

# HOUSE BILL No. 5592

May 3, 2012, Introduced by Reps. Lane, Forlini, Stanley, Farrington, Goike, Dillon, Rutledge, Liss, Opsommer, Rendon, O'Brien, Roy Schmidt, Haugh, Smiley, Brunner, Hobbs, Townsend, Pettalia, McCann, Stallworth, Slavens, Meadows, Foster, Pscholka, Ouimet, Greimel, Oakes and Stapleton and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending section 4012 (MCL 600.4012), as amended by 1996 PA 10.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 4012. (1) Except for garnishment of a tax refund under  
2       section 4061a **OR GARNISHMENT OF WAGES, SALARY, COMMISSIONS, OR**  
3       **OTHER EARNINGS**, and subject to subsection (2), a writ of  
4       garnishment of periodic payments remains in effect for the period  
5       prescribed by the Michigan court rules. **A WRIT OF GARNISHMENT OF**  
6       **WAGES, SALARY, COMMISSIONS, OR OTHER EARNINGS REMAINS IN EFFECT FOR**  
7       **180 DAYS.**

8       (2) A garnishee is not liable for a writ of garnishment of  
9       periodic payments under subsection (1) to the extent that the  
10      garnishee is required to satisfy another writ of garnishment

1 against the same defendant having a higher priority or having the  
2 same priority but received at an earlier date. For purposes of this  
3 subsection, writs of garnishment have priority in the following  
4 order:

5 (a) A garnishment resulting from an obligation of court  
6 ordered support as defined in section 2 of the support and  
7 parenting time enforcement act, ~~Act No. 295 of the Public Acts of~~  
8 ~~1982, being section 552.602 of the Michigan Compiled Laws.1982 PA~~  
9 **295, MCL 552.602.**

10 (b) A levy of the state or a governmental unit of the state to  
11 satisfy a tax liability.

12 (c) Any other garnishments, in the order in which they are  
13 served.

14 (3) Except as otherwise provided by statute, a plaintiff shall  
15 pay a fee of \$6.00 at the time a writ to the garnishee of  
16 garnishment of periodic payments is served upon the garnishee.

17 (4) As used in this section and section 8410a, "periodic  
18 payments" means wages, salary, commissions, and other earnings,  
19 land contract payments, rent, and other periodic debt or contract  
20 payments that are or become payable during the effective period of  
21 the writ of garnishment. Periodic payments do not mean any of the  
22 following:

23 (a) Payments by a financial institution of interest on a  
24 deposit account.

25 (b) Charges made by a financial institution automatically  
26 against an account which applies to a debt under an automatic  
27 payment authorization executed by the account owner.

1           (c) Payments made by a financial institution to honor a check  
2 or draft or to comply with an account holder's order of withdrawal  
3 of funds from an account.

4           (d) Interest earned on a certificate of deposit that is paid  
5 into a deposit account.