

**[No. 162]**

**(HB 4174)**

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending section 5735 (MCL 600.5735).

*The People of the State of Michigan enact:*

**600.5735 Summons; hearing.**

Sec. 5735. (1) The court in which the proceeding is commenced shall issue a summons, which may be served on the defendant by any officer or person authorized to serve process of the court. The summons shall command the defendant to appear for trial in accordance with the provisions of subsection (2) unless by local court rule the provisions of subsection (4) have been made applicable.

(2) The summons shall command the defendant to appear for trial as follows:

(a) Within 30 days of the issuance date of the summons in proceedings under section 5726, in which event the summons shall be served not less than 10 days before the date set for trial.

(b) Within 10 days of the issuance date of the summons in all other proceedings, in which event the summons shall be served not less than 3 days before the date set for trial.

(3) If a summons is not served within the time provided by subsection (2), additional summons shall be issued at plaintiff's request in the same manner and with the same effect as the original summons.

(4) In lieu of the provisions of subsection (2), the court by local rule may provide for the application of this subsection, in which event the summons shall command the defendant to make appearance as follows:

(a) Within 10 days after service of the summons upon the defendant, in proceedings under section 5726.

(b) Within 5 days after service of the summons upon the defendant in all other proceedings.

(5) A summons issued under subsection (4) remains in effect until served or quashed, or until the action is dismissed, but additional summons as needed for service may be issued at any time at plaintiff's request.

(6) Except as otherwise provided by court rule, the proceeding shall be heard within 7 days after the defendant's appearance or trial date and shall not be adjourned beyond that time other than by stipulation of the parties either in writing or on the record.

This act is ordered to take immediate effect.

Approved November 6, 2001.

Filed with Secretary of State November 7, 2001.

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