TREATMENT COURT, THE BALANCE THAT IS NOT**
26 **NEEDED FOR THAT PURPOSE SHALL BE USED FOR THE OPERATION OF THE**
27 **DISTRICT COURT. IF A DRUG TREATMENT COURT IS NOT PLANNED,**

1 ESTABLISHED, OR OPERATED IN THAT JUDICIAL DISTRICT, ALL \$17.00
 2 SHALL BE USED FOR the operation of the district court. ~~—; and— THE~~
 3 CLERK OF THE DISTRICT COURT SHALL TRANSMIT the balance OF THE
 4 FILING FEE to the state treasurer for deposit in the civil filing
 5 fee fund created by section 171. ~~—Beginning October 1, 2005, the~~
 6 ~~amount of each fee that the clerk shall transmit to the treasurer~~
 7 ~~of the district funding unit is reduced to \$12.00.~~

8 (4) At the end of each month, the clerk of the district court
 9 shall transmit each supplemental filing fee collected under this
 10 section in the same manner as a fee under section 8371 for the
 11 filing of a claim for money judgment for the same amount is
 12 transmitted.

13 Sec. 8371. (1) In the district court, the fees prescribed in
 14 this section shall be paid to the clerk of the court.

15 (2) Before a civil action is commenced in the district court,
 16 the party commencing the action shall pay to the clerk the sum of
 17 \$150.00 if the amount in controversy exceeds \$10,000.00. For each
 18 fee collected under this subsection, the clerk shall transmit
 19 \$31.00 to the treasurer of the district funding unit in which the
 20 action was commenced, and shall transmit the balance to the state
 21 treasurer for deposit in the civil filing fee fund created by
 22 section 171.

23 (3) Before a civil action is commenced in the district court,
 24 the party commencing the action shall pay to the clerk the sum of
 25 \$65.00 if the amount in controversy exceeds \$1,750.00 but does not
 26 exceed \$10,000.00. ~~—Beginning October 1, 2005, the fee required~~
 27 ~~under this subsection is \$60.00.~~ For each fee collected under this

Senate Bill No. 470 (H-1) as amended September 21, 2005

subsection, the clerk shall transmit \$23.00 to the treasurer of the district funding unit in which the action was commenced, of which not less than \$5.00 shall be used by the district funding unit to fund **A DRUG TREATMENT COURT IF ONE IS PLANNED, ESTABLISHED, OR OPERATED IN THAT JUDICIAL DISTRICT. IF THE ENTIRE AMOUNT ATTRIBUTABLE TO THE \$5.00 PORTION IS NOT NEEDED FOR THE OPERATION OF A DRUG TREATMENT COURT, THE BALANCE THAT IS NOT NEEDED FOR THAT PURPOSE SHALL BE USED FOR THE OPERATION OF THE DISTRICT COURT. IF A DRUG TREATMENT COURT IS NOT PLANNED, ESTABLISHED, OR OPERATED IN THAT JUDICIAL DISTRICT, ALL [\$23.00] SHALL BE USED FOR the operation of the district court. ~~and~~ THE CLERK OF THE DISTRICT COURT shall transmit the balance OF THE FILING FEE to the state treasurer for deposit in the civil filing fee fund created by section 171. Beginning October 1, 2005, the amount of each fee that the clerk shall transmit to the treasurer of the district funding unit is reduced to \$18.00.**

(4) Before a civil action is commenced in the district court, the party commencing the action shall pay to the clerk the sum of \$45.00 if the amount in controversy exceeds \$600.00 but does not exceed \$1,750.00. ~~Beginning October 1, 2005, the fee required under this subsection is \$40.00.~~ For each fee collected under this subsection, the clerk shall transmit \$17.00 to the treasurer of the district funding unit in which the action was commenced, of which not less than \$5.00 shall be used by the district funding unit to fund **A DRUG TREATMENT COURT IF ONE IS PLANNED, ESTABLISHED, OR OPERATED IN THAT JUDICIAL DISTRICT. IF THE ENTIRE AMOUNT ATTRIBUTABLE TO THE \$5.00 PORTION IS NOT NEEDED FOR THE OPERATION**

Senate Bill No. 470 (H-1) as amended September 21, 2005

1 OF A DRUG TREATMENT COURT, THE BALANCE THAT IS NOT NEEDED FOR THAT
2 PURPOSE SHALL BE USED FOR THE OPERATION OF THE DISTRICT COURT. IF A
3 DRUG TREATMENT COURT IS NOT PLANNED, ESTABLISHED, OR OPERATED IN
4 THAT JUDICIAL DISTRICT, ALL \$17.00 SHALL BE USED FOR the operation
5 of the district court. ~~—; and—~~ THE CLERK OF THE DISTRICT COURT
6 shall transmit the balance OF THE FILING FEE to the state treasurer
7 for deposit in the civil filing fee fund created by section 171.
8 ~~Beginning October 1, 2005, the amount of each fee that the clerk~~
9 ~~shall transmit to the treasurer of the district funding unit is~~
10 ~~reduced to \$12.00.~~

