

Act No. 243
Public Acts of 2003
Approved by the Governor
December 23, 2003
Filed with the Secretary of State
December 29, 2003
EFFECTIVE DATE: January 1, 2004

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2003**

Introduced by Rep. Julian

ENROLLED HOUSE BILL No. 4899

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending sections 2555 and 2559 (MCL 600.2555 and 600.2559), section 2559 as amended by 1994 PA 133.

The People of the State of Michigan enact:

Sec. 2555. A person authorized by this act or supreme court rule to serve process or a paper issued by or filed with a court in this state is only entitled to traveling fees for the service from the place where the court that issued or filed the process or paper is located to the place of service, not to exceed 75 miles each way.

Sec. 2559. (1) Except as provided in subsection (2), the following is the schedule of fees allowed for process or papers served out of a court in this state by a person authorized under this act or supreme court rule to serve process:

(a) For personal service of a summons and complaint in a civil action, along with supporting documents, for each defendant, \$18.00 plus mileage.

(b) For personal service of an affidavit and account, for each defendant, \$18.00 plus mileage.

(c) For a request for and writ of garnishment, for each garnishee and defendant, \$15.00 plus mileage.

(d) For personal service of an order to seize goods that are the subject of a claim and delivery action, \$32.00 plus mileage, plus the actual and reasonable expense of seizing, keeping, and delivering the goods.

(e) For receiving and filing a bond from or on behalf of a defendant in a claim and delivery action, \$12.00.

(f) For an order to show cause, for each person served, \$18.00 plus mileage.

(g) For a subpoena on discovery, for each person served, \$18.00 plus mileage.

(h) For levying under or serving an order for the seizure of property and any accompanying paper, \$32.00 plus mileage, plus the actual and reasonable expense for seizing and keeping the property under the order.

(i) If the person has seized property under an order for the seizure of property issued in an action in which a judgment is entered against the owner of the property, regardless of whether the judgment is entered before or after the order is issued, and if the judgment is satisfied prior to sale of the seized property by full payment of the judgment or settlement between the parties, 7% of the first \$5,000.00 of the payment or settlement amount and 3% of the payment or settlement amount exceeding the first \$5,000.00.

(j) For sale of property seized under an order for the seizure of property, 7% of the first \$5,000.00 in receipts and 3% of any receipts exceeding the first \$5,000.00.

(k) For each notice of sale under an order for the seizure of property or construction lien posted in a public place in the city or township, \$18.00 plus mileage.

(l) For an order of eviction or a writ for the restitution of premises, for each defendant, \$32.00 plus mileage, plus the actual and reasonable expense for the physical removal of property from the premises.

(m) For a subpoena directed to a witness, including a judgment debtor, \$18.00 plus mileage.

(n) For a civil bench warrant or body execution, \$32.00 plus mileage, plus a reasonable fee per hour for the amount of time involved in executing the warrant.

(o) For service by mail, \$5.00 plus the actual cost of postage.

(2) Each of the fees prescribed in subsection (1) shall increase by \$1.00 on October 1, 2004, \$1.00 on October 1, 2005, and \$1.00 on October 1, 2006.

(3) Upon submitting a sworn affidavit, a person authorized by this act or supreme court rule to serve process or papers out of a court in this state is entitled to receive a \$10.00 fee plus mileage for each process that has an incorrect address. This fee is in addition to any fee the person is entitled to receive under subsection (1).

(4) Mileage allowed under subsection (1) shall be 1-1/2 times the rate allowed by the state civil service commission for employees in the state classified civil service. Mileage shall be computed, each way, by the shortest distance from the place where the court that issued or filed the process or paper is located to the place of service.

(5) The fees and expenses allowed under subsection (1)(h) to (k) shall be collected in the same manner as the sum directed to be levied or collected under the order for the seizure of property. If there are several orders for the seizure of property against the defendant, at the time of advertising the defendant's property for sale, in the hands of the same sheriff or other officer, only 1 advertising fee shall be charged on the whole, and the sheriff or other officer shall elect upon which order he or she will receive that fee.

(6) A person authorized by this act or supreme court rule to serve process or papers out of a court in this state who demands and receives a greater fee or compensation for performing a service mentioned in this section than allowed by this section shall, in addition to all other liabilities provided by law, be liable to the party injured by paying the illegal fees for 3 times the amount of illegal fees actually paid, together with all costs of the action.

(7) A sheriff or other officer who, after the fees specified by this section have been tendered, neglects or refuses a service required by law is liable to the party injured for all damages that the party sustains by reason of that neglect or refusal.

(8) As used in this section, "order for the seizure of property" includes a writ of attachment and a writ of execution, including, but not limited to, execution in a claim and delivery action on property other than the property that is the subject of the claim and delivery action.

Enacting section 1. This amendatory act takes effect January 1, 2004.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor