

# SENATE BILL No. 158

February 11, 2003, Introduced by Senators PATTERSON, KUIPERS, BISHOP, BIRKHOLZ and CROSEY and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled  
 "Revised judicature act of 1961,"  
 by amending section 5759 (MCL 600.5759).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 5759. (1) In proceedings under this chapter, costs may  
 2 be allowed in the same amounts as are provided by law in other  
 3 civil actions in the same court, except that the costs provided  
 4 by section 2441 shall not apply. The court may also allow as  
 5 taxable costs an amount not exceeding the following:

6           (a) For a motion ~~which~~ **that** results in dismissal or  
 7 judgment, ~~-\$20.00~~ **\$75.00**.

8           (b) For a judgment taken by default **or consent**, ~~-\$15.00~~  
 9 **\$75.00**.

10          (c) For the trial of a claim for possession only, ~~-\$20.00~~  
 11 **\$150.00**.

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1 (d) For the trial of a claim for ~~damages~~ **a money judgment**  
2 only, ~~-\$20.00~~ **\$150.00**.

3 (e) For a trial including both a claim for possession and a  
4 claim for **a money judgment**, ~~-\$30.00~~ **\$150.00**.

5 (2) In determining taxable costs in tenancy cases, the judge  
6 shall take into consideration whether the jury or judge found  
7 that a portion of the rent allegedly due to the plaintiff was  
8 excused by reason of the plaintiff's breach of the lease or  
9 breach of his **or her** statutory covenants.

10 Enacting section 1. This amendatory act takes effect  
11 January 1, 2003.