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BILL



ANALYSIS

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Senate Bill 1043 (as introduced 3-27-12)
Sponsor: Senator Mike Nofs
Committee: Judiciary

Date Completed: 8-14-12

CONTENT

The bill would amend the Revised Judicature Act to do the following:

- **Increase process server fees by \$2, and require the fees to be increased by \$1 on October 1 in 2013, 2014, and 2015.**
- **Allow a process server to receive 7% of the first \$8,000, rather than the first \$5,000, of a payment or settlement amount or the receipts of a sale, in the case of property seized under an order.**
- **Establish a \$10 fee for each verification by a process server and each postal change of address verification requested by a plaintiff.**

The Act prescribes a schedule of fees for process or papers served out of a court in this State by a person authorized under the Act or Supreme Court rule to serve process. The current fees are shown in Table 1. (The fees listed in the table are \$3 higher than the amounts shown in the Act, which were set in 2003 and increased by \$1 in 2004, 2005, and 2006.)

Table 1

Description	Current Fee
Personal service of civil summons & complaint, for each defendant	\$21
Personal service of affidavit & account, for each defendant	\$21
Request for & writ of garnishment, for each garnishee & defendant	\$18
Personal service of order to seize goods subject to claim & delivery action	\$35
Receiving & filing bond from or for a defendant in claim & delivery action	\$15
Order to show cause, for each person served	\$21
Subpoena on discovery, for each person served	\$21
Levy under or service of order to seize property & any accompanying order	\$35
Each notice of sale under order for the seizure of property or construction lien posted in a public place in the city or township	\$21
Order of eviction or writ for restitution of premises, for each defendant	\$35
Subpoena directed to a witness, including a judgment debtor	\$21
Civil bench warrant or body execution	\$35
Service by mail	\$8

The bill would increase each of the fees listed in Table 1 by \$2, and require the fees to be increased by \$1 on October 1, 2013, October 1, 2014, and October 1, 2015.

The bill would add the following fees:

- For each verification by a process server: \$10 plus mileage.
- For each postal change of address verification requested by the plaintiff: \$10.

Currently, if a person authorized to serve process has seized property under an order for the seizure of property issued in an action in which a judgment is entered against the property owner, and if the judgment is satisfied by full payment of the judgment or settlement between the parties before the property is sold, the fee is 7% of the first \$5,000 of the payment or settlement amount and 3% of the amount over the first \$5,000.

For the sale of property seized under an order for the seizure of property, the fee is 7% of the first \$5,000 in receipts and 3% of any receipts over the first \$5,000.

The bill would increase those fees to 7% of the first \$8,000 and 3% of the amount over the first \$8,000.

In some cases, the fees include mileage or expenses, or both. Mileage must be 1.5 times the rate allowed by the Civil Service Commission for classified State employees, and must be computed each way using the shortest distance from the place where the court is located to the place of service. The bill would refer to the shortest "reasonable route", rather than the shortest distance.

MCL 600.2559

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have a limited indeterminate impact on State and local government. Process server fees are paid by litigants, with the fees going to those who serve papers or process. In cases in which a State or local government is a litigant, there would be minor costs due to the increased fees. County sheriffs sometimes provide process service and would see a minor increase in revenue from the fees.

Fiscal Analyst: Steve Angelotti

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.