

SUBSTITUTE FOR
HOUSE BILL NO. 4871

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**.

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 July
11 1, 2004.