

HOUSE BILL No. 5029

October 28, 2015, Introduced by Reps. Heise and Kesto 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 chapter 19A.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER 19A

SEC. 1986. (1) IF A FEE FOR COMMENCING A CIVIL ACTION IS
AUTHORIZED OR REQUIRED BY LAW, IN ADDITION TO THAT FEE, THE CLERK
SHALL ALSO COLLECT AN ELECTRONIC FILING SYSTEM FEE, SUBJECT TO
SECTION 1993, AS FOLLOWS:

(A) FOR CIVIL ACTIONS FILED IN THE SUPREME COURT, COURT OF
APPEALS, CIRCUIT COURT, PROBATE COURT, AND COURT OF CLAIMS, \$25.00.

(B) EXCEPT AS PROVIDED IN SUBDIVISIONS (C) AND (D), FOR CIVIL
ACTIONS FILED IN THE DISTRICT COURT, INCLUDING ACTIONS FILED FOR
SUMMARY PROCEEDINGS, \$10.00.

(C) FOR CIVIL ACTIONS FILED IN DISTRICT COURT IF A CLAIM FOR

1 MONEY DAMAGES IS JOINED WITH A CLAIM FOR RELIEF OTHER THAN MONEY
2 DAMAGES, \$20.00.

3 (D) FOR CIVIL ACTIONS FILED IN THE SMALL CLAIMS DIVISION OF
4 DISTRICT COURT, \$5.00.

5 (2) SUBJECT TO SECTION 1991, THE CLERK SHALL COLLECT THE
6 ELECTRONIC FILING SYSTEM FEE LISTED UNDER SUBSECTION (1) FROM THE
7 PARTY AT THE TIME THE CIVIL ACTION IS COMMENCED, WHETHER OR NOT THE
8 DOCUMENT COMMENCING THE CIVIL ACTION WAS FILED ELECTRONICALLY.

9 (3) IF THE COURT WAIVES PAYMENT OF A FEE FOR COMMENCING A
10 CIVIL ACTION BECAUSE THE COURT DETERMINES THAT THE PARTY IS
11 INDIGENT OR UNABLE TO PAY THE FEE, THE COURT SHALL ALSO WAIVE
12 PAYMENT OF THE ELECTRONIC FILING SYSTEM FEE.

13 (4) A PARTY THAT IS A GOVERNMENTAL ENTITY IS NOT REQUIRED TO
14 PAY AN ELECTRONIC FILING SYSTEM FEE.

15 (5) THE CLERK MAY ACCEPT AUTOMATED PAYMENT OF ANY FEE BEING
16 PAID TO THE COURT. IF THE BANK OR OTHER ELECTRONIC COMMERCE
17 BUSINESS CHARGES THE COURT OR COURT FUNDING UNIT A MERCHANT
18 TRANSACTION FEE, THE CLERK MAY CHARGE THE PERSON PAYING THE FEE AN
19 ADDITIONAL AUTOMATED PAYMENT SERVICE FEE AS AUTHORIZED BY THE STATE
20 COURT ADMINISTRATIVE OFFICE. THE AMOUNT OF THE AUTOMATED PAYMENT
21 SERVICE FEE SHALL NOT EXCEED THE ACTUAL MERCHANT TRANSACTION FEE TO
22 BE CHARGED TO THE COURT OR COURT FUNDING UNIT FOR ACCEPTING AN
23 AUTOMATED PAYMENT BY A BANK OR OTHER ELECTRONIC COMMERCE BUSINESS,
24 OR 3% OF THE AUTOMATED PAYMENT, WHICHEVER IS LESS.

25 SEC. 1987. (1) EXCEPT FOR AN AUTOMATED PAYMENT SERVICE FEE
26 COLLECTED UNDER SECTION 1986(5), AND EXCEPT AS PROVIDED IN
27 SUBSECTION (2), THE ELECTRONIC FILING SYSTEM FEE AUTHORIZED UNDER

1 THIS CHAPTER IS THE ONLY FEE THAT MAY BE CHARGED TO OR COLLECTED IN
2 A CIVIL ACTION SPECIFICALLY FOR ELECTRONIC FILING.

3 (2) IF, PURSUANT TO A SUPREME COURT ORDER, A COURT OR COURT
4 FUNDING UNIT IS COLLECTING A FEE FOR ELECTRONIC FILING OTHER THAN
5 THE ELECTRONIC FILING SYSTEM FEE ON SEPTEMBER 30, 2015, THE COURT
6 OR COURT FUNDING UNIT MAY CONTINUE TO COLLECT \$2.50 FOR FILING OR
7 SERVICE, \$5.00 FOR FILING AND SERVICE, IN ADDITION TO THE
8 ELECTRONIC SYSTEM FILING FEE UNTIL DECEMBER 31, 2016.

9 Enacting section 1. This amendatory act takes effect January
10 1, 2016.

11 Enacting section 2. This amendatory act does not take effect
12 unless all of the following bills of the 98th Legislature are
13 enacted into law:

14 (a) Senate Bill No. 531.

15 (b) Senate Bill No. 532.

16 (c) Senate Bill No. 533.

17 (d) Senate Bill No. ____ or House Bill No. 5028 (request no.
18 02252'15).

19 (e) Senate Bill No. ____ or House Bill No. 5030 (request no.
20 02254'15).