

SENATE BILL No. 665

June 29, 2005, Introduced by Senators GOSCHKA, GEORGE, CASSIS, CROPSEY, VAN WOERKOM, GILBERT, SANBORN, BISHOP, ALLEN, BIRKHOLZ, BROWN, HARDIMAN, JELINEK, STAMAS, KUIPERS, SIKKEMA, McMANUS and GARCIA and referred to the Committee on Commerce and Labor.

A bill to amend 1993 PA 23, entitled
"Michigan limited liability company act,"
by amending section 104 (MCL 450.4104), as amended by 2002 PA 686.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 104. (1) A document **THAT A PERSON IS** required or
2 permitted to ~~be filed~~ **FILE** under this act shall be filed by
3 delivering the document to the administrator together with the fees
4 and accompanying documents required by law. The administrator may
5 establish ~~procedures~~ **A PROCEDURE** for accepting delivery **OF A**
6 **DOCUMENT FILED UNDER THIS SUBSECTION** by ~~means of~~ facsimile. ~~or~~
7 ~~either~~ **BY FEBRUARY 1, 2006, THE ADMINISTRATOR SHALL ESTABLISH A**
8 **PROCEDURE FOR ACCEPTING DELIVERY OF A DOCUMENT FILED UNDER THIS**

1 **SUBSECTION BY** electronic transmission. **BEGINNING FEBRUARY 1, 2006,**
2 **A PERSON MAY FILE A DOCUMENT UNDER THIS SUBSECTION BY ELECTRONIC**
3 **TRANSMISSION.**

4 (2) If ~~the~~ **A document FILED UNDER SUBSECTION (1)**
5 substantially conforms to the requirements of this act, the
6 administrator shall indorse upon it the word "filed" with his or
7 her official title and the date of receipt and of filing, and shall
8 file and index the document or a photostatic, micrographic,
9 photographic, optical disc media, or other reproduced copy in his
10 or her office. If ~~so~~ requested at the time of the delivery of the
11 document to his or her office, the administrator shall include the
12 hour of filing in his or her indorsement.

13 (3) The administrator shall prepare and return a true copy of
14 ~~the~~ **A document FILED UNDER SUBSECTION (1)**, or at his or her
15 discretion the original, to the person who submitted it for filing
16 showing the filing date.

17 (4) The records and files of the administrator relating to
18 domestic and foreign limited liability companies shall be open to
19 reasonable inspection by the public. The **ADMINISTRATOR MAY MAINTAIN**
20 **THE** records or files ~~may be maintained~~ either in their original
21 form or in a photostatic, micrographic, photographic, optical disc
22 media, or other reproduced form.

23 (5) The administrator may make copies of ~~all~~ **ANY** documents
24 filed under this act or any predecessor act by a photostatic,
25 micrographic, photographic, optical disc media, or other process,
26 and may destroy the originals of the **COPIED** documents. ~~so copied.~~
27 A photostatic, micrographic, photographic, optical disc media, or

1 other reproduced copy certified by the administrator, ~~which may be~~
2 **INCLUDING A COPY** sent by facsimile or other electronic
3 transmission, ~~shall be~~ **IS** considered an original for all purposes
4 and is admissible in evidence in like manner as an original.

5 (6) ~~The~~ **A** document **FILED UNDER SUBSECTION (1)** is effective
6 at the time it is indorsed unless a subsequent effective time is
7 set forth in the document that is not later than 90 days after the
8 date of delivery.

9 (7) The administrator may require that **A PERSON FILE** a
10 document ~~required or permitted to be filed under this act be~~
11 **DESCRIBED IN SUBSECTION (1)** on a form prescribed by the
12 administrator.