

**District Court Fee and Assessments Table  
March 2016**

**CIVIL FEES**

<b>Assessment</b>	<b>Authority (MCL)</b>	<b>Required or Discretionary</b>	<b>Amount Requirements</b>	<b>Waivable<sup>1</sup></b>	<b>Distribution</b>
General Civil Filing Fees	600.8371(2) 600.8371(3) 600.8371(4) 600.8371(5) 600.8371(8)	Required	\$25 for claim up to \$600	Yes <sup>2</sup>	\$11 Funding Unit \$14 Civil Filing Fee Fund
			\$45 for claim over \$600 up to \$1,750		\$17 Funding Unit \$28 Civil Filing Fee Fund
			\$65 for claim over \$1,750 up to \$10,000		\$23 Funding Unit \$42 Civil Filing Fee Fund
			\$150 for claim over \$10,000		\$31 Funding Unit \$119 Civil Filing Fee Fund
			\$65 for claim other than for a money judgment		\$23 Funding Unit \$42 Civil Filing Fee Fund
Small Claims Filing Fees	600.8420(1)(a) 600.8420(1)(b) 600.8420(1)(c)	Required	\$25 for claim up to \$600	Yes <sup>2</sup>	\$11 Funding Unit \$14 Civil Filing Fee Fund
			\$45 for claim over \$600 up to \$1,750		\$17 Funding Unit \$28 Civil Filing Fee Fund
			\$65 for claim over \$1,750		\$23 Funding Unit \$42 Civil Filing Fee Fund
Summary Proceedings Filing Fees	600.5756(1) 600.5756(2) 600.8371	Required	\$45 for claim for possession of premises	Yes <sup>2</sup>	\$17 Funding Unit \$28 Civil Filing Fee Fund
			Supplemental filing fee for money judgment: \$25 for claim up to \$600		\$11 Funding Unit \$14 Civil Filing Fee Fund
			\$45 for claim over \$600 up to \$1,750		\$17 Funding Unit \$28 Civil Filing Fee Fund
			\$65 for claim over \$1,750 up to \$10,000		\$23 Funding Unit \$42 Civil Filing Fee Fund
			\$150 for claim over \$10,000		\$31 Funding Unit \$119 Civil Filing Fee Fund

<sup>1</sup> Waivable for civil fees means waived or suspended pursuant to statute or court rule. For criminal and traffic cases, waivable means dischargeable or payment alternatives may be used in lieu of payment.

<sup>2</sup> Fees can be waived or suspended pursuant to MCL 600.8371(6) or MCR 2.002. If the court waives payment of a fee for commencing a civil action because the court determines that the party is indigent or unable to pay the fee, the court shall also waive payment of the electronic filing system fee. MCL 600.1986(3).

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Electronic Filing System Fee	<u>600.1986(1)(b),(c),(d)</u>	Required <sup>3</sup>	\$10.00 for civil actions <sup>4</sup> , including actions for summary proceedings	Yes <sup>2</sup>	Applicable fee to Judicial Electronic Filing Fund
			\$20.00 for civil actions if a claim for money damages is joined with a claim for relief other than money damages		
			\$5.00 for small claims civil actions		
Motion Fee (see chart)	<u>600.8371(10)</u>	Required	\$20	Yes <sup>2</sup>	\$10 Funding Unit \$10 State Court Fund
Jury Demand Fee	<u>600.8371(9)</u>	Required	\$50	Yes <sup>2</sup>	\$40 Funding Unit \$10 Juror Comp. Fund
Writ of Garnishment, Attachment, Execution, or Judgment Debtor Discovery Subpoena	<u>600.5757</u> <u>600.8420(2)</u>	Required	\$15	Yes <sup>2</sup>	Funding Unit
Appeals from District Court <sup>5</sup>	<u>600.6536</u>	Required	\$25	Yes <sup>2</sup>	Funding Unit

**CRIMINAL/TRAFFIC ASSESSMENTS**

<sup>3</sup> A party that is a governmental entity is not required to pay an electronic filing system fee. MCL 600.1986(4).

