



SENATE BILL No. 955

March 28, 1996, Introduced by Senators ROGERS, STEIL and BYRUM and referred to the Committee on Local, Urban and State Affairs.

A bill to amend section 2907 of Act No. 236 of the Public Acts of 1961, entitled as amended "Revised judicature act of 1961," being section 600.2907 of the Michigan Compiled Laws; and to add section 2907a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 2907 of Act No. 236 of the Public Acts
2 of 1961, being section 600.2907 of the Michigan Compiled Laws, is
3 amended and section 2907a is added to read as follows:

4 Sec. 2907. (1) ~~Every~~ A person ~~who~~ shall NOT, ~~for vexa-~~
5 ~~tion and trouble~~ VEXATIOUSLY or maliciously, cause or procure
6 any other PERSON to be arrested, attached, or in any way pro-
7 ceeded against, by ~~any~~ process, ~~or~~ civil or criminal action,
8 or ~~in any~~ other manner prescribed by law, to answer to the suit
9 or prosecution of ~~any~~ A THIRD person ~~—~~ without the consent of

1 ~~such~~ THE THIRD person, or where there is no such THIRD person
2 known. ~~, shall be~~

3 (2) A PERSON WHO VIOLATES SUBSECTION (1) IS liable to the
4 person ~~so~~ arrested, attached, or proceeded against, ~~in treble~~
5 FOR TRIPLE the amount of the damages and expenses which, by any
6 verdict, ~~shall be~~ IS found to have been sustained and incurred
7 by ~~him, and shall be~~ THAT PERSON. A PERSON WHO VIOLATES SUBSEC-
8 TION (1) ALSO IS liable to the THIRD person in whose name such
9 arrest or proceeding was had in the sum of ~~-\$200.00~~ \$1,000.00
10 damages. ~~, and shall be deemed~~

11 (3) A PERSON WHO VIOLATES SUBSECTION (1) IS guilty of a mis-
12 demeanor, punishable ~~on conviction~~ by imprisonment ~~in the~~
13 ~~county jail~~ for ~~a term~~ not ~~exceeding 6 months~~ MORE THAN 1
14 YEAR.

15 SEC. 2907A. (1) A PERSON WHO PROCURES A LIEN ON THE REAL OR
16 PERSONAL PROPERTY OF ANOTHER PERSON SHALL PROVIDE NOTICE OF THAT
17 LIEN TO THE PERSON ON WHOSE PROPERTY THE LIEN WAS PROCURED. A
18 NOTICE REQUIRED UNDER THIS SUBSECTION SHALL BE IN WRITING, SHALL
19 BE NOTARIZED, AND SHALL BE SERVED ON THE LIENEE IN PERSON OR
20 MAILED BY REGISTERED OR CERTIFIED MAIL TO THE LIENEE'S LAST KNOWN
21 ADDRESS. A PERSON WHO FAILS TO PROVIDE NOTICE AS REQUIRED UNDER
22 THIS SUBSECTION IS RESPONSIBLE FOR A CIVIL INFRACTION AND SHALL
23 BE ORDERED TO PAY COSTS OF NOT MORE THAN \$100.00 AND A CIVIL FINE
24 OF NOT MORE THAN \$250.00.

25 (2) A PERSON SHALL NOT VEXATIONOUSLY OR MALICIOUSLY PROCURE A
26 LIEN ON THE REAL OR PERSONAL PROPERTY OF ANOTHER. A PERSON WHO
27 VIOLATES THIS SUBSECTION IS LIABLE TO THE PERSON ON WHOSE

1 PROPERTY THE LIEN WAS PROCURED FOR TRIPLE THE AMOUNT OF DAMAGES
2 AND EXPENSES SUSTAINED OR INCURRED BY THAT PERSON DUE TO THE
3 LIEN, INCLUDING THE EXPENSE OF DISCHARGING THE LIEN. A PERSON
4 WHO VIOLATES THIS SUBSECTION ALSO IS GUILTY OF A MISDEMEANOR PUN-
5 ISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR.