

SENATE BILL No. 470

May 5, 2005, Introduced by Senator CROPSEY and referred to the Committee on Appropriations.

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.
6 This fee shall be paid only once for appeals that are taken by

1 multiple parties from the same lower court order or judgment and
2 can be consolidated.

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

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

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

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

25 (4) If a person is unable to pay the fees required by this
26 section, the person, by motion, accompanied by the person's
27 affidavit stating facts showing ~~such~~ **THAT** inability, may ask the

1 court to waive the fees and the court or a judge of the court may
2 waive payment of the fees.

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

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

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

9 Sec. 5756. (1) If the complaint is for the recovery of
10 possession of premises only, the fee for filing a proceeding under
11 this chapter is \$45.00. Beginning October 1, ~~2005~~ 2007, the fee
12 required under this subsection is \$40.00.

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

17 (3) Of each filing fee collected under this section, at the
18 end of each month, the clerk of the district court shall transmit
19 \$17.00 to the treasurer of the district funding unit in which the
20 action was commenced, of which not less than \$5.00 shall be used by
21 the district funding unit to fund the operation of ~~the district~~
22 ~~court~~ **A DRUG TREATMENT COURT IF ONE IS PLANNED, ESTABLISHED, OR**
23 **OPERATED IN THAT JUDICIAL DISTRICT, OR FOR SUBSTANCE ABUSE**
24 **PROGRAMMING FOR PERSONS ON PROBATION;** and the balance to the state
25 treasurer for deposit in the civil filing fee fund created by
26 section 171. Beginning October 1, ~~2005~~ 2007, the amount of each
27 fee that the clerk shall transmit to the treasurer of the district

1 funding unit is reduced to \$12.00.

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

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

9 (2) Before a civil action is commenced in the district court,
10 the party commencing the action shall pay to the clerk the sum of
11 \$150.00 if the amount in controversy exceeds \$10,000.00. For each
12 fee collected under this subsection, the clerk shall transmit
13 \$31.00 to the treasurer of the district funding unit in which the
14 action was commenced, and shall transmit the balance to the state
15 treasurer for deposit in the civil filing fee fund created by
16 section 171.

17 (3) Before a civil action is commenced in the district court,
18 the party commencing the action shall pay to the clerk the sum of
19 \$65.00 if the amount in controversy exceeds \$1,750.00 but does not
20 exceed \$10,000.00. Beginning October 1, ~~2005~~ **2007**, the fee
21 required under this subsection is \$60.00. For each fee collected
22 under this subsection, the clerk shall transmit \$23.00 to the
23 treasurer of the district funding unit in which the action was
24 commenced, of which not less than \$5.00 shall be used by the
25 district funding unit to fund the operation of ~~the district court~~
26 **A DRUG TREATMENT COURT IF ONE IS PLANNED, ESTABLISHED, OR OPERATED**
27 **IN THAT JUDICIAL DISTRICT, OR FOR SUBSTANCE ABUSE PROGRAMMING FOR**

1 **PERSONS ON PROBATION**; and shall transmit the balance to the state
2 treasurer for deposit in the civil filing fee fund created by
3 section 171. Beginning October 1, ~~2005~~ **2007**, the amount of each
4 fee that the clerk shall transmit to the treasurer of the district
5 funding unit is reduced to \$18.00.

6 (4) Before a civil action is commenced in the district court,
7 the party commencing the action shall pay to the clerk the sum of
8 \$45.00 if the amount in controversy exceeds \$600.00 but does not
9 exceed \$1,750.00. Beginning October 1, ~~2005~~ **2007**, the fee
10 required under this subsection is \$40.00. For each fee collected
11 under this subsection, the clerk shall transmit \$17.00 to the
12 treasurer of the district funding unit in which the action was
13 commenced, of which not less than \$5.00 shall be used by the
14 district funding unit to fund the operation of ~~the district court~~

15 **A DRUG TREATMENT COURT IF ONE IS PLANNED, ESTABLISHED, OR OPERATED**
16 **IN THAT JUDICIAL DISTRICT, OR FOR SUBSTANCE ABUSE PROGRAMMING FOR**
17 **PERSONS ON PROBATION**; and shall transmit the balance to the state
18 treasurer for deposit in the civil filing fee fund created by
19 section 171. Beginning October 1, ~~2005~~ **2007**, the amount of each
20 fee that the clerk shall transmit to the treasurer of the district
21 funding unit is reduced to \$12.00.

22 (5) 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 \$25.00 if the amount in controversy does not exceed \$600.00.
25 Beginning October 1, ~~2005~~ **2007**, the fee required under this
26 subsection is \$20.00. For each fee collected under this subsection,
27 the clerk shall transmit \$11.00 to the treasurer of the district

1 funding unit in which the action was commenced, of which not less
2 than \$5.00 shall be used by the district funding unit to fund the
3 operation of ~~the district court~~ **A DRUG TREATMENT COURT IF ONE IS**
4 **PLANNED, ESTABLISHED, OR OPERATED IN THAT JUDICIAL DISTRICT, OR FOR**
5 **SUBSTANCE ABUSE PROGRAMMING FOR PERSONS ON PROBATION;** and shall
6 transmit the balance to the state treasurer for deposit in the
7 civil filing fee fund created by section 171. Beginning October 1,
8 ~~2005~~ **2007**, the amount of each fee that the clerk shall transmit to
9 the treasurer of the district funding unit is reduced to \$6.00.

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

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

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

26 (9) If a trial by jury is demanded, the party making the
27 demand at the time shall pay the sum of \$50.00. Failure to pay the

1 fee at the time the demand is made constitutes a waiver of the
2 right to a jury trial. The sum shall be taxed in favor of the party
3 paying the fee, in case the party recovers a judgment for costs.
4 For each fee collected under this subsection, the clerk shall
5 transmit \$10.00 to the state treasurer for deposit in the juror
6 compensation reimbursement fund created in section 151d.

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

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

18 (a) \$25.00, if the amount in controversy does not exceed
19 \$600.00. Beginning October 1, ~~2005~~ **2007**, the fee required under
20 this subdivision is \$20.00.

21 (b) \$45.00, if the amount in controversy exceeds \$600.00 but
22 does not exceed \$1,750.00. Beginning October 1, ~~2005~~ **2007**, the
23 fee required under this subdivision is \$40.00.

24 (c) \$65.00, if the amount in controversy exceeds \$1,750.00.
25 Beginning October 1, ~~2005~~ **2007**, the fee required under this
26 subdivision is \$60.00.

27 (2) A fee in an amount equal to the prevailing postal rate

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

10 (3) Of each filing fee under subsection (1)(a) collected
 11 within the month, at the end of each month, the clerk shall
 12 transmit \$11.00 to the treasurer of the district funding unit in
 13 which the action was commenced, of which not less than \$5.00 shall
 14 be used by the district funding unit to fund the operation of ~~the~~
 15 ~~district court~~ **A DRUG TREATMENT COURT IF ONE IS PLANNED,**
 16 **ESTABLISHED, OR OPERATED IN THAT JUDICIAL DISTRICT, OR FOR**
 17 **SUBSTANCE ABUSE PROGRAMMING FOR PERSONS ON PROBATION;** and the
 18 balance to the state treasurer for deposit in the civil filing fee
 19 fund created in section 171. Beginning October 1, ~~2005~~ **2007**, the
 20 amount of each fee that the clerk shall transmit to the treasurer
 21 of the district funding unit is reduced to \$6.00.

22 (4) Of each filing fee under subsection (1)(b) collected
 23 within the month, at the end of each month, the clerk shall
 24 transmit \$17.00 to the treasurer of the district funding unit in
 25 which the action was commenced, of which not less than \$5.00 shall
 26 be used by the district funding unit to fund the operation of ~~the~~
 27 ~~district court~~ **A DRUG TREATMENT COURT IF ONE IS PLANNED,**

1 **ESTABLISHED, OR OPERATED IN THAT JUDICIAL DISTRICT, OR FOR**
2 **SUBSTANCE ABUSE PROGRAMMING FOR PERSONS ON PROBATION;** and the
3 balance to the state treasurer for deposit in the civil filing fee
4 fund created in section 171. Beginning October 1, ~~2005~~ **2007**, the
5 amount of each fee that the clerk shall transmit to the treasurer
6 of the district funding unit is reduced to \$12.00.

7 (5) Of each filing fee under subsection (1)(c) collected
8 within the month, at the end of each month, the clerk shall
9 transmit \$23.00 to the treasurer of the district funding unit in
10 which the action was commenced, of which not less than \$5.00 shall
11 be used by the district funding unit to fund the operation of ~~the~~
12 ~~district court~~ **A DRUG TREATMENT COURT IF ONE IS PLANNED,**

13 **ESTABLISHED, OR OPERATED IN THAT JUDICIAL DISTRICT, OR FOR**
14 **SUBSTANCE ABUSE PROGRAMMING FOR PERSONS ON PROBATION;** and the
15 balance to the state treasurer for deposit in the civil filing fee
16 fund created in section 171. Beginning October 1, ~~2005~~ **2007**, the
17 amount of each fee that the clerk shall transmit to the treasurer
18 of the district funding unit is reduced to \$18.00.

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