

Act No. 134
Public Acts of 2023
Approved by the Governor
September 29, 2023
Filed with the Secretary of State
September 29, 2023
EFFECTIVE DATE: September 29, 2023

**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2023**

Introduced by Reps. Skaggs and Witwer

ENROLLED HOUSE BILL No. 4996

AN ACT to amend 1982 PA 162, entitled “An act to revise, consolidate, and classify the laws relating to the organization and regulation of certain nonprofit corporations; to prescribe their duties, rights, powers, immunities, and liabilities; to provide for the authorization of foreign nonprofit corporations within this state; to impose certain duties on certain state departments; to prescribe fees; to prescribe penalties for violations of this act; and to repeal certain acts and parts of acts,” by amending section 1060 (MCL 450.3060), as amended by 2019 PA 69.

The People of the State of Michigan enact:

Sec. 1060. (1) When delivering a document described in this subsection to the administrator for filing, the person shall pay the administrator whichever of the following fees apply to that document:

- (a) Articles of incorporation of a domestic corporation, \$10.00.
- (b) An application of a foreign corporation for a certificate of authority to conduct affairs in this state, \$10.00.
- (c) An amendment to the articles of incorporation of a domestic corporation, \$10.00.

- (d) An amended application for certificate of authority to conduct affairs in this state, \$10.00.
- (e) A certificate of merger or conversion under chapter 7, \$50.00.
- (f) A certificate attesting to the occurrence of a merger of a foreign corporation under section 1021, \$10.00.
- (g) A certificate of dissolution, \$10.00.
- (h) An application for withdrawal and issuance of a certificate of withdrawal of a foreign corporation, \$10.00.
- (i) An application for reservation of corporate name, \$10.00.
- (j) A certificate of assumed name or certificate of termination of assumed name, \$10.00.
- (k) A statement of change of registered office or resident agent, \$5.00.
- (l) Restated articles of incorporation of a domestic corporation, \$10.00.
- (m) A certificate of abandonment, \$10.00.
- (n) A certificate of correction, \$10.00.
- (o) A certificate of revocation of dissolution proceedings, \$10.00.
- (p) A certificate of renewal of corporate existence, \$10.00.
- (q) For examining a special report required by law, \$2.00.
- (r) A certificate of registration of corporate name of a foreign corporation, \$50.00.
- (s) A certificate of renewal of registration of corporate name of a foreign corporation, \$50.00.
- (t) A certificate of termination of registration of corporate name of a foreign corporation, \$10.00.
- (u) For filing a report required under section 911, \$10.00 if paid after September 30, 2027. Before October 1, 2027, the fee is \$20.00.

(2) The fees described in subsection (1) are in addition to any franchise fees prescribed under this act. The administrator shall not refund all or any part of a fee described in this section.

(3) Except as provided in subsection (9), the administrator shall deposit all fees received and collected under this section in the state treasury to the credit of the administrator, who may only use the money credited in accordance with legislative appropriation and only in carrying out those duties of the department required by law.

(4) A person shall pay a minimum charge of \$1.00 for each certificate and 50 cents per folio to the administrator for certifying a part of a file or record pertaining to a corporation if a fee for that service is not described in subsection (1). The administrator may furnish copies of documents, reports, and papers required or permitted by law to be filed with the administrator, and shall charge for those copies the fee established in a schedule of fees adopted by the administrator with the approval of the state administrative board. The administrator shall retain the revenue collected under this subsection, and the department shall use it to defray the costs for its copying and certifying services.

(5) The administrator shall waive the fee for filing initial articles of incorporation, otherwise required under subsection (1), if a majority of the initial members of a membership corporation, initial directors of a directorship corporation, or initial shareholders of a stock corporation, as applicable, are, or if applicable the initial members, initial directors, or initial shareholders will be, individuals who served in the Armed Forces of the United States and were separated from that service with an honorable character of service or under honorable conditions (general) character of service.

(6) To request a fee waiver under subsection (5), the person that is submitting the document for filing shall submit both of the following to the administrator with the document:

(a) A signed affidavit requesting the fee waiver and certifying that a majority of the initial members of the membership corporation, initial directors of the directorship corporation, or initial shareholders of the stock corporation, as applicable, are, or if applicable the initial members, initial directors, or initial shareholders will be, individuals who served in the Armed Forces of the United States and were separated from that service with an honorable character of service or under honorable conditions (general) character of service.

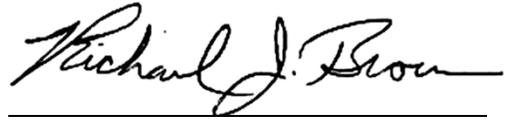
(b) Copies of form DD214 or form DD215, or any other form that is satisfactory to the department, for each individual described in subsection (5) who is or will be an initial member of the corporation, initial director of the corporation, or initial shareholder of the corporation, as applicable.

(7) If a person pays a fee or penalty on behalf of a domestic or foreign corporation by check and the check is dishonored, the fee is unpaid and the administrator shall rescind the filing of all related documents.

(8) The administrator may accept a credit card in lieu of cash or check as payment of a fee under this act. The administrator shall determine which credit cards the administrator accepts for payment.

(9) The administrator may charge a nonrefundable fee of not more than \$50.00 for any document submitted or certificate sent by facsimile or electronic transmission. The administrator shall retain the revenue collected under this subsection and the department shall use it in carrying out its duties required by law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor