

Legislative Analysis



LEGAL NOTICES: CONTINUE TO ADJUST FEES FOR INFLATION

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Senate Bill 236 without amendment
Sponsor: Sen. Tonya Schuitmaker
House Committee: Judiciary
Senate Committee: Judiciary

Complete to 5-31-13

A SUMMARY OF SENATE BILL 236 AS REPORTED BY HOUSE COMMITTEE 5-23-13

The bill would eliminate a sunset provision in the Revised Judicature Act so that the fees charged for publishing legal notices in newspapers would continue to be adjusted annually for inflation. The inflation adjustments were added to statute beginning March 1, 2008, but were only authorized for five years.

Certain judicial proceedings require a notice to be published in a newspaper; for example, mortgage foreclosures and probate notices, or orders, citations, summonses, advertisements, and other matters arising out of court proceedings that are required by law to be published. The maximum fees that can be charged by newspapers to publish a legal notice are established by statute. In 2006, Public Act 506 raised the fees and required the fees to be adjusted annually by the percentage increase in the U.S. Consumer Price Index for the immediately preceding calendar year, with the amount rounded to the nearest multiple of five cents. However, PA 506 only authorized the annual fee increase for five years beginning March 1, 2008.

MCL 600.2534

FISCAL IMPACT:

For local units that are involved in legal proceedings for which there are legally required published notices, costs would be increased as a result of the requirement to annually adjust rate parameters by the percentage increase in the United States consumer price index.

POSITIONS:

The Michigan Press Association and Legal News Publishing indicated support for the bill. (5-16-13)

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