<sup>4</sup> "Civil action" means an action that is not a criminal case, a civil infraction action, a proceeding commenced in the probate court under section 3982 of the estates and protected individuals code, 1988 PA 386, MCL 700.3982, or a proceeding involving a juvenile under chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32. MCL 600.1985(c) The electronic filing system fee does not apply to appeals.

<sup>5</sup> Includes appeals from civil and criminal cases.

**District Court Fee and Assessments Table  
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Assessment	Authority (MCL)	Required or Discretionary	Amount Requirements	Waivable <sup>1</sup>	Distribution
Civil Fines <sup>6</sup>	<u>257.907(2)</u> <u>257.907(3)</u> <u>600.8727(2)</u> <u>600.8827(2)</u> Underlying statute of offense	Either – as reflected in authorizing statute  Discretionary (D) or Required (R)	\$100 max (D) \$250 max for commercial motor vehicle violations (D) \$100 min, \$500 max for failing to stop for school bus (R) \$100 min, \$250 max for disregarding handicap sign (R) \$10 max for young child restraint violations or violation of MCL 257.676a(3) (D) \$50 max for no proof of insurance (D) \$100 for first offense, \$200 for second or subsequent offense for texting (MCL 257.602b(3)) (R) \$15 for violation of MCL 257.240 (R) \$50 for violation of MCL 257.252a(1) (R) \$250 min, \$500 max, in addition to any fine imposed under MCL 257.724 or 257.725, for violation of MCL 257.716(4)(d) (R) \$2,500 min, \$2,750 max for first violation, \$5,000 min, \$5,500 max for second or subsequent violation of MCL 257.319f(1) (R) \$10,000 max for violation of MCL 257.319g(1)(a) (D) \$2,750 min, \$25,000 max for violation of MCL 257.319g(1)(g) (R) Fine + Cost = \$25 for seatbelt violations (R) Fine doubled if violation occurs in work zone, school zone, school bus zone, or emergency scene (MCL 257.601b(1)) (R) Minimum fines for speeding on limited access freeway: (MCL 257.629c(1)) (R) \$10 for 1-5 mph over \$20 for 6-10 mph over \$30 for 11-15 mph over \$40 for 16-25 mph over \$50 for 26+ mph over At-fault accident: Increase by \$25, but max fine \$100 (R)	Yes  Traffic civil infraction fines may not be waived unless costs are waived MCL 257.907(4)	Statute Violation – County treasurer for libraries  Ordinance Violation – Non-commercial Vehicle – 1/3 political sub. whose ordinance was violated; 2/3 funding unit  Ordinance Violation – Commercial Vehicle – 30% county treasurer for libraries; 70% political sub. in which citation was issued

<sup>6</sup> Amount may not be increased after trial when predetermined by published schedule. *People v Courts*, 401 Mich 57 (1977) and *People v Bogedain*, 185 Mich App 349 (1990).

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<b>CRIMINAL/TRAFFIC ASSESSMENTS</b>					
<b>Assessment</b>	<b>Authority (MCL)</b>	<b>Required or Discretionary</b>	<b>Amount Requirements</b>	<b>Waivable<sup>1</sup></b>	<b>Distribution</b>
Penal Fines	Underlying statute of offense <u>750.504</u> <u>769.1k(1)(b)(i)</u> <u>769.3</u> <u>771.3(2)(b)</u>	Either –as reflected in authorizing statute	As reflected in authorizing statute, including \$500 max for misdemeanor if not otherwise fixed by underlying statute of the offense (D)	No if required, otherwise yes	Statute Violation – County treasurer for libraries  Ordinance Violation – 1/3 political sub. whose ordinance was violated; 2/3 funding unit
Court Costs	<u>257.907(4)</u> <u>600.8375</u> <u>600.8727(3)</u> <u>600.8827(3)</u> <u>769.1k(1)(b)(ii)</u> <u>769.3</u> <u>771.3(2)(c)</u>	Discretionary	As reflected in authorizing statute \$100 maximum for traffic civil infractions \$500 maximum for state and municipal civil infractions Cost + Fine = \$25 for seatbelt violations Costs under MCL 769.1k(1)(b)(iii) must be reasonably related to actual costs incurred without separately calculating those costs involved in a particular case. Actual costs include, but are not limited to, salaries and benefits for relevant court personnel, goods and services necessary for the operation of the court, and necessary expenses for the operation and maintenance of court buildings and facilities.	Yes	Statute Violation – Funding unit  Ordinance Violation – 1/3 political sub. whose ordinance was violated; 2/3 funding unit
Costs of Prosecution	Underlying statute of the offense <u>771.3(2)(c)</u>	Either –as reflected in authorizing statute	Costs are limited to expenses specifically incurred in prosecuting the defendant <sup>7</sup>	No if required, otherwise yes	Presumably the unit of government that incurred the costs
Probation Costs	<u>771.3(2)(c)</u>	Discretionary	Costs are limited to expenses specifically incurred in supervising the probationer	Yes	Funding Unit
Justice System Assessment	<u>257.907(13)</u> <u>600.8727(4)</u> <u>600.8827(4)</u>	Required	\$40 – traffic civil infraction, except parking or when fines and costs are \$10 or less \$10 – municipal and state civil infractions	No	Justice System Fund

