

# SENATE BILL No. 531

September 30, 2015, Introduced by Senators JONES, MARLEAU and STAMAS 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 section 176 and chapter 19A.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 176. (1) THE JUDICIAL ELECTRONIC FILING FUND IS CREATED  
2        IN THE STATE TREASURY. THE MONEY IN THE FUND SHALL BE USED AS  
3        PROVIDED IN THIS SECTION.

4        (2) THE STATE TREASURER SHALL CREDIT TO THE JUDICIAL  
5        ELECTRONIC FILING FUND DEPOSITS OF PROCEEDS FROM THE COLLECTION OF  
6        REVENUE FROM COURT FEES AS PROVIDED IN THIS ACT AND SHALL CREDIT  
7        ALL INCOME FROM INVESTMENT CREDITED TO THE FUND BY THE STATE  
8        TREASURER. THE STATE TREASURER MAY INVEST MONEY IN THE FUND IN ANY  
9        MANNER AUTHORIZED BY LAW FOR THE INVESTMENT OF STATE MONEY.  
10       HOWEVER, AN INVESTMENT SHALL NOT INTERFERE WITH ANY APPORTIONMENT,

1 ALLOCATION, OR PAYMENT OF MONEY AS REQUIRED BY THIS SECTION. THE  
2 STATE TREASURER SHALL CREDIT TO THE FUND ALL INCOME EARNED AS A  
3 RESULT OF AN INVESTMENT OF MONEY IN THE FUND. EXCEPT AS PROVIDED IN  
4 SUBSECTION (3), THE UNENCUMBERED BALANCE REMAINING IN THE FUND AT  
5 THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT  
6 REVERT TO THE GENERAL FUND.

7 (3) THE STATE COURT ADMINISTRATIVE OFFICE SHALL ADMINISTER THE  
8 JUDICIAL ELECTRONIC FILING FUND CREATED UNDER SUBSECTION (1). MONEY  
9 FROM THE FUND SHALL BE EXPENDED TO SUPPORT THE IMPLEMENTATION,  
10 OPERATION, AND MAINTENANCE OF A STATEWIDE ELECTRONIC FILING SYSTEM  
11 AND SUPPORTING TECHNOLOGY AS PROVIDED IN THIS SECTION AND CHAPTER  
12 19A. USING A COMPETITIVE BIDDING PROCESS, THE SUPREME COURT AND THE  
13 STATE COURT ADMINISTRATIVE OFFICE MAY DEVELOP A STATEWIDE  
14 ELECTRONIC FILING SYSTEM TO FACILITATE STATEWIDE ELECTRONIC FILING  
15 OF COURT DOCUMENTS.

16 (4) THE STATE COURT ADMINISTRATIVE OFFICE SHALL BE REIMBURSED  
17 ANNUALLY FROM THE JUDICIAL ELECTRONIC FILING FUND FOR ALL  
18 REASONABLE COSTS ASSOCIATED WITH THE ADMINISTRATION OF THIS  
19 SECTION, INCLUDING JUDICIAL AND STAFF TRAINING, ON-SITE MANAGEMENT  
20 ASSISTANCE, AND SOFTWARE DEVELOPMENT AND CONVERSION.

21 CHAPTER 19A

22 SEC. 1985. AS USED IN THIS CHAPTER:

23 (A) "AUTHORIZED COURT" MEANS A COURT ACCEPTED BY THE STATE  
24 COURT ADMINISTRATIVE OFFICE UNDER SECTION 1991 FOR ACCESS TO THE  
25 ELECTRONIC FILING SYSTEM.

26 (B) "AUTOMATED PAYMENT" MEANS AN ELECTRONIC PAYMENT METHOD  
27 AUTHORIZED BY THE STATE COURT ADMINISTRATIVE OFFICE AT THE

1 DIRECTION OF THE SUPREME COURT, INCLUDING, BUT NOT LIMITED TO,  
2 PAYMENTS MADE WITH CREDIT AND DEBIT CARDS.

3 (C) "CIVIL ACTION" MEANS AN ACTION THAT IS NOT A CRIMINAL  
4 CASE, A CIVIL INFRACTION ACTION, OR A PROCEEDING INVOLVING A  
5 JUVENILE UNDER CHAPTER XIIA OF THE PROBATE CODE OF 1939, 1939 PA  
6 288, MCL 712A.1 TO 712A.32.

7 (D) "CLERK" MEANS THE CLERK OF THE COURT REFERENCED IN THE  
8 RULES OF THE SUPREME COURT AND INCLUDES THE CLERK OF THE SUPREME  
9 COURT, CHIEF CLERK OF THE COURT OF APPEALS, COUNTY CLERK, PROBATE  
10 REGISTER, DISTRICT COURT CLERK, OR CLERK OF THE COURT OF CLAIMS  
11 WHERE THE CIVIL ACTION IS COMMENCED, AS APPLICABLE.

12 (E) "COURT FUNDING UNIT" MEANS 1 OF THE FOLLOWING, AS  
13 APPLICABLE:

14 (i) FOR CIRCUIT OR PROBATE COURT, THE COUNTY.

15 (ii) FOR DISTRICT COURT, THE DISTRICT FUNDING UNIT AS THAT  
16 TERM IS DEFINED IN SECTION 8104.

17 (iii) FOR THE SUPREME COURT, COURT OF APPEALS, OR COURT OF  
18 CLAIMS, THE STATE.

19 (F) "ELECTRONIC FILING SYSTEM" MEANS A SYSTEM AUTHORIZED AFTER  
20 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS CHAPTER BY  
21 THE SUPREME COURT FOR THE ELECTRONIC FILING OF DOCUMENTS USING A  
22 PORTAL CONTRACTED FOR BY THE STATE COURT ADMINISTRATIVE OFFICE FOR  
23 THE FILING OF DOCUMENTS IN THE SUPREME COURT, COURT OF APPEALS,  
24 CIRCUIT COURT, PROBATE COURT, DISTRICT COURT, AND COURT OF CLAIMS.

25 (G) "ELECTRONIC FILING SYSTEM FEE" MEANS THE FEE DESCRIBED IN  
26 SECTION 1986.

27 (H) "PARTY" MEANS THE PERSON OR ENTITY COMMENCING A CIVIL

1 ACTION.

2 (I) "QUALIFIED VENDOR" MEANS A PRIVATE VENDOR SELECTED BY THE  
3 STATE COURT ADMINISTRATIVE OFFICE BY A COMPETITIVE BIDDING PROCESS  
4 TO EFFECTUATE THE PURPOSE OF SECTION 1991(3).

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

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

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

13 (C) FOR CIVIL ACTIONS FILED IN DISTRICT COURT IF A CLAIM FOR  
14 MONEY DAMAGES IS JOINED WITH A CLAIM FOR RELIEF OTHER THAN MONEY  
15 DAMAGES, \$20.00.

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

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

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

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

1           (5) THE CLERK MAY ACCEPT AUTOMATED PAYMENT OF ANY FEE BEING  
2 PAID TO THE COURT. IF THE BANK OR OTHER ELECTRONIC COMMERCE  
3 BUSINESS CHARGES THE COURT OR COURT FUNDING UNIT A MERCHANT  
4 TRANSACTION FEE, THE CLERK MAY CHARGE THE PERSON PAYING THE FEE AN  
5 ADDITIONAL AUTOMATED PAYMENT SERVICE FEE AS AUTHORIZED BY THE STATE  
6 COURT ADMINISTRATIVE OFFICE. THE AMOUNT OF THE AUTOMATED PAYMENT  
7 SERVICE FEE SHALL NOT EXCEED THE ACTUAL MERCHANT TRANSACTION FEE TO  
8 BE CHARGED TO THE COURT OR COURT FUNDING UNIT FOR ACCEPTING AN  
9 AUTOMATED PAYMENT BY A BANK OR OTHER ELECTRONIC COMMERCE BUSINESS,  
10 OR 3% OF THE AUTOMATED PAYMENT, WHICHEVER IS LESS.

