

SUBSTITUTE FOR
HOUSE BILL NO. 4038

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 5718 (MCL 600.5718).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5718. (1) The demand provided for in section 5716 may be
2 served by ~~delivering it personally~~ **ANY OF THE FOLLOWING MEANS:**

3 **(A) PERSONAL DELIVERY** to the person in possession. ~~, or by~~
4 ~~delivering it~~

5 **(B) PERSONAL DELIVERY** on the premises to a member of ~~his~~ **THE**
6 family or household or an employee **OF THE PERSON IN POSSESSION, WHO**
7 **IS** of suitable age and discretion, with a request that it be
8 delivered to the person in possession. ~~, or by sending it by first~~
9 ~~class~~

10 **(C) FIRST-CLASS** mail addressed to the person in possession. If

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the demand is mailed, the date of service for purposes of this chapter is the next regular day for delivery of mail after the day when it was mailed.

(D) SUBJECT TO SUBSECTION (2), [BY ELECTRONIC SERVICE], IF THE PERSON IN POSSESSION HAS IN WRITING SPECIFICALLY CONSENTED TO ELECTRONIC SERVICE OF THE DEMAND AND IF [THE CONSENT OR CONFIRMATION OF] THE CONSENT HAS BEEN SENT BY 1 PARTY AND AFFIRMATIVELY REPLIED TO, BY ELECTRONIC [TRANSMISSION], BY THE OTHER PARTY.

(2) THE ELECTRONIC SERVICE [] ADDRESS USED BY A PARTY IN THE PROCESS UNDER SUBSECTION (1) (D) SHALL BE CONSIDERED TO REMAIN THAT PARTY'S CORRECT, FUNCTIONING ELECTRONIC [SERVICE ADDRESS], UNLESS THE PROCESS UNDER SUBSECTION (1) (D) IS REPEATED USING A DIFFERENT ELECTRONIC SERVICE [] ADDRESS FOR THAT PARTY OR UNLESS THAT PARTY NOTIFIES THE OTHER IN WRITING THAT THAT PARTY NO LONGER HAS AN ELECTRONIC SERVICE [ADDRESS]. A LANDLORD SHALL NOT REFUSE TO ENTER A LEASE BECAUSE THE PROSPECTIVE TENANT DECLINES TO CONSENT TO ELECTRONIC SERVICE UNDER THIS SECTION.

[(3) AS USED IN THIS SECTION:

(A) "DOCUMENT" MEANS A DIGITAL IMAGE OF A RECORD ORIGINALLY PRODUCED ON PAPER OR ORIGINALLY CREATED BY AN ELECTRONIC MEANS, THE OUTPUT OF WHICH IS READABLE BY SIGHT AND CAN BE PRINTED TO PAPER.

(B) "ELECTRONIC NOTIFICATION" MEANS THE NOTIFICATION TO A PERSON THAT A DOCUMENT IS SERVED BY SENDING AN ELECTRONIC MESSAGE TO THE ELECTRONIC SERVICE ADDRESS AT OR THROUGH WHICH THE PERSON HAS AUTHORIZED ELECTRONIC SERVICE, SPECIFYING THE EXACT NAME OF THE DOCUMENT SERVED OR PROVIDING A HYPERLINK AT WHICH THE SERVED DOCUMENT CAN BE VIEWED AND DOWNLOADED, OR BOTH.

(C) "ELECTRONIC SERVICE" MEANS SERVICE OF A DOCUMENT ON A PERSON BY EITHER ELECTRONIC TRANSMISSION OR ELECTRONIC NOTIFICATION.

(D) "ELECTRONIC SERVICE ADDRESS" OF A PERSON MEANS THE ELECTRONIC ADDRESS AT OR THROUGH WHICH THE PERSON HAS AUTHORIZED ELECTRONIC SERVICE.

(E) "ELECTRONIC TRANSMISSION" MEANS THE TRANSMISSION OF A DOCUMENT BY ELECTRONIC MEANS TO THE ELECTRONIC SERVICE ADDRESS AT OR THROUGH WHICH A PERSON HAS AUTHORIZED ELECTRONIC SERVICE.]

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