

SENATE BILL No. 38

January 16, 2013, Introduced by Senators JONES, SMITH and BIEDA and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding section 4027.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 4027. (1) IF AFTER A HEARING OFFICER ORDERS THE PAYMENT
2 OF A CIVIL FINE OR COSTS UNDER SECTION 4Q OF THE HOME RULE CITY
3 ACT, 1909 PA 279, MCL 117.4Q, THE DEFENDANT DOES NOT APPEAL THE
4 ORDER WITHIN THE TIME ALLOWED UNDER SECTION 4Q(17) OF THE HOME RULE
5 CITY ACT, 1909 PA 279, MCL 117.4Q, AND IF THE CITY HAS NOT OBTAINED
6 A LIEN UNDER SECTION 4R OF THE HOME RULE CITY ACT, 1909 PA 279, MCL
7 117.4R, FOR THE FINE OR COSTS, THE CITY MAY FILE AN ACTION FOR A
8 WRIT OF GARNISHMENT IN THE APPROPRIATE COURT. THE INITIAL PAPERS
9 FILED WITH THE COURT SHALL INCLUDE A PROPERLY AUTHENTICATED COPY OF
10 THE APPLICABLE ORDER.

11 (2) A COURT IN WHICH AN ACTION IS FILED UNDER THIS SECTION

1 SHALL, IMMEDIATELY AFTER THE ACTION IS FILED, ISSUE A WRIT OF
2 GARNISHMENT. A WRIT OF GARNISHMENT ISSUED UNDER THIS SECTION SERVES
3 IN LIEU OF A SUMMONS AND COMPLAINT IN THE ACTION, AND THE TIME FOR
4 THE DEFENDANT AND AN INITIAL GARNISHEE DEFENDANT TO RESPOND IS THE
5 SAME AS FOR A RESPONSE UNDER STATUTES AND COURT RULES APPLICABLE TO
6 OTHER GARNISHMENTS.

7 (3) AN ACTION UNDER THIS SECTION MAY NAME MORE THAN 1 INITIAL
8 GARNISHEE DEFENDANT. AFTER THE ISSUANCE OF AN INITIAL WRIT OF
9 GARNISHMENT IN AN ACTION UNDER THIS SECTION, THE CITY MAY, WITHOUT
10 LEAVE OF COURT, OBTAIN SUBSEQUENT WRITS OF GARNISHMENT AGAINST THE
11 SAME OR ADDITIONAL GARNISHEE DEFENDANTS.

12 (4) A DEFENDANT OR GARNISHEE DEFENDANT IN AN ACTION UNDER THIS
13 SECTION MAY NOT RAISE IN THE ACTION ANY ISSUE THAT COULD HAVE BEEN
14 APPEALED UNDER SECTION 4Q(17) OF THE HOME RULE CITY ACT, 1909 PA
15 279, MCL 117.4Q.

16 (5) A PARTY OR THE COURT IN AN ACTION UNDER THIS SECTION SHALL
17 NOT USE GARNISHMENT FORMS ADOPTED BY THE STATE COURT ADMINISTRATIVE
18 OFFICE FOR USE IN OTHER GARNISHMENT PROCEEDINGS.

19 (6) THE FEES UNDER SECTIONS 2529(1)(A) AND (H) AND 8371 DO NOT
20 APPLY TO AN ACTION UNDER THIS SECTION.

21 (7) EXCEPT AS PROVIDED IN THIS SECTION AND IN ANY RULES
22 ADOPTED BY THE SUPREME COURT TO APPLY TO ACTIONS UNDER THIS
23 SECTION, AN ACTION UNDER THIS SECTION SHALL PROCEED ACCORDING TO
24 THE STATUTES AND COURT RULES APPLICABLE TO OTHER GARNISHMENT
25 ACTIONS.