

# SENATE BILL No. 1125

February 9, 2010, Introduced by Senators GEORGE and KAHN and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending sections 2529 and 8371 (MCL 600.2529 and 600.8371),  
section 2529 as amended by 2004 PA 205 and section 8371 as amended  
by 2005 PA 151.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 2529. (1) In the circuit court, the following fees shall  
2 be paid to the clerk of the court:

3       (a) Before a civil action other than an action brought  
4 exclusively under section 2950, 2950a, or 2950h to 2950m is  
5 commenced, or before the filing of an application for  
6 superintending control or for an extraordinary writ, except ~~the~~ **A**  
7 writ of habeas corpus, the party bringing the action or filing the

1 application shall pay ~~the sum~~ **A FEE** of \$150.00 **FOR EACH DEFENDANT**  
 2 **NAMED IN THE ACTION**. The clerk at the end of each month shall  
 3 transmit for each fee collected under this subdivision within the  
 4 month \$31.00 to the county treasurer and the balance of the filing  
 5 fee to the state treasurer for deposit in the civil filing fee fund  
 6 created in section 171.

7 (b) Before the filing of a claim of appeal or motion for leave  
 8 to appeal from the district court, probate court, a municipal  
 9 court, or an administrative tribunal or agency, the ~~sum of~~  
 10 **APPELLANT OR MOVING PARTY SHALL PAY** \$150.00. For each fee collected  
 11 under this subdivision, the clerk shall transmit \$31.00 to the  
 12 county treasurer and the balance of the fee to the state treasurer  
 13 for deposit in the civil filing fee fund created in section 171.

14 (c) ~~If~~ **AT THE TIME** a trial by jury is demanded, the party  
 15 making the demand ~~at the time~~ shall pay ~~the sum of~~ \$85.00. Failure  
 16 to pay the fee at the time the demand is made constitutes a waiver  
 17 of the right to a jury trial. The ~~sum~~ **FEE PAID** shall be taxed in  
 18 favor of the party paying ~~the fee, in case~~ **IT IF** the party recovers  
 19 a judgment for costs. For each fee collected under this  
 20 subdivision, the clerk shall transmit \$25.00 to the state treasurer  
 21 for deposit in the juror compensation reimbursement fund created in  
 22 section 151d.

23 (d) Before entry of a final judgment or order in an action in  
 24 which the custody, support, or parenting time of minor children is  
 25 determined or modified, the party submitting the judgment or order  
 26 shall pay 1 of the following fees: ~~, which shall be deposited by~~  
 27 ~~the county treasurer as provided in section 2530.~~

1 (i) In an action in which the custody or parenting time of  
2 minor children is determined, \$80.00.

3 (ii) In an action in which the support of minor children is  
4 determined or modified, \$40.00. This fee does not apply when a fee  
5 is paid under subparagraph (i). The court may order a party to  
6 reimburse to the other party all or a portion of the fee paid by  
7 that other party.

8 (e) Except as otherwise provided in this section, upon the  
9 filing of a motion, the ~~sum of~~ **MOVING PARTY SHALL PAY** \$20.00. In  
10 conjunction with an action brought under section 2950 or 2950a, a  
11 motion fee shall not be collected for a motion to dismiss the  
12 petition, a motion to modify, rescind, or terminate a personal  
13 protection order, or a motion to show cause for a violation of a  
14 personal protection order. A motion fee shall not be collected for  
15 a motion to dismiss a proceeding to enforce a foreign protection  
16 order or a motion to show cause for a violation of a foreign  
17 protection order under sections 2950h to 2950m. A motion fee shall  
18 not be collected for a request for a hearing to contest income  
19 withholding under section 7 of the support and parenting time  
20 enforcement act, 1982 PA 295, MCL 552.607. For each fee collected  
21 under this subdivision, the clerk shall transmit \$10.00 to the  
22 state treasurer for deposit in the state court fund created by  
23 section 151a.

24 (f) For services under the direction of the court that are not  
25 specifically provided for in this section ~~relative to the receipt~~  
26 **RELATED TO RECEIVING**, safekeeping, or expending ~~of~~ money, ~~or the~~  
27 purchasing, taking, or transferring ~~of~~ a security, or ~~the~~

1 collecting of interest on a security, ~~the clerk shall receive~~ **A**  
 2 **PARTY SHALL PAY** the allowance and compensation ~~from the parties as~~  
 3 **THAT** the court ~~may consider~~ **DETERMINES TO BE** just and shall direct  
 4 ~~by court order,~~ **AS ORDERED BY THE COURT** after notice to the  
 5 parties. ~~to be charged.~~

6 (g) Upon appeal to the court of appeals or the supreme court,  
 7 the ~~sum of~~ **APPELLANT SHALL PAY** \$25.00.

8 (h) The ~~sum of~~ **APPLICANT OR REQUESTING PARTY SHALL PAY** \$15.00  
 9 as a service fee for each writ of garnishment, attachment, **OR**  
 10 execution, ~~or~~ **AND EACH** judgment debtor discovery subpoena issued.

11 (2) The ~~sums~~ **FEES** paid as provided in this section ~~shall be~~  
 12 ~~held to be~~ **ARE PAYMENT** in full for all clerk, entry, and judgment  
 13 fees in an action from the commencement of the action to and  
 14 including the issuance and return of the execution or other final  
 15 process, and are taxable as costs.

16 (3) Except as otherwise provided in this section, the fees  
 17 **PAID UNDER THIS SECTION** shall be paid ~~over~~ to the county treasurer  
 18 as required by law.

