

HOUSE BILL NO. 6050

November 07, 2024, Introduced by Reps. Filler and Tyrone Carter and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 2559 (MCL 600.2559), as amended by 2023 PA 35.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2559. (1) Except as provided in subsection (7) or (9),
- 2 the following is the schedule of fees allowed for process or papers
- 3 served out of a court in this state by a person authorized under
- 4 this act or supreme court rule to serve process:
- 5 (a) For personal service of a summons and complaint in a civil

1 action, along with supporting documents, for each defendant, ~~\$26.00~~
2 **\$36.00** plus mileage.

3 (b) For personal service of an affidavit and account, for each
4 defendant, ~~\$26.00~~**\$36.00** plus mileage.

5 (c) For a request for and writ of garnishment, for each
6 garnishee and defendant, ~~\$23.00~~**\$33.00** plus mileage.

7 (d) For personal service of an order to seize goods that are
8 the subject of a claim and delivery action, ~~\$40.00~~**\$50.00** plus
9 mileage, plus the actual and reasonable expense of seizing,
10 keeping, and delivering the goods.

11 (e) For receiving and filing a bond from or on behalf of a
12 defendant in a claim and delivery action, ~~\$20.00~~**\$30.00**.

13 (f) For an order to show cause, for each person served, ~~\$26.00~~
14 **\$36.00** plus mileage.

15 (g) For a subpoena on discovery, for each person served,
16 ~~\$26.00~~**\$36.00** plus mileage.

17 (h) For levying under or serving an order for the seizure of
18 property and any accompanying paper, ~~\$40.00~~**\$50.00** plus mileage,
19 plus the actual and reasonable expense of seizing and keeping the
20 property under the order.

21 (i) If the person has seized property under an order for the
22 seizure of property issued in an action in which a judgment is
23 entered against the owner of the property, regardless of whether
24 the judgment is entered before or after the order is issued, and if
25 the judgment is satisfied before sale of the seized property by
26 full payment of the judgment or settlement between the parties, 7%
27 of the first \$8,000.00 of the payment or settlement amount and 3%
28 of the payment or settlement amount exceeding the first \$8,000.00.

29 (j) For sale of property seized under an order for the seizure

1 of property, 7% of the first \$8,000.00 in receipts and 3% of any
2 receipts exceeding the first \$8,000.00.

3 (k) For each notice of sale under an order for the seizure of
4 property or construction lien posted in a public place in the city
5 or township, ~~\$26.00~~**\$36.00** plus mileage.

6 (l) For an order of eviction or a writ for the restitution of
7 premises, for each defendant, ~~\$40.00~~**\$50.00** plus mileage, plus the
8 actual and reasonable expense for the physical removal of property
9 from the premises.

10 (m) For a subpoena directed to a witness, including a judgment
11 debtor, ~~\$26.00~~**\$36.00** plus mileage.

12 (n) For a civil bench warrant or body execution, ~~\$40.00~~**\$50.00**
13 plus mileage, plus a reasonable fee per hour for the amount of time
14 involved in executing the warrant.

15 (o) For service by mail, ~~\$13.00~~**\$18.00** plus the actual cost of
16 postage.

17 (p) For each verification by a process server, ~~\$10.00~~**\$15.00**
18 plus mileage.

19 (q) For each postal change of address verification requested
20 by the plaintiff, ~~\$10.00~~**\$15.00**.

21 (r) For each global positioning service verification,
22 ~~requested by the plaintiff,~~ \$5.00.

23 (s) For each photo verification requested by the plaintiff,
24 ~~\$5.00~~**\$10.00**.

25 (2) On submitting a sworn affidavit, a person authorized by
26 this act or supreme court rule to serve process or papers out of a
27 court in this state is entitled to receive a \$10.00 fee plus
28 mileage for each process that has an incorrect address. This fee is
29 in addition to any fee the person is entitled to receive under

1 subsection (1). **Mileage must be reimbursed for each trip required**
2 **by the court.**

3 (3) Mileage is allowed under subsection (1) at 1-1/2 times the
4 rate allowed by the state civil service commission for employees in
5 the state classified civil service. Mileage is computed, each way,
6 using the shortest reasonable route from the place where the court
7 that issued or filed the process or paper is located to the place
8 of service.

9 (4) The fees and expenses allowed under subsection (1)(h) to
10 (k) must be collected in the same manner as the sum directed to be
11 levied or collected under the order for the seizure of property. If
12 at the time of advertising property for sale a sheriff or other
13 officer has several orders for the seizure of property against the
14 same defendant, the sheriff or officer shall charge only 1
15 advertising fee on the whole, and shall elect on which order he or
16 she will receive the fee.

17 (5) A person authorized by this act or supreme court rule to
18 serve process or papers out of a court in this state who demands
19 and receives a greater fee or compensation for performing a service
20 mentioned in this section than allowed by this section is, in
21 addition to all other liability provided by law, liable to the
22 party injured by paying the illegal fees for 3 times the amount of
23 illegal fees actually paid and all costs of the action.

24 (6) A sheriff or other officer who, after the fees specified
25 by this section have been tendered, neglects or refuses a service
26 required by law is liable to the party injured for all damages that
27 the party sustains as a result of the neglect or refusal.

28 (7) A person authorized under this act or supreme court rule
29 to serve process may charge a fee for service of process that

1 exceeds the fee prescribed under this section or other law if the
2 fee is agreed to in advance in writing by the person serving
3 process and the person requesting the service.

4 (8) Regardless of whether a fee charged or paid for service of
5 process exceeds the fee prescribed by this section or other law,
6 including a fee allowed under subsection (7), a person entitled to
7 tax costs shall not attempt to tax and is not entitled to recover a
8 fee for service of process that exceeds the fee prescribed by this
9 section or other law.

10 (9) A person shall not charge or collect a fee for serving
11 process issued in an action brought under the extreme risk
12 protection order act, **2023 PA 38, MCL 691.1801 to 691.1821**, or for
13 serving any order issued in the action.

14 (10) As used in this section, "order for the seizure of
15 property" includes a writ of attachment and a writ of execution,
16 including, but not limited to, execution in a claim and delivery
17 action on property other than the property that is the subject of
18 the claim and delivery action.