<sup>7</sup> “When authorized, the costs of prosecution imposed ‘must bear some reasonable relation to the expenses actually incurred in the prosecution.’” *People v Dilworth*, 291 Mich App 399, 401 (2011) (citation omitted). “Furthermore, those costs may *not* include ‘expenditures in connection with the maintenance and functioning of governmental agencies that must be borne by the public irrespective of specific violations of the law.’” *Id.* at 401 (citation omitted). The trial court record must “set[] forth [the] basis for [the] computation [of costs]. . . [and must] disclose an adequate basis therefor.” *People v Wein*, 382 Mich 588, 592 (1969).

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Minimum State Cost	<u>769.1j(1)</u> <u>769.1k(1)(a)</u> <u>771.3(1)(g)</u>	Required if two other assessments are ordered	Minimum amounts assessed per count, based upon conviction: \$50 – misdemeanor \$68 – felony	No <sup>8</sup>	Justice System Fund
Attorney Fees	<u>MCR 6.005(C)</u> <u>769.1k(1)(b)(iv)</u>	Discretionary		Yes	Funding Unit
Reimbursement	<u>769.1f</u> <u>769.1k(1)(b)(vi)</u>	Either – as reflected in authorizing statute	Reimbursement limited to expenses specifically authorized by MCL 769.1f and 769.1g	No	Unit(s) of government named in the order
Crime Victim Rights Assessment	<u>771.3(1)(f)</u> <u>780.905</u>	Required for felony or misdemeanor convictions	One assessment per case, based upon conviction: \$75 – misdemeanor \$130 – felony	No	90% Crime Victim Rights Fund 10% Funding Unit
Appeals from District Court <sup>9</sup>	<u>600.6536</u>	Required	\$25	Yes	Funding Unit
Restitution	<u>769.1a(2)</u> <u>769.3</u> <u>771.3(1)(3)</u> <u>780.826(2)</u>	Required	Required to order each defendant to make full restitution. Since each defendant is required to pay full restitution but should not pay more than the full amount of restitution, the defendants are jointly and severally liable for the entire restitution amount.	No	Victim or Crime Victim Rights Fund if victim cannot be located or refuses to claim restitution <sup>10</sup>
Driver License Clearance Fee	<u>257.321a(5)(b)</u> <u>257.321a(8)(b)</u> <u>257.321a(9)(b)</u>	Required	\$45	No <sup>11</sup>	\$15 Secretary of State \$15 Juror Comp. Fund \$15 Funding unit
20% Late Penalty	<u>600.4803</u>	Required	20% of amount owed, excluding restitution; assessed 56 days after due date	Yes	Funding Unit

<sup>8</sup> A probationer not in willful default of payment may petition the court for remission of any unpaid portion of minimum state cost, pursuant to MCL 771.3(6)(b).

<sup>9</sup> Includes appeals from civil and criminal cases

<sup>10</sup> Restitution disbursements to victims should be made at least once a month. If a person entitled to receive restitution that the court has collected cannot be located, refuses to claim it from the court within two years of being eligible to do so, or refuses to accept the restitution, the court must remit the unclaimed amount to the Crime Victim Rights Fund on its monthly transmittal to the state.

