

# Legislative Analysis

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## PROCESS SERVER AND SHERIFFS' FEES

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 4924 (proposed H-2 summary)**  
**House Bill 5359 as introduced**  
**Sponsor: Rep. Earl Poleski**

Analysis available at  
<http://www.legislature.mi.gov>

**House Bill 5360 as introduced**  
**Sponsor: Rep. Kurt Heise**

**Committee: Judiciary**  
**Revised as of 5-16-16**

### SUMMARY:

House Bill 4924 would establish a \$10 fee each for GPS verification and photo verification, and increase the fee for serving process with an incorrect address by \$5.

House Bill 5360 would raise certain fees that a county sheriff is authorized to charge for various actions performed, and delete the authority to receive fees for several actions, such as summoning a jury upon a writ of inquiry.

House Bill 5359 would make a technical correction to a citation to conform to changes made by House Bill 5360.

Each of the bills will take effect 90 days after enactment. House Bills 5359 and 5360 are tie-barred to each other and to House Bill 4924. A tie-bar means the bill cannot become law unless a bill to which it is tie-barred is also enacted. A more detailed summary follows.

### **House Bill 4924 (Service of Process in RJA)**

The Revised Judicature Act (RJA) prescribes a schedule of fees for process or papers served out of a court by a person authorized under the act or Michigan Supreme Court rules to serve process.

The bill would add the following two fees:

- ❖ For each global positioning service verification requested by the plaintiff, \$10.
- ❖ For each photo verification requested by the plaintiff, \$10.

Currently, upon submitting a sworn affidavit, a person authorized to serve process or papers out of a court is entitled to receive a \$10 fee plus mileage for each process that has an incorrect address, in addition to any fee the person is entitled to receive under the fees shown above. The bill would increase this fee by \$5 to \$15.

The updates to the other fees reflects the current amounts. When new fees were enacted in 2012, the legislation called for them to be increased by \$1 per year each October 1 in 2013, 2014, and 2015. The new figures reflect those increases.

**House Bill 5360 (County Sheriff Fees)**

The bill amends the RJA to increase certain fees that a county sheriff is authorized to charge for various actions performed (MCL 600.2558). Several fees would also be deleted. The table below shows the services for which the allowable fees would be increased.

Description	Current Fee/New Fee
Taking a bond	\$1.50/\$10
Certificate on the sale of real estate	\$1.50/\$10
For each copy of the certificate	\$1.50/\$5
For taking a bond for the liberties of the jail	\$1.50/\$10
For making and returning an inventory and appraisal to the appraisers	\$10/\$100 full day \$5/\$50 half day
Drafting an inventory, per page	\$1.25/\$10
Copying the inventory, per page	10 cents/\$1
For posting notices on property for foreclosure sales, per posting	\$16/\$25
For selling lands on the foreclosure of a mortgage by advertisement; & executing a deed to the purchaser and for all services on that sale	\$50/\$75
For each adjournment of the sale of land on the foreclosure of a mortgage by advertisement	\$8/\$15
For serving notice of a person claiming title under a tax deed	\$16/\$25

The bill also eliminates several fees as follows:

- ❖ For summoning a jury upon a writ of inquiry, attending the jury, and making and returning the inquisition, \$5.
- ❖ For summoning a jury under any precept or summons of any officer in any special proceeding, \$5, and for attending the jury when required, \$5.
- ❖ For giving notice for general or special election to the inspectors of the different townships and ward of the county, \$1 for each ward or township, and the expenses of publishing the required notices (to be paid by the county)
- ❖ For attending the state supreme court by the order of the court, \$10 for each day (paid out of the state treasury).
- ❖ For keeping and providing for a debtor in jail where the debtor is unable to support herself or himself, \$1 for each day or as fixed by the board of commissioners (paid by the creditor).

**House Bill 5359**

The bill amends the RJA to change a citation pertaining to the allowable fee a sheriff is authorized to charge for selling lands on the foreclosure of a mortgage by advertisement to conform to revisions made by House Bill 5360. (MCL 600.3240)

**FISCAL IMPACT:**

There would be no fiscal impact on the state, and process servers and local sheriffs would benefit from the new fees (HB 4924) and increased fees (HB 5360).

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.