

# HOUSE BILL No. 6534

December 3, 2002, Introduced by Rep. Bradstreet and referred to the Committee on Civil Law and the Judiciary.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending section 8408 (MCL 600.8408), as amended by 1991 PA  
192.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 8408. (1) ~~An~~ EXCEPT AS PROVIDED IN THIS CHAPTER,  
2 ONLY THE PLAINTIFF, THE DEFENDANT, OR A COLLECTION AGENCY OR AN  
3 AGENT OR EMPLOYEE OF A COLLECTION AGENCY ACTING FOR A PLAINTIFF  
4 OR DEFENDANT MAY PARTICIPATE IN FILING, PROSECUTING, OR DEFENDING  
5 LITIGATION IN THE SMALL CLAIMS DIVISION. EXCEPT AS PROVIDED IN  
6 THIS CHAPTER, AN attorney at law, except on the attorney's own  
7 behalf, ~~a collection agency or agent or employee of a collection~~  
8 ~~agency, or a person other than the plaintiff and defendant,~~  
9 ~~except as is otherwise provided in this chapter,~~ shall not take

1 part in ~~the~~ filing, ~~prosecution, or defense of~~ PROSECUTING,  
2 OR DEFENDING litigation in the small claims division.

3       (2) A sole proprietorship, partnership, or corporation as  
4 plaintiff or defendant may be represented by an officer or  
5 employee who has direct and personal knowledge of facts in  
6 dispute. If the officer or employee who has direct and personal  
7 knowledge of facts in dispute is no longer employed by the  
8 defendant or plaintiff or is medically unavailable, the represen-  
9 tation may be ~~made~~ by that person's supervisor, or by the sole  
10 proprietor, a partner, or an officer or a member of the board of  
11 directors of a corporation.

12       (3) A county, city, village, township, or local or interme-  
13 diate school district as plaintiff or defendant may be repre-  
14 sented only by an elected or appointed officer or an employee who  
15 has direct and personal knowledge of the facts in dispute. If  
16 the officer or employee who has direct and personal knowledge of  
17 the facts in dispute is no longer an officer or employee of the  
18 plaintiff or defendant, the representation may be ~~made~~ by that  
19 officer's successor or that employee's supervisor, or by a member  
20 of the governing body of the county, city, village, township, or  
21 local or intermediate school district. ~~In addition, a~~ A person  
22 may not represent a county, city, village, township, or local or  
23 intermediate school district in the small claims division unless  
24 authorized to appear in the case by the governing body of the  
25 county, city, village, township, or local or intermediate school  
26 district.

1       (4) Before commencement of a trial, the plaintiff or  
2 defendant may, upon demand, require that the trial be conducted  
3 before a district court judge and not a magistrate ~~—~~ or may  
4 remove the case from the small claims division to the general  
5 civil division of the district court. If the parties commence a  
6 trial of the case in the small claims division, both parties  
7 waive all rights mentioned in section 8412.