19 (4) At the end of each month, the clerk shall transmit for  
 20 each fee collected under subsection (1)(d) \$10.00 to the state  
 21 treasurer for deposit in the **CHILD SUPPORT BENCH WARRANT**  
 22 **ENFORCEMENT** fund created by section 6a of the office of child  
 23 support act, 1971 PA 174, MCL 400.236a. The balance of the fee  
 24 collected under subsection (1)(d)(i) shall be paid to the county  
 25 treasurer and deposited by the county treasurer as provided under  
 26 section 2530 to be used to fund services that are not title IV-D  
 27 services. The balance of the fee collected under subsection

1 (1) (d) (ii) shall be paid to the county treasurer and deposited by  
2 the county treasurer as provided under section 2530.

3 (5) The court shall order any of the fees prescribed in this  
4 section waived or suspended, in whole or in part, upon a showing by  
5 affidavit of indigency or inability to pay.

6 (6) If the person filing an action under subsection (1) (d) is  
7 a public officer acting in his or her official capacity, if the  
8 order is submitted with the initial filing as a consent order, or  
9 other good cause is shown, the court shall order the fee under  
10 subsection (1) (d) waived or suspended. If a fee is waived or  
11 suspended and the action is contested, the court may require that 1  
12 or more of the parties to the action pay the fee under subsection  
13 (1) (d) .

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

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

24 (3) Before a civil action is commenced in the district court,  
25 the party commencing the action shall pay to the clerk ~~the sum of~~  
26 \$65.00 **FOR EACH DEFENDANT NAMED IN THE ACTION** if the amount in  
27 controversy exceeds \$1,750.00 but does not exceed \$10,000.00. For

1 each fee collected under this subsection, the clerk shall transmit  
2 \$23.00 to the treasurer of the district funding unit in which the  
3 action was commenced, of which not less than \$5.00 shall be used by  
4 the district funding unit to fund a drug treatment court if one is  
5 planned, established, or operated in that judicial district. If the  
6 entire amount attributable to the \$5.00 portion is not needed for  
7 the operation of a drug treatment court, the balance that is not  
8 needed for that purpose shall be used for the operation of the  
9 district court. If a drug treatment court is not planned,  
10 established, or operated in that judicial district, all \$23.00  
11 shall be used for the operation of the district court. The clerk of  
12 the district court shall transmit the balance of the filing fee to  
13 the state treasurer for deposit in the civil filing fee fund  
14 created by section 171.

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~~ **A**  
17 **FEE** of \$45.00 **FOR EACH DEFENDANT NAMED IN THE ACTION** if the amount  
18 in controversy exceeds \$600.00 but does not exceed \$1,750.00. For  
19 each fee collected under this subsection, the clerk 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. The clerk of  
3 the district court shall transmit the balance of the filing fee to  
4 the state treasurer for deposit in the civil filing fee fund  
5 created by section 171.

6 (5) Before a civil action is commenced in the district court,  
7 the party commencing the action shall pay to the clerk ~~the sum of~~ **A**  
8 **FEE** of \$25.00 **FOR EACH DEFENDANT NAMED IN THE ACTION** if the amount  
9 in controversy does not exceed \$600.00. For each fee collected  
10 under this subsection, the clerk shall transmit \$11.00 to the  
11 treasurer of the district funding unit in which the action was  
12 commenced, of which not less than \$5.00 shall be used by the  
13 district funding unit to fund a drug treatment court if one is  
14 planned, established, or operated in that judicial district. If the  
15 entire amount attributable to the \$5.00 portion is not needed for  
16 the operation of a drug treatment court, the balance that is not  
17 needed for that purpose shall be used for the operation of the  
18 district court. If a drug treatment court is not planned,  
19 established, or operated in that judicial district, all \$11.00  
20 shall be used for the operation of the district court. The clerk of  
21 the district court shall transmit the balance of the filing fee to  
22 the state treasurer for deposit in the civil filing fee fund  
23 created by section 171.

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

27 (7) Neither this state nor a political subdivision of this

1 state shall be required to pay a filing fee in a civil infraction  
2 action.

3 (8) Except for civil actions filed for relief under chapter  
4 43, 57, or 84, if a civil action is filed for relief other than  
5 money damages, the filing fee shall be equal to the filing fee in  
6 actions for money damages in excess of \$1,750.00 but not in excess  
7 of \$10,000.00 as provided in subsection (3) and shall be  
8 transmitted in the same manner as a fee under subsection (3) is  
9 transmitted. If a claim for money damages is joined with a claim  
10 for relief other than money damages, the plaintiff shall pay a  
11 supplemental filing fee in the same amount as required under  
12 subsections (2) to (5).

13 (9) ~~IF~~ **AT THE TIME** a trial by jury is demanded, the party  
14 making the demand ~~at the time shall pay the sum of~~ \$50.00. Failure  
15 to pay the fee at the time the demand is made constitutes a waiver  
16 of the right to a jury trial. The ~~sum~~ **FEE PAID** shall be taxed in  
17 favor of the party paying ~~the fee, in case~~ **IT IF** the party recovers  
18 a judgment for costs. For each fee collected under this subsection,  
19 the clerk shall transmit \$10.00 to the state treasurer for deposit  
20 in the juror compensation reimbursement fund created in section  
21 151d.

22 (10) ~~A sum of~~ **THE MOVING PARTY SHALL PAY** \$20.00 ~~shall be~~  
23 ~~assessed~~ for all motions filed in a civil action. A motion fee  
24 shall not be assessed in a civil infraction action. For each fee  
25 collected under this subsection, the clerk shall transmit \$10.00 to  
26 the state treasurer for deposit in the state court fund created in  
27 section 151a and the balance shall be transmitted to the treasurer



1 of the district funding unit for the district court in the district  
2 in which the action was commenced.