

# SENATE BILL No. 359

April 2, 2003, Introduced by Senator JACOBS and referred to the Committee on Appropriations.

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending section 1101 (MCL 450.5101), as amended by 2002 PA 686.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1101. (1) ~~The~~ **Subject to subsection (2), the** fees to  
2 be paid to the administrator when the documents described in this  
3 subsection are delivered to him or her for filing are as  
4 follows:

- 5       (a) Certificate of correction, \$25.00.  
6       (b) Articles of organization, \$50.00.  
7       (c) Amendment to the articles of organization, \$25.00.  
8       (d) Restated articles of organization, \$50.00.  
9       (e) Application for reservation of name, \$25.00.  
10       (f) Certificate of assumed name or a certificate of

1 termination of assumed name, \$25.00.

2 (g) Annual statement of resident agent and registered office,  
3 \$15.00.

4 (h) Certificate of restoration of good standing, \$50.00.

5 (i) Notice of resignation of resident agent, or statement of  
6 change of registered office or resident agent, \$5.00.

7 (j) Certificate of merger as provided in article 7, \$100.00.

8 (k) Certificate of abandonment, \$10.00.

9 (l) Certificate of conversion, \$25.00.

10 (m) Certificate of dissolution, \$10.00.

11 (n) Application of a foreign limited liability company for a  
12 certificate of authority to transact business in this state,  
13 \$50.00.

14 (o) Certificate correcting statement contained in an  
15 application for a certificate of authority to transact business  
16 in this state, \$25.00.

17 (p) Certificate attesting to the occurrence of a merger of a  
18 foreign limited liability company, as provided in section 1005,  
19 \$10.00.

20 (q) Application for withdrawal and issuance of a certificate  
21 of withdrawal of a foreign limited liability company, \$10.00.

22 **(2) The fee amounts set forth in subsection (1) apply through**  
23 **September 30, 2003. Beginning October 1, 2003, the amount of**  
24 **those fees paid to the administrator in any state fiscal year**  
25 **shall be established by a fee schedule contained in an**  
26 **appropriation act for that fiscal year.**

27 **(3) ~~-(2)-~~ In addition to a fee required to file a document,**

1 the administrator may charge a fee of \$50.00 if the document is  
2 filed by facsimile or other electronic transmission or the  
3 administrator is requested to transmit a document by facsimile or  
4 other electronic transmission.

5 **(4)** ~~—(3) The fees prescribed in subsections (1) and (2), no~~  
6 ~~part of which shall be refunded, when collected shall be paid~~  
7 ~~into the treasury of the state and credited to~~ **The administrator**  
8 **shall not refund all or any part of a fee described in this**  
9 **section. The administrator shall deposit all fees received and**  
10 **collected under this section in the state treasury to the credit**  
11 **of the administrator, to be used solely by the department who**  
12 **may only use the money credited pursuant to legislative**  
13 **appropriation and only** in carrying out those duties **of the**  
14 **department** required by law.

15 **(5)** ~~—(4) A minimum charge of \$1.00 for each certificate and~~  
16 ~~50 cents per folio shall be paid to the administrator for~~  
17 ~~certifying a part of a file or record pertaining to a domestic or~~  
18 ~~foreign limited liability company if a fee is not set forth in~~  
19 ~~subsection (1)~~ **or established pursuant to subsection (2).** The  
20 administrator may furnish copies of documents, reports, and  
21 papers required or permitted by law to be filed with the  
22 administrator, and shall charge for those copies pursuant to a  
23 schedule of fees that the administrator shall adopt with the  
24 approval of the state administrative board. The administrator  
25 shall retain the revenue collected under this subsection ~~to be~~  
26 ~~used by the department~~ **and use it** to defray the costs of ~~its~~  
27 **the department's** copying and certifying services.

1           **(6)** ~~-(5)-~~ If a domestic or foreign limited liability company  
2 pays fees or penalties by check and the check is dishonored, the  
3 fee is considered unpaid and the filing of all related documents  
4 will be rescinded.

5           **(7)** ~~-(6)-~~ The administrator may accept ~~a~~ **payment by** credit  
6 card, instead of cash or check, as payment of a fee under this  
7 act. The administrator shall determine which credit cards ~~may~~  
8 ~~be accepted~~ **he or she shall accept** for payment **of a fee**.