

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961
CHAPTER 19A
ELECTRONIC ACCESS TO COURTS

600.1985 Definitions.

Sec. 1985.

As used in this chapter:

(a) "Authorized court" means a court accepted by the state court administrative office under section 1991 for access to the electronic filing system.

(b) "Automated payment" means an electronic payment method authorized by the state court administrative office at the direction of the supreme court, including, but not limited to, payments made with credit and debit cards.

(c) "Civil action" means an action that is not a criminal case, a civil infraction action, a proceeding commenced in the probate court under section 3982 of the estates and protected individuals code, 1988 PA 386, MCL 700.3982, or a proceeding involving a juvenile under chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32.

(d) "Clerk" means the clerk of the court referenced in the rules of the supreme court and includes the clerk of the supreme court, chief clerk of the court of appeals, county clerk, probate register, district court clerk, or clerk of the court of claims where the civil action is commenced, as applicable.

(e) "Court funding unit" means 1 of the following, as applicable:

(i) For circuit or probate court, the county.

(ii) For district court, the district funding unit as that term is defined in section 8104.

(iii) For the supreme court, court of appeals, or court of claims, the state.

(f) "Electronic filing system" means a system authorized after the effective date of the amendatory act that added this chapter by the supreme court for the electronic filing of documents using a portal contracted for by the state court administrative office for the filing of documents in the supreme court, court of appeals, circuit court, probate court, district court, and court of claims.

(g) "Electronic filing system fee" means the fee described in section 1986.

(h) "Party" means the person or entity commencing a civil action.

(i) "Qualified vendor" means a private vendor selected by the state court administrative office by a competitive bidding process to effectuate the purpose of section 1991(3).

History: Add. 2015, Act 230, Eff. Jan. 1, 2016

600.1986 Electronic filing system fee; collection; waiver; governmental entity as party; automated payment service fee.

Sec. 1986.

(1) Beginning March 1, 2016, if a fee for commencing a civil action is authorized or required by law, in addition to that fee, the clerk shall also collect an electronic filing system fee, subject to section 1993, as follows:

(a) For civil actions filed in the supreme court, court of appeals, circuit court, probate court, and court of claims, \$25.00.

(b) Except as provided in subdivisions (c) and (d), for civil actions filed in the district court, including actions filed for summary proceedings, \$10.00.

(c) For civil actions filed in district court if a claim for money damages is joined with a claim for relief other than money damages, \$20.00.

(d) For civil actions filed in the small claims division of district court, \$5.00.

(2) Subject to section 1991, the clerk shall collect the electronic filing system fee listed under subsection (1) from the party at the time the civil action is commenced, whether or not the document commencing the civil action was filed electronically.

(3) If the court waives payment of a fee for commencing a civil action because the court determines that the party is indigent or unable to pay the fee, the court shall also waive payment of the electronic filing system fee.

(4) A party that is a governmental entity is not required to pay an electronic filing system fee.

(5) The clerk may accept automated payment of any fee being paid to the court. If the bank or other electronic commerce business charges the court or court funding unit a merchant transaction fee, the clerk may charge the person paying the fee an additional automated payment service fee as authorized by the state court administrative office. The amount of the automated payment service fee shall not exceed the actual merchant transaction fee to be charged to the court or court funding unit for accepting an automated payment by a bank or other electronic commerce business, or 3% of the automated payment, whichever is less.

History: Add. 2015, Act 231, Eff. Jan. 1, 2016

600.1987 Electronic filing system fee; other fee.

Sec. 1987.

(1) Except for an automated payment service fee collected under section 1986(5), and except as provided in subsection (2), the electronic filing system fee authorized under this chapter is the only fee that may be charged to or collected in a civil action specifically for electronic filing.

(2) If, pursuant to a supreme court order, a court or court funding unit is collecting a fee for electronic filing other than the electronic filing system fee on September 30, 2015, the court or court funding unit may continue to collect \$2.50 for filing or service or \$5.00 for filing and service, in addition to the electronic system filing fee until December 31, 2017.

History: Add. 2015, Act 231, Eff. Jan. 1, 2016 ;-- Am. 2016, Act 519, Imd. Eff. Jan. 9, 2017

600.1988 Fee; limitation.

Sec. 1988.

A court or court funding unit shall not charge a fee to retrieve and inspect a document on site, including a document that was filed electronically, but may charge a fee to copy a document.

History: Add. 2015, Act 235, Eff. Jan. 1, 2016

600.1989 Electronic filing system fee; deposit into judicial electronic filing fund; use.

Sec. 1989.

An electronic filing system fee collected shall be remitted by the clerk to the state treasurer for deposit into the judicial electronic filing fund created under section 176 and shall be used to establish an electronic filing system and supporting technology as provided in this chapter.

History: Add. 2015, Act 232, Eff. Jan. 1, 2016

600.1990 Electronic filing system fee as recoverable taxable cost.

Sec. 1990.

Any electronic filing system fee paid by a party is a recoverable taxable cost.

History: Add. 2015, Act 233, Eff. Jan. 1, 2016

600.1991 Application by court for access to and use of electronic filing system; acceptance by supreme court; use of money from judicial electronic filing fund; selection of qualified vendor.

Sec. 1991.

- (1) A court may apply to the supreme court for access to and use of the electronic filing system.
- (2) If the supreme court accepts a court under subsection (1), the state court administrative office shall use money from the judicial electronic filing fund established under section 176 to pay the costs of technological improvements necessary for that court to operate electronic filing.
- (3) The supreme court may select a qualified vendor for the electronic filing system.

History: Add. 2015, Act 233, Eff. Jan. 1, 2016

600.1992 Filing of electric document not required.

Sec. 1992.

Nothing in this chapter shall be construed to require a person to file a document electronically. A court or court funding unit shall not require or permit a person to file a document electronically except as directed by the supreme court.

History: Add. 2015, Act 233, Eff. Jan. 1, 2016

600.1993 Electronic filing system fee; collection; limitation.

Sec. 1993.

A clerk shall not collect an electronic filing system fee under section 1986(1) after February 28, 2031.

History: Add. 2015, Act 233, Eff. Jan. 1, 2016 ;-- Am. 2019, Act 40, Imd. Eff. June 26, 2019