

Legislative Analysis



EXTEND E-FILING FEE SUNSET

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Senate Bill 1045 (reported from House committee w/o amendment)

Sponsor: Sen. Rick Jones

House Committee: Judiciary

Senate Committee: Judiciary

Complete to 12-13-16

Analysis available at
<http://www.legislature.mi.gov>

(Public Act 519 of 2016)

SUMMARY:

The bill would extend for one year a sunset date in Chapter 19A of the Revised Judicature Act (MCL 600.1987), so that some courts could continue to collect certain existing electronic filing fees.

The new Chapter 19A was added to the RJA by Public Acts 230 through 235 of 2015¹ to provide for the development and implementation of a statewide electronic filing (e-filing) system and an e-filing fee for Michigan courts. The new fee is supposed to be the only fee collected for e-filing; however, the legislation allows a court or court funding unit that, under a Supreme Court order, was already collecting a fee for electronic filing to continue to collect \$2.50 for filing or service or \$5 for filing and service, in addition to the newly created e-filing fee, until December 31, 2016.

This was aimed at recognizing that some courts were already accepting and collecting fees for electronic filings prior to the implementation of a statewide e-filing system. Senate Bill 1045 would extend that authorization until December 31, 2017. The sunset extension is said to be needed because the statewide electronic filing system is not yet ready to be implemented.

FISCAL IMPACT:

The bill would have no fiscal impact on the state, but would have a positive fiscal impact on local courts currently collecting the fee. Courts in Grand Traverse, Macomb, Oakland, Ottawa, and Wayne Counties collect the fee, which, in turn, is used by the courts to pay vendors that set up and support e-filing systems for those courts. Based on data reported as of October 2016, fee revenue is roughly \$1.1 million per year.

POSITIONS:

- A representative of the State Court Administrative Office (SCAO) testified in support of the bill. (11-29-16)
- State Bar of Michigan indicated support for the bill. (11-29-16)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

¹ See <http://www.legislature.mi.gov/documents/2015-2016/billanalysis/House/pdf/2015-HLA-5028-1DE88808.pdf>