

Act No. 304
Public Acts of 2012
Approved by the Governor
September 25, 2012
Filed with the Secretary of State
September 25, 2012
EFFECTIVE DATE: September 25, 2012

**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2012**

Introduced by Reps. Lane, Forlini, Stanley, Farrington, Goike, Dillon, Rutledge, Liss, Opsommer, Rendon, O'Brien, Roy Schmidt, Haugh, Smiley, Brunner, Hobbs, Townsend, Pettalia, McCann, Stallworth, Slavens, Meadows, Foster, Pscholka, Ouimet, Greimel, Oakes and Stapleton

ENROLLED HOUSE BILL No. 5592

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending section 4012 (MCL 600.4012), as amended by 1996 PA 10.

The People of the State of Michigan enact:

Sec. 4012. (1) Except for garnishment of a tax refund under section 4061a or garnishment of wages, salary, commissions, or other earnings, and subject to subsection (2), a writ of garnishment of periodic payments remains in effect for the period prescribed by the Michigan court rules. A writ of garnishment of wages, salary, commissions, or other earnings remains in effect for 182 days.

(2) A garnishee is not liable for a writ of garnishment of periodic payments under subsection (1) to the extent that the garnishee is required to satisfy another writ of garnishment against the same defendant having a higher priority or having the same priority but received at an earlier date. For purposes of this subsection, writs of garnishment have priority in the following order:

(a) A garnishment resulting from an obligation of court ordered support as defined in section 2 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.602.

(b) A levy of the state or a governmental unit of the state to satisfy a tax liability.

(c) Any other garnishments, in the order in which they are served.

(3) Except as otherwise provided by statute, a plaintiff shall pay a fee of \$6.00 at the time a writ to the garnishee of garnishment of periodic payments is served upon the garnishee.

(4) As used in this section and section 8410a, "periodic payments" means wages, salary, commissions, and other earnings, land contract payments, rent, and other periodic debt or contract payments that are or become payable during the effective period of the writ of garnishment. Periodic payments do not mean any of the following:

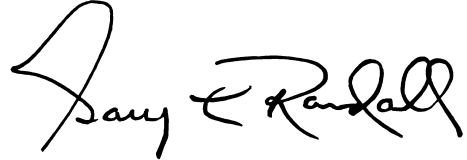
(a) Payments by a financial institution of interest on a deposit account.

(b) Charges made by a financial institution automatically against an account which applies to a debt under an automatic payment authorization executed by the account owner.

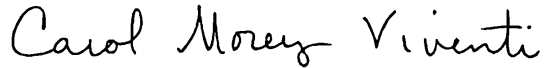
(c) Payments made by a financial institution to honor a check or draft or to comply with an account holder's order of withdrawal of funds from an account.

(d) Interest earned on a certificate of deposit that is paid into a deposit account.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved

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Governor