11 (5) Before a civil action is commenced in the district court,
12 the party commencing the action shall pay to the clerk the sum of
13 \$25.00 if the amount in controversy does not exceed \$600.00.
14 ~~Beginning October 1, 2005, the fee required under this subsection~~
15 ~~is \$20.00.~~ For each fee collected under this subsection, the clerk
16 shall transmit \$11.00 to the treasurer of the district funding unit
17 in which the action was commenced, of which not less than \$5.00
18 shall be used by the district funding unit to fund A DRUG TREATMENT
19 COURT IF ONE IS PLANNED, ESTABLISHED, OR OPERATED IN THAT JUDICIAL
20 DISTRICT. IF THE ENTIRE AMOUNT ATTRIBUTABLE TO THE \$5.00 PORTION IS
21 NOT NEEDED FOR THE OPERATION OF A DRUG TREATMENT COURT, THE BALANCE
22 THAT IS NOT NEEDED FOR THAT PURPOSE SHALL BE USED FOR THE OPERATION
23 OF THE DISTRICT COURT. IF A DRUG TREATMENT COURT IS NOT PLANNED,
24 ESTABLISHED, OR OPERATED IN THAT JUDICIAL DISTRICT, ALL [\$11.00]
25 SHALL BE USED FOR the operation of the district court. ~~—; and—~~ THE
26 CLERK OF THE DISTRICT COURT shall transmit the balance OF THE
27 FILING FEE to the state treasurer for deposit in the civil filing

1 fee fund created by section 171. ~~Beginning October 1, 2005, the~~
2 ~~amount of each fee that the clerk shall transmit to the treasurer~~
3 ~~of the district funding unit is reduced to \$6.00.~~

4 (6) The judge shall order payment of any statutory fees waived
5 or suspended if the person subject to the fee is receiving public
6 assistance or is determined by the court to be indigent.

7 (7) Neither this state nor a political subdivision of this
8 state shall be required to pay a filing fee in a civil infraction
9 action.

10 (8) Except for civil actions filed for relief under chapter
11 43, 57, or 84, if a civil action is filed for relief other than
12 money damages, the filing fee shall be equal to the filing fee in
13 actions for money damages in excess of \$1,750.00 but not in excess
14 of \$10,000.00 as provided in subsection (3) and shall be
15 transmitted in the same manner as a fee under subsection (3) is
16 transmitted. If a claim for money damages is joined with a claim
17 for relief other than money damages, the plaintiff shall pay a
18 supplemental filing fee in the same amount as required under
19 subsections (2) to (5).

20 (9) If a trial by jury is demanded, the party making the
21 demand at the time shall pay the sum of \$50.00. Failure to pay the
22 fee at the time the demand is made constitutes a waiver of the
23 right to a jury trial. The sum shall be taxed in favor of the party
24 paying the fee, in case the party recovers a judgment for costs.
25 For each fee collected under this subsection, the clerk shall
26 transmit \$10.00 to the state treasurer for deposit in the juror
27 compensation reimbursement fund created in section 151d.

1 (10) A sum of \$20.00 shall be assessed for all motions filed
2 in a civil action. A motion fee shall not be assessed in a civil
3 infraction action. For each fee collected under this subsection,
4 the clerk shall transmit \$10.00 to the state treasurer for deposit
5 in the state court fund created in section 151a and the balance
6 shall be transmitted to the treasurer of the district funding unit
7 for the district court in the district in which the action was
8 commenced.

9 Sec. 8420. (1) A fee of the following amount, as applicable,
10 shall be charged and collected for the filing of the affidavit for
11 the commencement of any action:

12 (a) \$25.00, if the amount in controversy does not exceed
13 \$600.00. ~~Beginning October 1, 2005, the fee required under this~~
14 ~~subdivision is \$20.00.~~

15 (b) \$45.00, if the amount in controversy exceeds \$600.00 but
16 does not exceed \$1,750.00. ~~Beginning October 1, 2005, the fee~~
17 ~~required under this subdivision is \$40.00.~~

18 (c) \$65.00, if the amount in controversy exceeds \$1,750.00.
19 ~~Beginning October 1, 2005, the fee required under this subdivision~~
20 ~~is \$60.00.~~

21 (2) A fee in an amount equal to the prevailing postal rate
22 for the service provided shall be charged and collected for each
23 defendant to whom a copy of the affidavit is mailed by the clerk. A
24 fee of \$15.00 shall be charged and collected for the issuance of a
25 writ of execution, attachment, or garnishment and for the issuance
26 of a judgment debtor discovery subpoena. Except as otherwise
27 provided in this chapter, a fee or charge shall not be collected by

Senate Bill No. 470 (H-1) as amended September 21, 2005

an officer for any service rendered under this chapter or for the taking of affidavits for use in connection with any action commenced under this chapter.