<sup>11</sup> Except for court error or if person found not responsible for all parking violations causing suspension.

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Costs to Compel Appearance	<u>257.729</u> <u>600.8735</u> <u>600.8835</u> <u>769.1k(2)</u>	Discretionary		Yes	Funding Unit
Judgment Fee	<u>324.1609</u>	Required	\$10	No	State Game and Fish Protection Account
Forfeitures for Value of Game	<u>324.40119</u>	Required	\$5,000 per animal – elk, moose \$3,500 per animal – bear \$1,500 per animal – eagle, hawk, or any animal specified in <u>MCL 324.36505</u> \$1,000 per animal – deer, owl, and wild turkey \$500 per animal – waterfowl \$100 min, \$500 max per animal – other game not listed above \$100 per animal – other protected animals Additional \$1,000 per antlered white-tailed deer plus either: \$500 per point if at least 8 but not more than 10 points OR \$750 per point if 11 or more points Additional \$250 for each point for an antlered elk with at least 8 but not more than 10 points. \$500 for an antlered elk with 11 or more points, \$500.00 for each point. Additional \$5,000 for antlered moose Additional \$1,000 for turkey with a beard	Yes <sup>12</sup>	State Game and Fish Protection Account
Forfeitures for Value of Game Fish	<u>324.48740</u>	Required	\$10 per pound – each game fish other than sturgeon weighing 1 pound or more \$10 per fish – each game fish other than sturgeon weighing less than 1 pound \$1,500 per fish – sturgeon \$5 per pound – each nongame fish	No	State Game and Fish Protection Account
No Proof of Insurance Fee	<u>257.328(3)(c)</u>	Discretionary	\$25 maximum	Yes	Funding Unit

<sup>12</sup> Forfeitures may be revoked, in whole or in part, pursuant to MCL 324.40119(7).

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DNA Assessment	<u>28.176(5)</u>	Required at conviction for attempted felony and specific misdemeanors <sup>13</sup>	\$60	Yes <sup>14</sup>	10% Funding Unit 25% Law enforcement agency that collected the DNA sample 65% to state treasurer for deposit in the justice system fund
Interpretation Costs	MCR 1.111(F)(5)	Discretionary	Party must be financially able to pay pursuant to MCR 1.111(A)(3)	Yes	Funding Unit
Marriage Fee	<u>600.8316(1)</u>	Required	\$10	Yes <sup>15</sup>	Funding unit of court in which judge or magistrate performing marriage serves
NSF Check Costs	MCR 8.106(E)	Discretionary	Reasonable expenses incurred	Yes	Funding Unit

**NOTE:** Courts can only assess what is authorized by statute or court rule. There is no authority for a court to impose any costs on a criminal defendant if he or she is not convicted of a crime unless otherwise provided by statute.

<sup>13</sup> MCL 28.176(5) requires the assessment for offenses listed in subsection (1). This includes conviction of a felony, attempted felony or any of the following misdemeanors, including substantially corresponding local ordinances: a violation of section 167(1)(c), (f), or (i) of the Michigan penal code, 1931 PA 328, MCL 750.167, disorderly person by window peeping, engaging in indecent or obscene conduct in public, or loitering in a house of ill fame or prostitution; a violation of section 335a(1) of the Michigan penal code, 1931 PA 328, MCL 750.335a, indecent exposure; a violation punishable under section 451(1) or (2) of the Michigan penal code, 1931 PA 328, MCL 750.451, first and second prostitution violations; a violation of section 454 of the Michigan penal code, 1931 PA 328, MCL 750.454, leasing a house for purposes of prostitution. [MCL 750.520m(1)(b)]

<sup>14</sup> The court may suspend payment of all or part of the assessment if it determines the individual is unable to pay the assessment. MCL 28.176(7).

<sup>15</sup> Fee can be waived pursuant to MCL 600.8316(2).

