

SENATE BILL No. 527

September 19, 2013, Introduced by Senators CASWELL and COLBECK and referred to the Committee on Families, Seniors and Human Services.

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 **FILING** 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~~ **INCLUDING AN**
6 **ACTION** for superintending control or ~~for an~~ **ANOTHER** extraordinary
7 writ, ~~except a writ of habeas corpus, the party bringing~~ **FILING** the
8 action ~~or filing the application~~ shall pay **A FEE OF \$150.00. THIS**
9 **SUBDIVISION DOES NOT APPLY TO AN ACTION BROUGHT EXCLUSIVELY UNDER**

1 **SECTION 2950, 2950A, OR 2950H TO 2950M OR AN ACTION FOR A WRIT OF**
 2 **HABEAS CORPUS.** The clerk at the end of each month shall transmit
 3 for each fee collected under this subdivision within the month
 4 \$31.00 to the county treasurer and the balance of the filing fee to
 5 the state treasurer for deposit in the civil filing fee fund
 6 created in section 171.

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

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

22 (d) ~~Before entry of a final judgment or order in~~ **AT THE TIME**
 23 an action in which the custody, support, or parenting time of **A**
 24 minor ~~children~~ **CHILD** is **TO BE** determined or modified **IS FILED**, the
 25 party ~~submitting the judgment or order~~ **FILING THE ACTION** shall pay
 26 1 of the following fees:

27 (i) In an action in which the custody or parenting time of **A**

1 minor ~~children~~**CHILD** is **TO BE** determined, \$80.00.

2 (ii) In an action in which the support of **A** minor ~~children~~
3 **CHILD** is **TO BE** determined or modified, \$40.00. This fee does not
4 apply ~~when~~**IF** a fee is paid under subparagraph (i).

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

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

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

3 (h) The applicant or requesting party shall pay \$15.00 as a
4 service fee for each writ of garnishment, attachment, or execution
5 and each judgment debtor discovery subpoena issued.

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

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

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

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

23 (6) If the person filing an action described in subsection
24 (1)(d) is a public officer acting in his or her official capacity,
25 if the final judgment or order is submitted with the initial filing
26 as a consent judgment or order, or **IF** other good cause is shown,
27 the court shall order the fee under subsection (1)(d) waived or

1 suspended. If a fee is waived or suspended and the action is
2 contested, the court may require that 1 or more of the parties to
3 the action pay the fee under subsection (1)(d).

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