11           SEC. 1987. (1) EXCEPT FOR AN AUTOMATED PAYMENT SERVICE FEE  
12 COLLECTED UNDER SECTION 1986(5), AND EXCEPT AS PROVIDED IN  
13 SUBSECTION (2), THE ELECTRONIC FILING SYSTEM FEE AUTHORIZED UNDER  
14 THIS CHAPTER IS THE ONLY FEE THAT MAY BE CHARGED TO OR COLLECTED IN  
15 A CIVIL ACTION SPECIFICALLY FOR ELECTRONIC FILING.

16           (2) IF, PURSUANT TO A SUPREME COURT ORDER, A COURT OR COURT  
17 FUNDING UNIT IS COLLECTING A FEE FOR ELECTRONIC FILING OTHER THAN  
18 THE ELECTRONIC FILING SYSTEM FEE ON SEPTEMBER 30, 2015, THE COURT  
19 OR COURT FUNDING UNIT MAY CONTINUE TO COLLECT \$2.50 FOR FILING OR  
20 \$5.00 FOR FILING AND SERVICE, IN ADDITION TO THE ELECTRONIC SYSTEM  
21 FILING FEE UNTIL DECEMBER 31, 2016.

22           SEC. 1988. A COURT OR COURT FUNDING UNIT SHALL NOT CHARGE A  
23 FEE TO RETRIEVE AND INSPECT A DOCUMENT ON SITE, INCLUDING A  
24 DOCUMENT THAT WAS FILED ELECTRONICALLY, BUT MAY CHARGE A FEE TO  
25 COPY A DOCUMENT.

26           SEC. 1989. AN ELECTRONIC FILING SYSTEM FEE COLLECTED SHALL BE  
27 REMITTED BY THE CLERK TO THE STATE TREASURER FOR DEPOSIT INTO THE

1 JUDICIAL ELECTRONIC FILING FUND CREATED UNDER SECTION 176 AND SHALL  
2 BE USED TO ESTABLISH AN ELECTRONIC FILING SYSTEM AND SUPPORTING  
3 TECHNOLOGY AS PROVIDED IN THIS CHAPTER.

4 SEC. 1990. ANY ELECTRONIC FILING SYSTEM FEE PAID BY A PARTY IS  
5 A RECOVERABLE TAXABLE COST.

6 SEC. 1991. (1) A COURT MAY APPLY TO THE SUPREME COURT FOR  
7 ACCESS TO AND USE OF THE ELECTRONIC FILING SYSTEM.

8 (2) IF THE SUPREME COURT ACCEPTS A COURT UNDER SUBSECTION (1),  
9 THE STATE COURT ADMINISTRATIVE OFFICE SHALL USE MONEY FROM THE  
10 JUDICIAL ELECTRONIC FILING FUND ESTABLISHED UNDER SECTION 176 TO  
11 PAY THE COSTS OF TECHNOLOGICAL IMPROVEMENTS NECESSARY FOR THAT  
12 COURT TO OPERATE ELECTRONIC FILING.

13 (3) THE SUPREME COURT MAY SELECT A QUALIFIED VENDOR FOR THE  
14 ELECTRONIC FILING SYSTEM.

15 SEC. 1992. NOTHING IN THIS CHAPTER SHALL BE CONSTRUED TO  
16 REQUIRE A PERSON TO FILE A DOCUMENT ELECTRONICALLY. A COURT OR  
17 COURT FUNDING UNIT SHALL NOT REQUIRE OR PERMIT A PERSON TO FILE A  
18 DOCUMENT ELECTRONICALLY EXCEPT AS DIRECTED BY THE SUPREME COURT.

19 Enacting section 1. This amendatory act takes effect January  
20 1, 2016.