## PROCESS SERVICE FEES

Effective: March 28, 2013

<u>MCL</u>	<u>Description</u>	<u>Fee<sup>1</sup></u>
600.2559(1)(a)	Personal service of a summons and complaint in a civil action, along with supporting documents, for each defendant. <sup>2</sup>	\$26.00
600.2559(1)(b)	Personal service of an affidavit of account and statement, for each defendant. <sup>2</sup>	\$26.00
600.2559(1)(c)	A request and writ of garnishment for each garnishee and defendant. <sup>2</sup>	\$23.00
600.2559(1)(d)	Personal service of an order to seize goods subject to claim and delivery action. <sup>3,9</sup>	\$40.00
600.2559(1)(e)	Receiving and filing a bond from or on behalf of a defendant in a claim and delivery action.	\$20.00
600.2559(1)(f)	An order to show cause, for each person served. <sup>2</sup>	\$26.00
600.2559(1)(g)	Subpoena on discovery for each person served. <sup>2</sup>	\$26.00
600.2559(1)(h)	Levy under or service of an order to seize property and any accompanying paper. <sup>4,9</sup>	\$40.00
600.2559(1)(k)	Each notice of sale under an order for the seizure of property or construction lien posted in a public place in the city or township. <sup>2,9</sup>	\$26.00
600.2559(1)(l)	Order of eviction or a writ for the restitution of premises, for each defendant. <sup>2,5</sup>	\$40.00
600.2559(1)(m);	Subpoena directed to a witness, including a judgment debtor. <sup>2</sup>	\$26.00
600.2559(1)(n)	Civil bench warrant or body execution. <sup>2,6</sup>	\$40.00
600.2559(1)(o)	Service by mail. <sup>2,7</sup>	\$13.00
600.2559(1)(p)	Each verification. <sup>2</sup>	\$10.00
600.2559(1)(q)	Each postal change of address verification requested by the plaintiff.	\$10.00
600.2559(3)	Incorrect address; sworn affidavit required. <sup>8</sup>	\$10.00



## PROCESS SERVICE FEES (Cont'd.)

Effective: March 28, 2013

### ADDITIONAL INFORMATION:

Mileage under 600.2559(1) shall be 1½ times the rate allowed by the state civil service commission for employees in the state classified civil service. See Treasury letter 2005-6. Mileage is computed each way, using the shortest reasonable route from the place where the court that issued or filed the process or paper is located to the place of service. [MCL 600.2559(4)] Mileage fee may not exceed 75 miles each way. [MCL 600.2555] See mileage rate chart at:

<http://courts.mi.gov/Administration/SCAO/Resources/Documents/other/mileage.pdf>

For seizure of property under an order for the seizure of property<sup>9</sup> in an action in which a judgment is entered against the owner of the property, regardless of whether the judgment is entered before or after the order is issued, and if the judgment is satisfied prior to sale of the seized property by full payment of the judgment or settlement, fees allowed are 7 percent of the first \$8,000 of the payment or settlement amount and 3 percent of the payment or settlement amount exceeding the first \$8,000.00. [MCL 600.2559(1)(i)]

For sale of property seized under an order for the seizure of property<sup>9</sup>, fees allowed are 7 percent of the first \$8,000 in receipts and 3 percent of any receipts exceeding the first \$7,000. [MCL 600.2559(1)(j)]

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<sup>1</sup> A person authorized to serve process may charge a greater fee if agreed to in advance in writing with the person requesting the service. [MCL 600.2559(8)] Regardless of whether a greater fee is charged or paid under 600.2559(8), the fee taxable as costs cannot be greater than the fee prescribed by law. [MCL 600.2559(9)]

<sup>2</sup> Fee plus mileage.

<sup>3</sup> Fee plus mileage plus the actual and reasonable expense of seizing, keeping, and delivering the goods.

<sup>4</sup> Fee plus mileage plus the actual and reasonable expense for seizing and keeping the property.

<sup>5</sup> Fee plus mileage plus the actual and reasonable expense for the physical removal of property from the premises.

<sup>6</sup> Fee plus mileage plus a reasonable fee per hour for the amount of time involved in executing the warrant.

<sup>7</sup> Fee plus actual cost of postage.

<sup>8</sup> Fee plus mileage in addition to fees and mileage allowed under 600.2559(1).

<sup>9</sup> "Order for the seizure of property" includes a writ of attachment and a writ of execution, including, but not limited to, execution in a claim and delivery action on property other than the property that is the subject of the claim and delivery action.