

SUBSTITUTE FOR
SENATE BILL NO. 664

A bill to amend 1972 PA 284, entitled
"Business corporation act,"
by amending section 131 (MCL 450.1131), as amended by 2001 PA 57.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 131. (1) A document required or permitted to be filed
2 under this act shall be ~~filed~~ **SUBMITTED** by delivering the
3 document to the administrator together with the fees and
4 accompanying documents required by law. The administrator may
5 establish a procedure for accepting delivery **OF A DOCUMENT**
6 **SUBMITTED UNDER THIS SUBSECTION** by facsimile or other electronic
7 transmission. **HOWEVER, BY DECEMBER 31, 2006, THE ADMINISTRATOR**
8 **SHALL ESTABLISH A PROCEDURE FOR ACCEPTING DELIVERY OF A DOCUMENT**
9 **SUBMITTED UNDER THIS SUBSECTION BY ELECTRONIC MAIL OR OVER THE**

1 INTERNET. BEGINNING JANUARY 1, 2007, THE ADMINISTRATOR SHALL ACCEPT
2 DELIVERY OF DOCUMENTS SUBMITTED BY ELECTRONIC MAIL OR OVER THE
3 INTERNET.

4 (2) If ~~the~~ A document SUBMITTED UNDER SUBSECTION (1)
5 substantially conforms to the requirements of this act, the
6 administrator shall endorse upon it the word "filed" with his or
7 her official title and the date of receipt and of filing and shall
8 file and index the document or a photostatic, micrographic,
9 photographic, optical disc media, or other reproduced copy in his
10 or her office. If ~~so~~ requested at the time of the delivery of the
11 document to his or her office, the administrator shall include the
12 hour of filing in ~~his or her~~ THE endorsement ON THE DOCUMENT.

13 (3) The administrator shall ~~prepare and~~ return a ~~true~~ copy
14 of ~~the~~ A document FILED UNDER SUBSECTION (2), other than an
15 annual report, or, at his or her discretion, the original, to the
16 person who submitted it for filing. ~~showing the filing date.~~ THE
17 ADMINISTRATOR SHALL MARK THE FILING DATE ON THE COPY OR ORIGINAL
18 BEFORE RETURNING IT OR, IF THE DOCUMENT WAS SUBMITTED BY ELECTRONIC
19 MAIL OR OVER THE INTERNET, MAY PROVIDE PROOF OF THE FILING DATE TO
20 THE PERSON WHO SUBMITTED THE DOCUMENT FOR FILING IN ANOTHER MANNER
21 DETERMINED BY THE ADMINISTRATOR.

22 (4) The records and files of the administrator relating to
23 domestic and foreign corporations shall be open to reasonable
24 inspection by the public. The ~~records or files, at the discretion~~
25 ~~of the~~ administrator ~~, may be maintained~~ MAY MAINTAIN RECORDS OR
26 FILES either in their original form or in photostatic,
27 micrographic, photographic, optical disc media, or other reproduced

1 form.

2 (5) The administrator may make ~~reproductions of~~ **COPIES OF**
3 **ANY** documents filed under this act ~~—~~ or any predecessor act ~~—~~
4 by photostatic, micrographic, photographic, optical disc media, or
5 other reproduced form and may destroy the originals of the **COPIED**
6 documents. ~~so reproduced. (2)~~ A photostatic, micrographic,
7 photographic, optical disc media, or other reproduced copy
8 certified by the administrator, ~~which may be~~ **INCLUDING A COPY**
9 sent by facsimile or other electronic transmission, ~~shall be~~ **IS**
10 considered an original for all purposes and is admissible in
11 evidence in like manner as an original.

12 (6) ~~(3) The~~ A document **FILED UNDER SUBSECTION (2)** is
13 effective at the time it is endorsed unless a subsequent effective
14 time, not later than 90 days after the date of delivery, is set
15 forth in the document.

16 (7) **THE ADMINISTRATOR SHALL CHARGE 1 OF THE FOLLOWING**
17 **NONREFUNDABLE FEES IF EXPEDITED FILING OF A DOCUMENT BY THE**
18 **ADMINISTRATOR IS REQUESTED AND THE ADMINISTRATOR SHALL RETAIN THE**
19 **REVENUE COLLECTED UNDER THIS SUBSECTION AND THE DEPARTMENT SHALL**
20 **USE IT TO CARRY OUT ITS DUTIES REQUIRED BY LAW:**

21 (A) FOR ANY FILING THAT A PERSON REQUESTS THE ADMINISTRATOR TO
22 COMPLETE WITHIN 1 HOUR ON THE SAME DAY AS THE DAY OF THE REQUEST,
23 \$1,000.00. THE DEPARTMENT MAY ESTABLISH A DEADLINE BY WHICH A
24 PERSON MUST SUBMIT A REQUEST FOR FILING UNDER THIS SUBDIVISION.

25 (B) FOR ANY FILING THAT A PERSON REQUESTS THE ADMINISTRATOR TO
26 COMPLETE WITHIN 2 HOURS ON THE SAME DAY AS THE DAY OF THE REQUEST,
27 \$500.00. THE DEPARTMENT MAY ESTABLISH A DEADLINE BY WHICH A PERSON

1 MUST SUBMIT A REQUEST FOR FILING UNDER THIS SUBDIVISION.

2 (C) EXCEPT FOR A FILING REQUEST UNDER SUBDIVISION (A) OR (B),
3 FOR THE FILING OF ANY FORMATION OR QUALIFICATION DOCUMENT THAT A
4 PERSON REQUESTS THE ADMINISTRATOR TO COMPLETE ON THE SAME DAY AS
5 THE DAY OF THE REQUEST, \$100.00. THE DEPARTMENT MAY ESTABLISH A
6 DEADLINE BY WHICH A PERSON MUST SUBMIT A REQUEST FOR FILING UNDER
7 THIS SUBDIVISION.

8 (D) EXCEPT FOR A FILING REQUEST UNDER SUBDIVISION (A) OR (B),
9 FOR THE FILING OF ANY OTHER DOCUMENT CONCERNING AN EXISTING
10 DOMESTIC CORPORATION OR A QUALIFIED FOREIGN CORPORATION THAT A
11 PERSON REQUESTS THE ADMINISTRATOR TO COMPLETE ON THE SAME DAY AS
12 THE DAY OF THE REQUEST, \$200.00. THE DEPARTMENT MAY ESTABLISH A
13 DEADLINE BY WHICH A PERSON MUST SUBMIT A REQUEST FOR FILING UNDER
14 THIS SUBDIVISION.

15 (E) FOR THE FILING OF ANY FORMATION OR QUALIFICATION DOCUMENT
16 THAT A PERSON REQUESTS THE ADMINISTRATOR TO COMPLETE WITHIN 24
17 HOURS OF THE TIME THE ADMINISTRATOR RECEIVES THE REQUEST, \$50.00.

18 (F) FOR THE FILING OF ANY OTHER DOCUMENT CONCERNING AN
19 EXISTING DOMESTIC CORPORATION OR A QUALIFIED FOREIGN CORPORATION
20 THAT A PERSON REQUESTS THE ADMINISTRATOR TO COMPLETE WITHIN 24
21 HOURS OF THE TIME THE ADMINISTRATOR RECEIVES THE REQUEST, \$100.00.

22 Enacting section 1. This amendatory act takes effect January
23 1, 2006.

24 Enacting section 2. This amendatory act does not take effect
25 unless Senate Bill No. 298 of the 93rd Legislature is enacted into
26 law.