

# Legislative Analysis



## ELECTRONIC FILING SYSTEM

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 4164 as introduced**  
**Sponsor: Rep. Ryan Berman**  
**Committee: Oversight**  
**Complete to 2-11-21**

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

## SUMMARY:

House Bill 4164 would amend Chapter 19A (Electronic Access to Courts) of the Revised Judicature Act to do all of the following:

- Require certain courts to accept documents filed by email.
- Require a court to allow an attorney to access, through a website, the register of documents and digital images of documents filed in that court.
- Revise some defined terms to apply also to municipal courts.

Chapter 19A provides for the creation and maintenance of a statewide electronic filing system by which documents can be filed online in addition to or instead of being filed in person at a courthouse. State courts may apply to the Supreme Court for access to and use of the electronic filing system. If the Supreme Court accepts a court, the State Court Administrative Office (SCAO) is required to use money from the Judicial Electronic Filing Fund to pay the costs of technological improvements necessary for that court to operate electronic filing. (The Judicial Electronic Filing Fund receives an electronic filing system fee collected, in addition to the fee for filing the civil action, when a civil action is commenced.) Nothing in Chapter 19A may be construed to require a person to file a document electronically, and a court or court funding unit may not require or allow a person to file a document electronically except as directed by the Supreme Court.

### Nonauthorized courts

Under the act, a court may apply to the Supreme Court for access to and use of the electronic filing system. The bill would require a court that is not an authorized court to accept the filing of documents through electronic mail if the court accepts filings sent by facsimile (fax).

### Attorney access to register of actions and document images

The bill would add a new section to the act to require a court to allow, except as otherwise prohibited by law, an attorney to access, through a website, the register of actions and a digital image of all documents filed in any case in that court. A fee to access the website could not be charged by the court or a court funding unit.

### Municipal courts

Four cities in Michigan operate a municipal court, which has limited powers, instead of a district court. However, unlike the other courts of the state, municipal courts are not referenced in Chapter 19A. The bill would revise the definitions of the following terms:

“Clerk,” to include a municipal court clerk.

“Court funding unit,” to include, for a municipal court, the city in which the municipal court is located.

“Electronic filing system,” to include a municipal court in the list of courts for which documents may be filed electronically through the system.

[Note: The bill does not amend section 1986, which, among other things, specifies the amount a clerk may collect as an electronic filing system fee when a civil action is commenced, to provide a fee specific to a municipal court.]

MCL 600.1985 and 600.1991 and proposed MCL 600.1991a

**FISCAL IMPACT:**

A fiscal analysis is in progress.

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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.