(3) Of each filing fee under subsection (1)(a) collected within the month, at the end of each month, the clerk shall transmit \$11.00 to the treasurer of the district funding unit in which the action was commenced, of which not less than \$5.00 shall be used by the district funding unit to fund **A DRUG TREATMENT COURT IF ONE IS PLANNED, ESTABLISHED, OR OPERATED IN THAT JUDICIAL DISTRICT. IF THE ENTIRE AMOUNT ATTRIBUTABLE TO THE \$5.00 PORTION IS NOT NEEDED FOR THE OPERATION OF A DRUG TREATMENT COURT, THE BALANCE THAT IS NOT NEEDED FOR THAT PURPOSE SHALL BE USED FOR THE OPERATION OF THE DISTRICT COURT. IF A DRUG TREATMENT COURT IS NOT PLANNED, ESTABLISHED, OR OPERATED IN THAT JUDICIAL DISTRICT, ALL [\$11.00] SHALL BE USED FOR the operation of the district court. ~~—; and THE CLERK OF THE DISTRICT COURT SHALL TRANSMIT the balance OF THE FILING FEE to the state treasurer for deposit in the civil filing fee fund created in section 171. Beginning October 1, 2005, the amount of each fee that the clerk shall transmit to the treasurer of the district funding unit is reduced to \$6.00.~~**

(4) Of each filing fee under subsection (1)(b) collected within the month, at the end of each month, the clerk shall transmit \$17.00 to the treasurer of the district funding unit in which the action was commenced, of which not less than \$5.00 shall be used by the district funding unit to fund **A DRUG TREATMENT COURT IF ONE IS PLANNED, ESTABLISHED, OR OPERATED IN THAT JUDICIAL DISTRICT. IF THE ENTIRE AMOUNT ATTRIBUTABLE TO THE \$5.00 PORTION IS**

Senate Bill No. 470 (H-1) as amended September 21, 2005

1 NOT NEEDED FOR THE OPERATION OF A DRUG TREATMENT COURT, THE BALANCE
 2 THAT IS NOT NEEDED FOR THAT PURPOSE SHALL BE USED FOR THE OPERATION
 3 OF THE DISTRICT COURT. IF A DRUG TREATMENT COURT IS NOT PLANNED,
 4 ESTABLISHED, OR OPERATED IN THAT JUDICIAL DISTRICT, ALL \$17.00
 5 SHALL BE USED FOR the operation of the district court. ~~—; and THE~~
 6 CLERK OF THE DISTRICT COURT SHALL TRANSMIT the balance OF THE
 7 FILING FEE to the state treasurer for deposit in the civil filing
 8 fee fund created in section 171. ~~Beginning October 1, 2005, the~~
 9 ~~amount of each fee that the clerk shall transmit to the treasurer~~
 10 ~~of the district funding unit is reduced to \$12.00.~~

11 (5) Of each filing fee under subsection (1)(c) collected
 12 within the month, at the end of each month, the clerk shall
 13 transmit \$23.00 to the treasurer of the district funding unit in
 14 which the action was commenced, of which not less than \$5.00 shall
 15 be used by the district funding unit to fund A DRUG TREATMENT COURT
 16 IF ONE IS PLANNED, ESTABLISHED, OR OPERATED IN THAT JUDICIAL
 17 DISTRICT. IF THE ENTIRE AMOUNT ATTRIBUTABLE TO THE \$5.00 PORTION IS
 18 NOT NEEDED FOR THE OPERATION OF A DRUG TREATMENT COURT, THE BALANCE
 19 THAT IS NOT NEEDED FOR THAT PURPOSE SHALL BE USED FOR THE OPERATION
 20 OF THE DISTRICT COURT. IF A DRUG TREATMENT COURT IS NOT PLANNED,
 21 ESTABLISHED, OR OPERATED IN THAT JUDICIAL DISTRICT, ALL [\$23.00]
 22 SHALL BE USED FOR the operation of the district court. ~~—; and THE~~
 23 CLERK OF THE DISTRICT COURT SHALL TRANSMIT the balance OF THE
 24 FILING FEE to the state treasurer for deposit in the civil filing
 25 fee fund created in section 171. ~~Beginning October 1, 2005, the~~
 26 ~~amount of each fee that the clerk shall transmit to the treasurer~~
 27 ~~of the district funding unit is reduced to \$18.00.~~

1 (6) If the affidavit and notice to appear and answer are
2 served by personal service, the person serving the process is
3 entitled to the same fee and mileage as for the service of a
4 summons and complaint out of the district court.