

SENATE BILL NO. 438

August 20, 2019, Introduced by Senator MCCANN and referred to the Committee on Appropriations.

A bill to amend 1972 PA 284, entitled
"Business corporation act,"
by amending section 1060 (MCL 450.2060), as amended by 2018 PA 85.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1060. (1) When delivering a document described in this
2 subsection to the administrator for filing, a person shall pay the
3 administrator whichever of the following fees apply to that
4 document:

- 1 (a) Articles of a domestic corporation, \$10.00.
- 2 (b) Application of a foreign corporation for a certificate of
3 authority to transact business in this state, \$10.00.
- 4 (c) Amendment to the articles of a domestic corporation,
5 \$10.00.
- 6 (d) Amended application for a certificate of authority to
7 transact business in this state, \$10.00.
- 8 (e) Certificate of merger, conversion, or share exchange under
9 chapter 7, \$50.00.
- 10 (f) Certificate attesting to the occurrence of a merger or
11 conversion of a foreign corporation under section 1021, \$10.00.
- 12 (g) Certificate of dissolution, \$10.00.
- 13 (h) Application for withdrawal and issuance of a certificate
14 of withdrawal of a foreign corporation, \$10.00.
- 15 (i) Application for reservation of corporate name, \$10.00.
- 16 (j) Certificate of assumed name or a certificate of
17 termination of assumed name, \$10.00.
- 18 (k) Statement of change of registered office or resident
19 agent, \$5.00.
- 20 (l) Restated articles of domestic corporations, \$10.00.
- 21 (m) Certificate of abandonment, \$10.00.
- 22 (n) Certificate of correction, \$10.00.
- 23 (o) Certificate of revocation of dissolution proceedings,
24 \$10.00.
- 25 (p) Certificate of renewal of corporate existence, \$10.00.
- 26 (q) For examining a special report required by law, \$2.00.
- 27 (r) Certificate of registration of corporate name of a foreign
28 corporation, \$50.00.
- 29 (s) Certificate of renewal of registration of corporate name

1 of a foreign corporation, \$50.00.

2 (t) Certificate of termination of registration of corporate
3 name of a foreign corporation, \$10.00.

4 (u) Report required under section 911, \$15.00 if paid after
5 September 30, ~~2019~~-**2023**. Before October 1, ~~2019~~-**2023**, the fee is
6 \$25.00.

7 (2) The fees described in subsection (1) are in addition to
8 any franchise fees prescribed in this act. The administrator shall
9 not refund all or any part of a fee described in this section.

10 (3) Except as provided in subsection (9), the administrator
11 shall deposit all fees received and collected under this section in
12 the state treasury to the credit of the administrator, who may only
13 use the money credited pursuant to legislative appropriation and
14 only in carrying out those duties of the department required by
15 law.

16 (4) The fees described in this section apply to documents
17 filed by a domestic or foreign regulated investment company as
18 defined in section 1064.

19 (5) If any money received by the administrator from fees paid
20 under subsection (1)(u) is not appropriated to the department in
21 that fiscal year, the money remaining from those fees shall revert
22 to the general fund of this state.

23 (6) A minimum charge of \$1.00 for each certificate and 50
24 cents per folio shall be paid to the administrator for certifying a
25 part of a file or record pertaining to a corporation if a fee for
26 that service is not described in subsection (1). The administrator
27 may furnish copies of documents, reports, and papers required or
28 permitted by law to be filed with the administrator, and shall
29 charge for those copies the fee established in a schedule of fees

1 adopted by the administrator with the approval of the state
2 administrative board. The administrator shall retain the revenue
3 collected under this subsection, and the department shall use it to
4 defray the costs for its copying and certifying services.

5 (7) If a domestic or foreign corporation pays fees or
6 penalties by check and the check is dishonored, or by credit card
7 and a chargeback is successful, the fee is unpaid and the
8 administrator shall rescind the filing of all related documents.

9 (8) The administrator may accept a credit card in lieu of cash
10 or check as payment of a fee under this act. The administrator
11 shall determine which credit cards he or she shall accept for
12 payment.

13 (9) The administrator may charge a nonrefundable fee of up to
14 \$50.00 for any document submitted or certificate sent by facsimile
15 or electronic transmission. The administrator shall retain the
16 revenue collected under this subsection and the department shall
17 use it to carry out its duties required by law.

18 (10) The administrator shall waive any fee otherwise required
19 under this section if a majority of the shares of the domestic or
20 foreign corporation responsible for paying the fee are, and the
21 corporation provides proof satisfactory to the administrator that
22 those shares are, held by 1 or more honorably discharged veterans
23 of the Armed Forces of the United States.