



Senate Fiscal Agency  
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## BILL ANALYSIS



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House Bill 4924 (Substitute H-2 as passed by the House)  
House Bill 5359 (as passed by the House)  
House Bill 5360 (Substitute H-1 as passed by the House)  
Sponsor: Representative Earl Poleski (H.B. 4924 & 5359)  
Representative Kurt Heise (H.B. 5360)  
House Committee: Judiciary  
Senate Committee: Judiciary

Date Completed: 12-8-16

**CONTENT**

**The bills would amend the Revised Judicature Act to establish two new fees for service of process, increase various fees that sheriffs are entitled to collect, and delete authorization for sheriffs to collect certain fees.**

**House Bill 4924 (H-2) would establish fees for global positioning service verification and photo verification requested by a plaintiff.**

**House Bill 5360 (H-1) would increase various fees, and delete other fees, that a sheriff is entitled to collect for certain actions.**

**House Bill 5359 would revise a Michigan Compiled Law citation to reflect the changes made by House Bill 5360 (H-1).**

Each of the bills is tie-barred to the other two and would take effect 90 days after its enactment.

A more detailed description of House Bills 4924 (H-2) and 5360 (H-1) follows.

**House Bill 4924 (H-2)**

Section 2559 of the Revised Judicature Act (RJA) establishes a schedule of fees allowed for process or papers served out of a court in Michigan by a person authorized to serve process under the Act or by Supreme Court rule.

In addition to the fees currently authorized by Section 2559, the bill would include the following in the fee schedule:

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

(The bill also would increase by \$3 various other fees authorized by Section 2559, but that change would reflect the current fee structure. Those fees were last increased by Public Act 558 of 2012, which also provided for the listed fees to be increased by \$1 on October 1 in 2013, 2014, and 2015.)

## **House Bill 5360 (H-1)**

Section 2558 of the RJA provides that the county sheriff is entitled to the fees provided in that section and Section 2559).

The bill would increase some of the fees authorized by Section 2558, as shown in Table 1.

Table 1

<b>Purpose of Fee</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
For taking a bond, if the sheriff is authorized to do so	\$1.50	\$10
For every certificate on the sale of real estate	\$1.50	\$10
For each copy of a certificate on the sale of real estate	\$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/day & \$5/half day	\$100/day & \$50/half day
For drafting an inventory	\$1.25/page	\$10/page
For copying the inventory	10 cents/page	\$1/page
For posting notices on property for foreclosure sales	\$16/posting plus mileage	\$25/posting plus mileage
For selling land on the foreclosure of a mortgage by advertisement; and executing a deed to the purchaser and for all services required 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, in person and by mail	\$16 plus mileage	\$25 plus mileage

The bill also would delete authorization for the following fees from Section 2558:

- For summoning a jury upon a writ of inquiry, attending the jury, and making and returning the inquisition, \$5.
- For summoning a jury pursuant to 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 townships and wards of the county, \$1 for each township or ward, and the expenses of publishing the notices required by law, to be paid by the county.
- For attending the Supreme Court by the order of the Court, \$10 for each day, to be paid out of the State Treasury.
- For keeping and providing for a debtor in jail where the debtor is unable to support himself or herself, \$1 for each day or a sum fixed by the county board of commissioners, to be paid by the creditor, who is entitled to recover from the debtor.

MCL 600.2559 (H.B. 4924)  
600.3240 (H.B. 5359)  
600.2558 (H.B. 5360)

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bills would have no fiscal impact on State government but could provide additional revenue for local sheriffs' departments by increasing fees, and adding others, for various services provided, to help offset costs. Many of the fees allowed to be charged by statute have not been increased in decades.

The two new fees that would be added for global positioning service verification and photo verification also would help defray costs of services for departments that provide them. According to the Oakland County Sheriff's Department, the new fees would help pay for services that the department felt obligated to provide at no additional fee, despite its responsibility to pay a licensing fee for the software to provide those services.

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.