

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, OR, IF**
24 **A DRUG TREATMENT COURT IS NOT PLANNED, ESTABLISHED, OR OPERATED IN**
25 **THAT JUDICIAL DISTRICT, FOR the operation of the district court. →**
26 ~~and~~ **IF THE \$5.00 PORTION OF THE FILING FEE IS USED FOR A DRUG**
27 **TREATMENT COURT, THAT MONEY SHALL NOT SUPPLANT OR REPLACE CURRENT**

1 GRANTS OR FUNDING FROM MILLAGES DEDICATED FOR DRUG TREATMENT

2 COURTS. THE CLERK OF THE DISTRICT COURT SHALL TRANSMIT the balance
3 OF THE FILING FEE to the state treasurer for deposit in the civil
4 filing fee fund created by section 171. ~~Beginning October 1, 2005,~~
5 ~~the amount of each fee that the clerk shall transmit to the~~
6 ~~treasurer of the district funding unit is reduced to \$12.00.~~

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

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

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

22 (3) Before a civil action is commenced in the district court,
23 the party commencing the action shall pay to the clerk the sum of
24 \$65.00 if the amount in controversy exceeds \$1,750.00 but does not
25 exceed \$10,000.00. ~~Beginning October 1, 2005, the fee required~~
26 ~~under this subsection is \$60.00.~~ For each fee collected under this
27 subsection, the clerk shall transmit \$23.00 to the treasurer of the

1 district funding unit in which the action was commenced, of which
 2 not less than \$5.00 shall be used by the district funding unit to
 3 fund **A DRUG TREATMENT COURT IF ONE IS PLANNED, ESTABLISHED, OR**
 4 **OPERATED IN THAT JUDICIAL DISTRICT, OR, IF A DRUG TREATMENT COURT**
 5 **IS NOT PLANNED, ESTABLISHED, OR OPERATED IN THAT JUDICIAL DISTRICT,**
 6 **FOR** the operation of the district court. ~~—, and —~~ **IF THE \$5.00**
 7 **PORTION OF THE FILING FEE IS USED FOR A DRUG TREATMENT COURT, THAT**
 8 **MONEY SHALL NOT SUPPLANT OR REPLACE CURRENT GRANTS OR FUNDING FROM**
 9 **MILLAGES DEDICATED FOR DRUG TREATMENT COURTS. THE CLERK OF THE**
 10 **DISTRICT COURT** shall transmit the balance **OF THE FILING FEE** to the
 11 state treasurer for deposit in the civil filing fee fund created by
 12 section 171. ~~Beginning October 1, 2005, the amount of each fee~~
 13 ~~that the clerk shall transmit to the treasurer of the district~~
 14 ~~funding unit is reduced to \$18.00.~~

15 (4) 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 \$45.00 if the amount in controversy exceeds \$600.00 but does not
 18 exceed \$1,750.00. ~~Beginning October 1, 2005, the fee required~~
 19 ~~under this subsection is \$40.00.~~ For each fee collected under this
 20 subsection, the clerk shall transmit \$17.00 to the treasurer of the
 21 district funding unit in which the action was commenced, of which
 22 not less than \$5.00 shall be used by the district funding unit to
 23 fund **A DRUG TREATMENT COURT IF ONE IS PLANNED, ESTABLISHED, OR**
 24 **OPERATED IN THAT JUDICIAL DISTRICT, OR, IF A DRUG TREATMENT COURT**
 25 **IS NOT PLANNED, ESTABLISHED, OR OPERATED IN THAT JUDICIAL DISTRICT,**
 26 **FOR** the operation of the district court. ~~—, and —~~ **IF THE \$5.00**
 27 **PORTION OF THE FILING FEE IS USED FOR A DRUG TREATMENT COURT, THAT**

1 MONEY SHALL NOT SUPPLANT OR REPLACE CURRENT GRANTS OR FUNDING FROM
 2 MILLAGES DEDICATED FOR DRUG TREATMENT COURTS. THE CLERK OF THE
 3 DISTRICT COURT shall transmit the balance OF THE FILING FEE to the
 4 state treasurer for deposit in the civil filing fee fund created by
 5 section 171. ~~Beginning October 1, 2005, the amount of each fee~~
 6 ~~that the clerk shall transmit to the treasurer of the district~~
 7 ~~funding unit is reduced to \$12.00.~~

8 (5) Before a civil action is commenced in the district court,
 9 the party commencing the action shall pay to the clerk the sum of
 10 \$25.00 if the amount in controversy does not exceed \$600.00.
 11 ~~Beginning October 1, 2005, the fee required under this subsection~~
 12 ~~is \$20.00.~~ For each fee collected under this subsection, the clerk
 13 shall transmit \$11.00 to the treasurer of the district funding unit
 14 in which the action was commenced, of which not less than \$5.00
 15 shall be used by the district funding unit to fund A DRUG TREATMENT
 16 COURT IF ONE IS PLANNED, ESTABLISHED, OR OPERATED IN THAT JUDICIAL
 17 DISTRICT, OR, IF A DRUG TREATMENT COURT IS NOT PLANNED,
 18 ESTABLISHED, OR OPERATED IN THAT JUDICIAL DISTRICT, FOR the
 19 operation of the district court. ~~—, and~~ IF THE \$5.00 PORTION OF
 20 THE FILING FEE IS USED FOR A DRUG TREATMENT COURT, THAT MONEY SHALL
 21 NOT SUPPLANT OR REPLACE CURRENT GRANTS OR FUNDING FROM MILLAGES
 22 DEDICATED FOR DRUG TREATMENT COURTS. THE CLERK OF THE DISTRICT
 23 COURT shall transmit the balance OF THE FILING FEE to the state
 24 treasurer for deposit in the civil filing fee fund created by
 25 section 171. ~~Beginning October 1, 2005, the amount of each fee~~
 26 ~~that the clerk shall transmit to the treasurer of the district~~
 27 ~~funding unit is reduced to \$6.00.~~

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

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

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

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

25 (10) A sum of \$20.00 shall be assessed for all motions filed
26 in a civil action. A motion fee shall not be assessed in a civil
27 infraction action. For each fee collected under this subsection,

1 the clerk shall transmit \$10.00 to the state treasurer for deposit
2 in the state court fund created in section 151a and the balance
3 shall be transmitted to the treasurer of the district funding unit
4 for the district court in the district in which the action was
5 commenced.

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

9 (a) \$25.00, if the amount in controversy does not exceed
10 \$600.00. ~~Beginning October 1, 2005, the fee required under this~~
11 ~~subdivision is \$20.00.~~

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

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

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

1 (3) Of each filing fee under subsection (1)(a) collected
2 within the month, at the end of each month, the clerk shall
3 transmit \$11.00 to the treasurer of the district funding unit in
4 which the action was commenced, of which not less than \$5.00 shall
5 be used by the district funding unit to fund **A DRUG TREATMENT COURT**
6 **IF ONE IS PLANNED, ESTABLISHED, OR OPERATED IN THAT JUDICIAL**
7 **DISTRICT, OR, IF A DRUG TREATMENT COURT IS NOT PLANNED,**
8 **ESTABLISHED, OR OPERATED IN THAT JUDICIAL DISTRICT, FOR** the
9 operation of the district court. ~~—, and IF THE \$5.00 PORTION OF~~
10 ~~THE FILING FEE IS USED FOR A DRUG TREATMENT COURT, THAT MONEY SHALL~~
11 ~~NOT SUPPLANT OR REPLACE CURRENT GRANTS OR FUNDING FROM MILLAGES~~
12 ~~DEDICATED FOR DRUG TREATMENT COURTS. THE CLERK OF THE DISTRICT~~
13 ~~COURT SHALL TRANSMIT the balance OF THE FILING FEE to the state~~
14 ~~treasurer for deposit in the civil filing fee fund created in~~
15 ~~section 171. Beginning October 1, 2005, the amount of each fee~~
16 ~~that the clerk shall transmit to the treasurer of the district~~
17 ~~funding unit is reduced to \$6.00.~~

18 (4) Of each filing fee under subsection (1)(b) collected
19 within the month, at the end of each month, the clerk shall
20 transmit \$17.00 to the treasurer of the district funding unit in
21 which the action was commenced, of which not less than \$5.00 shall
22 be used by the district funding unit to fund **A DRUG TREATMENT COURT**
23 **IF ONE IS PLANNED, ESTABLISHED, OR OPERATED IN THAT JUDICIAL**
24 **DISTRICT, OR, IF A DRUG TREATMENT COURT IS NOT PLANNED,**
25 **ESTABLISHED, OR OPERATED IN THAT JUDICIAL DISTRICT, FOR**
26 the operation of the district court. ~~—, and IF THE \$5.00 PORTION~~
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1 **SHALL NOT SUPPLANT OR REPLACE CURRENT GRANTS OR FUNDING FROM**
 2 **MILLAGES DEDICATED FOR DRUG TREATMENT COURTS. THE CLERK OF THE**
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 4 state treasurer for deposit in the civil filing fee fund created in
 5 section 171. ~~Beginning October 1, 2005, the amount of each fee~~
 6 ~~that the clerk shall transmit to the treasurer of the district~~
 7 ~~funding unit is reduced to \$12.00.~~

8 (5) Of each filing fee under subsection (1)(c) collected
 9 within the month, at the end of each month, the clerk shall
 10 transmit \$23.00 to the treasurer of the district funding unit in
 11 which the action was commenced, of which not less than \$5.00 shall
 12 be used by the district funding unit to fund **A DRUG TREATMENT COURT**
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 16 operation of the district court. ~~—and IF THE \$5.00 PORTION OF~~
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 18 **NOT SUPPLANT OR REPLACE CURRENT GRANTS OR FUNDING FROM MILLAGES**
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 21 treasurer for deposit in the civil filing fee fund created in
 22 section 171. ~~Beginning October 1, 2005, the amount of each fee~~
 23 ~~that the clerk shall transmit to the treasurer of the district~~
 24 ~~funding unit is reduced to \$18.00.~~

25 (6) If the affidavit and notice to appear and answer are
 26 served by personal service, the person serving the process is
 27 entitled to the same fee and mileage as for the service of a

1 summons and complaint out of the district court.