

HOUSE BILL No. 5744

September 9, 2014, Introduced by Rep. Kurtz and referred to the Committee on Families, Children, and Seniors.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 2529 (MCL 600.2529), as amended by 2009 PA 239.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3 (a) Before a civil action other than an action brought
4 exclusively under section 2950, 2950a, or 2950h to 2950m is
5 commenced, or before the filing of an application for
6 superintending control or for an extraordinary writ, except a writ
7 of habeas corpus, the party bringing the action or filing the
8 application shall pay \$150.00. The clerk at the end of each month

1 shall transmit for each fee collected under this subdivision within
2 the month \$31.00 to the county treasurer and the balance of the
3 filing fee to the state treasurer for deposit in the civil filing
4 fee fund created in section 171.

5 (b) Before the filing of a claim of appeal or motion for leave
6 to appeal from the district court, probate court, a municipal
7 court, or an administrative tribunal or agency, the appellant or
8 moving party shall pay \$150.00. For each fee collected under this
9 subdivision, the clerk shall transmit \$31.00 to the county
10 treasurer and the balance of the fee to the state treasurer for
11 deposit in the civil filing fee fund created in section 171.

12 (c) At the time a trial by jury is demanded, the party making
13 the demand shall pay \$85.00. Failure to pay the fee at the time the
14 demand is made constitutes a waiver of the right to a jury trial.
15 The fee paid shall be taxed in favor of the party paying it if the
16 party recovers a judgment for costs. For each fee collected under
17 this subdivision, the clerk shall transmit \$25.00 to the state
18 treasurer for deposit in the juror compensation reimbursement fund
19 created in section 151d.

20 (d) Before entry of a final judgment or order in an action in
21 which the custody, support, or parenting time of minor children is
22 determined or modified, the party submitting the judgment or order
23 shall pay 1 of the following fees:

24 (i) In an action in which the custody or parenting time of
25 minor children is determined, \$80.00.

26 (ii) In an action in which the support of minor children is
27 determined or modified, \$40.00. This fee does not apply when a fee

1 is paid under subparagraph (i).

2 (e) Except as otherwise provided in this section, upon the
3 filing of a motion, the moving party shall pay \$20.00. In
4 conjunction with an action brought under section 2950 or 2950a, a
5 motion fee shall not be collected for a motion to dismiss the
6 petition, a motion to modify, rescind, or terminate a personal
7 protection order, or a motion to show cause for a violation of a
8 personal protection order. A motion fee shall not be collected for
9 a motion to dismiss a proceeding to enforce a foreign protection
10 order or a motion to show cause for a violation of a foreign
11 protection order under sections 2950h to 2950m. A motion fee shall
12 not be collected for a request for a hearing to contest income
13 withholding under section 7 of the support and parenting time
14 enforcement act, 1982 PA 295, MCL 552.607. For each fee collected
15 under this subdivision, the clerk shall transmit \$10.00 to the
16 state treasurer for deposit in the state court fund created by
17 section 151a.

18 (f) For services under the direction of the court that are not
19 specifically provided for in this section related to receiving,
20 safekeeping, or expending money, purchasing, taking, or
21 transferring a security, or collecting interest on a security, a
22 party shall pay the allowance and compensation that the court
23 determines to be just as ordered by the court after notice to the
24 parties.

25 (g) Upon appeal to the court of appeals or the supreme court,
26 the appellant shall pay \$25.00.

27 (h) The applicant or requesting party shall pay \$15.00 as a

1 service fee for each writ of garnishment, attachment, or execution
2 and each judgment debtor discovery subpoena issued.

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

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

10 (4) At the end of each month, each fee collected under
11 subsection (1)(d)(i) shall be paid to the county treasurer and
12 deposited by the county treasurer as provided under section 2530 to
13 be used to fund services that are not title IV-D services. The fee
14 collected under subsection (1)(d)(ii) shall be paid to the county
15 treasurer and deposited by the county treasurer as provided under
16 section 2530.

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

20 (6) If the person filing an action described in subsection
21 (1)(d) is a public officer acting in his or her official capacity,
22 if the final judgment or order is submitted with the initial filing
23 as a consent judgment or order, or other good cause is shown, the
24 court shall order the fee under subsection (1)(d) waived or
25 suspended. If a fee is waived or suspended and the action is
26 contested, the court may require that 1 or more of the parties to
27 the action pay the fee under subsection (1)(d).

1 (7) The court may order a party to pay the other party all or
2 part of a fee paid by the other party under subsection (1)(d).

3 (8) A PARTY IS NOT REQUIRED TO PAY A FEE UNDER THIS SECTION IF
4 THE PARTY IS FILING A CHILD PROTECTIVE ACTION OR A DELINQUENCY
5 ACTION UNDER SECTION 2 OF CHAPTER XIIIA OF THE PROBATE CODE OF 1939,
6 1939 PA 288, MCL 712A.2, OR UNDER THE YOUNG ADULT VOLUNTARY FOSTER
7 CARE ACT, 2011 PA 225, MCL 400.641 TO 400.671.