

[No. 202]

(HB 5303)

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 2529 (MCL 600.2529), as amended by 1999 PA 268.

The People of the State of Michigan enact:

600.2529 Fees paid to clerk of circuit court; sums held as payment in full; payment of fees to county treasurer; waiving or suspending fees; affidavit of indigency or inability to pay; report.

Sec. 2529. (1) In the circuit court, the following fees shall be paid to the clerk of the court:

(a) Before a civil action other than an action brought exclusively under section 2950, 2950a, or 2950h to 2950l is commenced, or before the filing of an application for superintending control or for an extraordinary writ, except the writ of habeas corpus, the party bringing the action or filing the application shall pay the sum of \$62.00. The clerk at the end of each month shall transmit for each fee collected under this subdivision within the month, \$18.75 to the executive secretary of the Michigan judges retirement system created by the judges retirement act of 1992, 1992 PA 234, MCL 38.2101 to 38.2670; \$5.00 to the secretary of the Michigan legislative retirement system for deposit with the state treasurer in the retirement fund created by the Michigan legislative retirement system act, 1957 PA 261, MCL 38.1001 to 38.1080; \$5.25 to the state treasurer for deposit in the general fund; \$2.00 to the state treasurer to be credited to the community dispute resolution fund created by the community dispute resolution act, 1988 PA 260, MCL 691.1551 to 691.1564; \$11.00 to the county treasurer; and the balance of the filing fee to the state treasurer for deposit in the state court fund created by section 151a. Beginning October 1, 1994 and until October 1, 1995, the fee required under this subdivision is \$72.00. Beginning October 1, 1995 and until October 1, 1996, the fee required under this subdivision is \$80.00. Beginning October 1, 1996 and until October 1, 1997, the fee required under this subdivision is \$90.00. Beginning October 1, 1997, the fee required under this subdivision is \$100.00.

(b) Before the filing of a claim of appeal or motion for leave to appeal from the district court, probate court, a municipal court, or an administrative tribunal or agency, the sum of \$60.00. For each fee collected under this subdivision, the clerk shall transmit \$15.00 to the state treasurer for deposit in the state court fund created by section 151a. Beginning October 1, 1994 and until October 1, 1995, the fee required under this subdivision is \$70.00. Beginning October 1, 1995 and until October 1, 1996, the fee required under this subdivision is \$80.00. Beginning October 1, 1996 and until October 1, 1997, the fee required under this subdivision is \$90.00. Beginning October 1, 1997, the fee required under this subdivision is \$100.00.

(c) If a trial by jury is demanded, the party making the demand at the time shall pay the sum of \$60.00. Failure to pay the fee within the time provided in the court rules

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constitutes a waiver of the right to a jury trial. The sum shall be taxed in favor of the party paying the fee, in case the party recovers a judgment for costs.

(d) Before entry of a final judgment in an action for divorce or separate maintenance in which minor children are involved, or the entry of a final judgment in a child custody dispute submitted to the circuit court as an original action, 1 of the following sums, which shall be deposited by the county treasurer as provided in section 2530:

(i) If the matter was contested or uncontested and was not submitted to domestic relations mediation or investigation by the friend of the court, \$30.00.

(ii) If the matter was contested or uncontested and was submitted to domestic relations mediation, \$50.00.

(iii) If the matter was contested or uncontested and the office of the friend of the court conducted an investigation and made a recommendation to the court, \$70.00.

(e) Except as otherwise provided in this section, upon the filing of a motion the sum of \$20.00. In conjunction with an action brought under section 2950 or 2950a, a motion fee shall not be collected for a motion to dismiss the petition, a motion to modify, rescind, or terminate a personal protection order, or a motion to show cause for a violation of a personal protection order. A motion fee shall not be collected for a motion to dismiss a proceeding to enforce a foreign protection order or a motion to show cause for a violation of a foreign protection order under sections 2950h to 2950l. For each fee collected under this subdivision, the clerk shall transmit \$10.00 to the state treasurer for deposit in the state court fund created by section 151a.

(f) For services under the direction of the court that are not specifically provided for in this section relative to the receipt, safekeeping, or expending of money, or the purchasing, taking, or transferring of a security, or the collecting of interest on a security, the clerk shall receive the allowance and compensation from the parties as the court may consider just and shall direct by court order, after notice to the parties to be charged.

(g) Upon appeal to the court of appeals or the supreme court, the sum of \$25.00.

(h) The sum of \$15.00 as a service fee for each writ of garnishment, attachment, execution, or judgment debtor discovery subpoena issued.

(2) The sums paid as provided in this section shall be held to be in full for all clerk, entry, and judgment fees in an action from the commencement of the action to and including the issuance and return of the execution or other final process, and are taxable as costs.

(3) Except as otherwise provided in this section, the fees shall be paid over to the county treasurer as required by law.

(4) The court shall order any of the fees prescribed in this section waived or suspended, in whole or in part, upon a showing by affidavit of indigency or inability to pay.

(5) The clerk of the circuit court shall prepare and submit a court filing fee report to the executive secretary of the Michigan judges retirement system created by the judges retirement act of 1992, 1992 PA 234, MCL 38.2101 to 38.2670, at the same time the clerk of the circuit court transmits the portion of the fees collected under this section to the executive secretary.

Effective date.

Enacting section 1. This amendatory act takes effect April 1, 2002.

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Conditional effective date.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 91st Legislature are enacted into law:

- (a) Senate Bill No. 729.
- (b) Senate Bill No. 753.
- (c) Senate Bill No. 754.
- (d) Senate Bill No. 757.
- (e) Senate Bill No. 758.
- (f) House Bill No. 5275.
- (g) House Bill No. 5299.
- (h) House Bill No. 5300.
- (i) House Bill No. 5304.

This act is ordered to take immediate effect.

Approved December 27, 2001.

Filed with Secretary of State December 27, 2001.

Compiler's note: The bills referred to in enacting section 2 were enacted into law as follows:

Senate Bill No. 729 was filed with the Secretary of State December 27, 2001, and became P.A. 2001, No. 206, Eff. Apr. 1, 2002.
Senate Bill No. 753 was filed with the Secretary of State December 27, 2001, and became P.A. 2001, No. 209, Eff. Apr. 1, 2002.
Senate Bill No. 754 was filed with the Secretary of State December 27, 2001, and became P.A. 2001, No. 210, Eff. Apr. 1, 2002.
Senate Bill No. 757 was filed with the Secretary of State December 27, 2001, and became P.A. 2001, No. 211, Eff. Apr. 1, 2002.
Senate Bill No. 758 was filed with the Secretary of State December 27, 2001, and became P.A. 2001, No. 212, Eff. Apr. 1, 2002.
House Bill No. 5275 was filed with the Secretary of State December 27, 2001, and became P.A. 2001, No. 197, Eff. Apr. 1, 2002.
House Bill No. 5299 was filed with the Secretary of State December 27, 2001, and became P.A. 2001, No. 200, Eff. Apr. 1, 2002.
House Bill No. 5300 was filed with the Secretary of State December 27, 2001, and became P.A. 2001, No. 201, Eff. Apr. 1, 2002.
House Bill No. 5304 was filed with the Secretary of State December 27, 2001, and became P.A. 2001, No. 194, Eff. Apr. 1, 2002.
