



SENATE BILL No. 196

February 1, 1995, Introduced by Senators HOFFMAN,
CISKY, GEAKE and ROGERS and referred to the
Committee on Judiciary.

A bill to amend section 8408 of Act No. 236 of the Public Acts of 1961, entitled as amended "Revised judicature act of 1961," as amended by Act No. 192 of the Public Acts of 1991, being section 600.8408 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 8408 of Act No. 236 of the Public Acts
2 of 1961, as amended by Act No. 192 of the Public Acts of 1991,
3 being section 600.8408 of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 8408. (1) An attorney at law, except on the attorney's
6 own behalf, a collection agency or agent or employee of a collec-
7 tion agency, or a person other than the plaintiff and defendant,
8 except as is otherwise provided in this chapter, shall not take

1 part in the filing, prosecution, or defense of litigation in the
2 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 person may
22 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) IN AN ACTION BROUGHT BY A LANDLORD TO RECOVER A MONEY
2 JUDGMENT OR A SECURITY DEPOSIT OR THE BALANCE OF A SECURITY
3 DEPOSIT UNDER SECTION 13 OF ACT NO. 348 OF THE PUBLIC ACTS OF
4 1972, BEING SECTION 554.613 OF THE MICHIGAN COMPILED LAWS, THE
5 LANDLORD MAY BE REPRESENTED BY A PERSON WHO MEETS ALL OF THE FOL-
6 LOWING REQUIREMENTS:

7 (A) IS LICENSED AS A REAL ESTATE BROKER, ASSOCIATE REAL
8 ESTATE BROKER, OR REAL ESTATE SALESPERSON UNDER ARTICLE 25 OF THE
9 OCCUPATIONAL CODE, ACT NO. 299 OF THE PUBLIC ACTS OF 1980, BEING
10 SECTIONS 339.2501 TO 339.2518 OF THE MICHIGAN COMPILED LAWS.

11 (B) ACTS AS THE LANDLORD'S AGENT PURSUANT TO A WRITTEN
12 AGREEMENT, OR IS EMPLOYED BY A CORPORATION, PARTNERSHIP, OR OTHER
13 LEGAL ENTITY THAT ACTS AS THE LANDLORD'S AGENT PURSUANT TO A
14 WRITTEN AGREEMENT, IN RENTING OR MANAGING THE RENTAL UNIT FOR
15 WHICH THE CONTESTED SECURITY DEPOSIT WAS REQUIRED.

16 (C) HAS DIRECT AND PERSONAL KNOWLEDGE OF THE FACTS IN
17 DISPUTE.

18 (5) ~~-(4)-~~ Before commencement of a trial, the plaintiff or
19 defendant may, upon demand, require that the trial be conducted
20 before a district court judge and not a magistrate, or may remove
21 the case from the small claims division to the general civil
22 division of the district court. If the parties commence a trial
23 of the case in the small claims division, both parties waive all
24 rights mentioned in section 8412.