

Act No. 191
Public Acts of 2013
Approved by the Governor
December 17, 2013
Filed with the Secretary of State
December 18, 2013
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**STATE OF MICHIGAN
97TH LEGISLATURE
REGULAR SESSION OF 2013**

Introduced by Senators Jones, Smith and Bieda

ENROLLED SENATE BILL No. 38

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," (MCL 600.101 to 600.9947) by adding section 4027.

The People of the State of Michigan enact:

Sec. 4027. (1) If after a hearing officer orders the payment of a civil fine or costs under section 4q of the home rule city act, 1909 PA 279, MCL 117.4q, the defendant does not appeal the order within the time allowed under section 4q(17) of the home rule city act, 1909 PA 279, MCL 117.4q, and if the city has not obtained a lien under section 4r of the home rule city act, 1909 PA 279, MCL 117.4r, for the fine or costs, the city may file an action for a writ of garnishment in the appropriate court. The initial papers filed with the court shall include a properly authenticated copy of the applicable order.

(2) A court in which an action is filed under this section shall, immediately after the action is filed, issue a writ of garnishment. A writ of garnishment issued under this section serves in lieu of a summons and complaint in the action, and the time for the defendant and an initial garnishee defendant to respond is the same as for a response under statutes and court rules applicable to other garnishments.

(3) An action under this section may name more than 1 initial garnishee defendant. After the issuance of an initial writ of garnishment in an action under this section, the city may, without leave of court, obtain subsequent writs of garnishment against the same or additional garnishee defendants.

(4) A defendant or garnishee defendant in an action under this section may not raise in the action any issue that could have been appealed under section 4q(17) of the home rule city act, 1909 PA 279, MCL 117.4q.

(5) Except as provided in this section and in any rules adopted by the supreme court to apply to actions under this section, an action under this section shall proceed according to the statutes and court rules applicable to other garnishment actions.

Carol Morey Viventi

Secretary of the Senate

Gay E. Randall

Clerk of the House of Representatives

Approved

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Governor