



# HOUSE BILL No. 6163

November 28, 2000, Introduced by Rep. Mortimer and referred to the Committee on Family and Civil Law.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending sections 2555 and 2559 (MCL 600.2555 and 600.2559),  
section 2559 as amended by 1994 PA 133.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 2555. ~~The~~ EXCEPT AS PROVIDED IN SECTION 2559(4), A  
2 sheriff or other officer, serving any process or paper, ~~shall~~  
3 ~~only be~~ IS ONLY entitled to traveling fees for ~~such~~ THE serv-  
4 ice ~~,~~ from the county seat of the county in which service was  
5 made ~~,~~ to the place of service. ~~therein.~~

6       Sec. 2559. (1) Except as provided in subsection (2), the  
7 following schedule applies as fees for process served out of the  
8 circuit court, the probate court, the district court, or any  
9 municipal court by ~~any~~ A person authorized ~~pursuant to~~ UNDER  
10 this act or supreme court rule to serve process:

1 (a) For personal service of a summons and complaint in a  
2 civil action, along with supporting documents, AT A MAXIMUM OF  
3 3 ROUND TRIPS for each defendant, \$13.00 plus mileage.

4 (b) For personal service of an affidavit of account and  
5 statement, AT A MAXIMUM OF 3 ROUND TRIPS for each defendant,  
6 \$13.00 plus mileage.

7 (c) For a summons and affidavit in garnishment, AT A MAXIMUM  
8 OF 3 ROUND TRIPS for each garnishee and defendant, \$10.00 plus  
9 mileage.

10 (d) For seizure and delivery of goods in a case of claim and  
11 delivery, AT A MAXIMUM OF 3 ROUND TRIPS FOR EACH CASE, \$27.00  
12 plus mileage, plus the actual and reasonable expense of taking,  
13 keeping, and delivering the goods.

14 (e) For receiving and filing a bond from or on behalf of a  
15 defendant in a case of claim and delivery, AT A MAXIMUM OF  
16 3 ROUND TRIPS FOR EACH DEFENDANT, \$2.00.

17 (f) For an order to show cause, AT A MAXIMUM OF 3 ROUND  
18 TRIPS FOR EACH ORDER, \$13.00 plus mileage.

19 (g) For a subpoena on discovery, AT A MAXIMUM OF 3 ROUND  
20 TRIPS FOR EACH SUBPOENA, \$13.00 plus mileage.

21 (h) For a writ, affidavit, and bond in a case of attachment,  
22 AT A MAXIMUM OF 3 ROUND TRIPS FOR EACH CASE, \$13.00 plus  
23 mileage.

24 (i) For the seizure of property in a case of attachment, AT  
25 A MAXIMUM OF 3 ROUND TRIPS FOR EACH CASE, \$27.00 plus mileage,  
26 plus the actual and reasonable expense for taking and keeping the  
27 property.

1       (j) For levy under a writ of execution, AT A MAXIMUM OF  
2 3 ROUND TRIPS FOR EACH WRIT, \$27.00 plus mileage, plus the actual  
3 and reasonable expense for taking, keeping, and sale, plus, if  
4 the judgment is satisfied prior to sale, 7% of the first  
5 \$5,000.00 in receipts and 3% of receipts exceeding the first  
6 \$5,000.00.

7       (k) For sale on levy in a case of execution, AT A MAXIMUM OF  
8 3 ROUND TRIPS FOR EACH CASE, 7% of the first \$5,000.00 in  
9 receipts and 3% of any receipts exceeding the first \$5,000.00.

10       (l) For each notice of sale on levy in the case of an execu-  
11 tion or mechanics lien posted in a public place in the city or  
12 township, AT A MAXIMUM OF 3 ROUND TRIPS FOR EACH NOTICE, \$13.00  
13 plus mileage.

14       (m) For a writ for the restitution of premises, AT A MAXIMUM  
15 OF 3 ROUND TRIPS FOR EACH WRIT, \$27.00 plus mileage, plus the  
16 actual and reasonable expense for moving property out of the  
17 premises.

18       (n) For a subpoena directed to a witness, including a judg-  
19 ment debtor, AT A MAXIMUM OF 3 ROUND TRIPS FOR EACH SUBPOENA,  
20 \$13.00 plus mileage.

21       (o) For a civil bench warrant or body execution, AT A MAXI-  
22 MUM OF 3 ROUND TRIPS FOR EACH BENCH WARRANT OR BODY EXECUTION,  
23 \$27.00 plus mileage, plus \$13.00 per hour for the amount of time  
24 ~~—, if any,~~ involved in executing the warrant.

25       (2) Each of the fees prescribed in subsection (1), except  
26 the fee prescribed in subsection (1)(e), shall increase by \$1.00

1 on October 1, 1995, \$1.00 on October 1, 1996, and \$1.00 on  
2 October 1, 1997.

3 (3) Upon submitting a sworn affidavit, a person who serves  
4 process out of the circuit court, the probate court, the district  
5 court, or any municipal court is entitled to receive a \$10.00 fee  
6 PLUS MILEAGE for each process that has an incorrect address.  
7 This fee is in addition to any fee to which the person is enti-  
8 tled under subsection (1), EXCLUDING MILEAGE.

9 (4) Mileage allowed under subsection (1) AND INCREASED UNDER  
10 SUBSECTION (2) shall be the same rate per mile, each way, as the  
11 rate allowed by the state civil service commission for employees  
12 in the state classified civil service and shall be computed by  
13 the shortest distance from the ~~place of service to~~ CIRCUIT  
14 COURT WITHIN THE COUNTY TO 1 OF the following ~~location~~  
15 LOCATIONS:

16 (a) For service out of any court other than the district  
17 court, and within the same county, to the court.

18 (b) For service out of any court other than the district  
19 court, but outside of the county in which the process originates,  
20 to the comparable court in that county.

21 (c) For service out of the district court and within the  
22 same district, to the court which is the place of return.

23 (d) For service out of the district court, but outside of  
24 the district in which the process originates, to the place of the  
25 court in that district.

26 (5) The fees allowed for the service of an execution and for  
27 advertising in conjunction with an execution shall be collected

1 by virtue of the execution, in the same manner as the sum  
2 directed to be levied in the execution. If there are several  
3 executions against the defendant, at the time of the advertising  
4 of the defendant's property, in the hands of the same sheriff or  
5 other officer, there shall be only 1 advertising fee charged on  
6 the whole, and the sheriff or other officer shall elect upon  
7 which execution he or she will receive that fee.

8 (6) ~~Any~~ A person who serves process out of the circuit  
9 court, the probate court, the district court, or ~~any~~ A munici-  
10 pal court and who demands or receives ~~any~~ A greater ~~fees~~ FEE  
11 or compensation for performing ~~any of the services~~ A SERVICE  
12 mentioned in this section than as allowed by this section, shall,  
13 in addition to all other liabilities now provided by law, be  
14 liable to the party injured, for paying the illegal fees, in 3  
15 times the amount ~~so~~ demanded, received, or paid, together with  
16 all costs of the action.

17 (7) ~~Any~~ A sheriff or other officer who, after the fees  
18 specified by this section have been tendered, neglects or refuses  
19 ~~any of the services~~ A SERVICE required by law shall be liable  
20 to the party injured for all damages ~~which~~ THAT the party sus-  
21 tains by reason of that neglect or refusal.