

Act No. 532
Public Acts of 2014
Approved by the Governor
January 10, 2015
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January 14, 2015
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**STATE OF MICHIGAN
97TH LEGISLATURE
REGULAR SESSION OF 2014**

Introduced by Rep. Kurtz

ENROLLED HOUSE BILL No. 5744

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 2529 (MCL 600.2529), as amended by 2009 PA 239.

The People of the State of Michigan enact:

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

(a) Before filing a civil action, including an action for superintending control or another extraordinary writ, the party filing the action shall pay a fee of \$150.00. This subdivision does not apply to an action brought exclusively under section 2950, 2950a, or 2950h to 2950m or an action for a writ of habeas corpus. The clerk at the end of each month shall transmit for each fee collected under this subdivision within the month \$31.00 to the county treasurer and the balance of the filing fee to the state treasurer for deposit in the civil filing fee fund created in section 171.

(b) Before filing a claim of appeal or motion for leave to appeal from the district court, probate court, a municipal court, or an administrative tribunal or agency, the appellant or moving party shall pay a fee of \$150.00. For each fee collected under this subdivision, the clerk shall transmit \$31.00 to the county treasurer and the balance of the fee to the state treasurer for deposit in the civil filing fee fund created in section 171.

(c) At the time a trial by jury is demanded, the party making the demand shall pay a fee of \$85.00. Failure to pay the fee at the time the demand is made constitutes a waiver of the right to a jury trial. The fee paid shall be taxed in favor of the party paying it if the party recovers a judgment for costs. For each fee collected under this subdivision, the clerk shall transmit \$25.00 to the state treasurer for deposit in the juror compensation reimbursement fund created in section 151d.

(d) At the time an action in which the custody, support, or parenting time of a minor child is to be determined or modified is filed, the party filing the action shall pay 1 of the following fees:

(i) In an action in which the custody or parenting time of a minor child is to be determined or modified, \$80.00.

(ii) In an action in which the support of a minor child is to be determined or modified, \$40.00. This fee does not apply if a fee is paid under subparagraph (i).

(e) Except as otherwise provided in this section, on filing a motion, the moving party shall pay a fee of \$20.00. In conjunction with an action brought under section 2950 or 2950a, a motion fee shall not be collected for a motion to dismiss the petition, a motion to modify, rescind, or terminate a personal protection order, or a motion to show cause for a violation of a personal protection order. A motion fee shall not be collected for a motion to dismiss a proceeding to

enforce a foreign protection order or a motion to show cause for a violation of a foreign protection order under sections 2950h to 2950m. A motion fee shall not be collected for a request for a hearing to contest income withholding under section 7 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.607. For each fee collected under this subdivision, the clerk shall transmit \$10.00 to the state treasurer for deposit in the state court fund created by section 151a.

(f) For services under the direction of the court that are not specifically provided for in this section related to receiving, safekeeping, or expending money, purchasing, taking, or transferring a security, or collecting interest on a security, a party shall pay the allowance and compensation that the court determines to be just as ordered by the court after notice to the parties.

(g) Upon appeal to the court of appeals or the supreme court, the appellant shall pay \$25.00.

(h) The applicant or requesting party shall pay \$15.00 as a service fee for each writ of garnishment, attachment, or execution and each judgment debtor discovery subpoena issued.

(2) The fees paid as provided in this section are payment in full for all clerk, entry, and judgment fees in an action from the commencement of the action to and including the issuance and return of the execution or other final process, and are taxable as costs.

(3) Except as otherwise provided in this section, the fees paid under this section shall be paid to the county treasurer as required by law.

(4) At the end of each month, each fee collected under subsection (1)(d)(i) shall be paid to the county treasurer and deposited by the county treasurer as provided under section 2530 to be used to fund services that are not title IV-D services. The fee collected under subsection (1)(d)(ii) shall be paid to the county treasurer and deposited by the county treasurer as provided under section 2530.

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

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

(7) The court may order a party to pay the other party all or part of a fee paid by the other party under subsection (1)(d).

(8) A party is not required to pay a fee under this section if the party is filing a child protective action or a delinquency action under section 2 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, or under the young adult voluntary foster care act, 2011 PA 225, MCL 400.641 to 400.671.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved.....

Governor