



HOUSE BILL No. 6034

September 28, 2000, Introduced by Reps. Koetje, Tabor, Pappageorge and Ehardt and referred to the Committee on Family and Civil Law.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 5735 (MCL 600.5735).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5735. (1) The court in which the proceeding is com-
2 menced shall issue a summons, which may be served on the
3 defendant by any officer or person authorized to serve process of
4 the court. The summons shall command the defendant to appear for
5 trial in accordance with the provisions of subsection (2) unless
6 by local court rule the provisions of subsection (4) have been
7 made applicable.

8 (2) The summons shall command the defendant to appear for
9 trial as follows:

1 (a) Within ~~15~~ 30 days in proceedings under section 5726,
2 in which event the summons shall be served not less than 10 days
3 before the date set for trial.

4 (b) Within 10 days in all other proceedings, in which event
5 the summons shall be served not less than 3 days before the date
6 set for trial.

7 (3) If a summons is not served within the time provided by
8 subsection (2), additional summons shall be issued at plaintiff's
9 request in the same manner and with the same effect as the origi-
10 nal summons.

11 (4) In lieu of the provisions of subsection (2), the court
12 by local rule may provide for the application of this subsection,
13 in which event the summons shall command the defendant to make
14 appearance as follows:

15 (a) Within 10 days after service of the summons upon the
16 defendant, in proceedings under section 5726.

17 (b) Within 5 days after service of the summons upon the
18 defendant in all other proceedings.

19 (5) A summons issued under subsection (4) remains in effect
20 until served or quashed, or until the action is dismissed, but
21 additional summons as needed for service may be issued at any
22 time at plaintiff's request.

23 (6) Except as otherwise provided by court rule, the proceed-
24 ing shall be heard within 7 days after the defendant's appearance
25 or trial date and shall not be adjourned beyond that time other
26 than by stipulation of the parties either in writing or on the
27 record.