

HOUSE BILL No. 6279

June 28, 2006, Introduced by Reps. Palmer, Bieda, Vander Veen, Huizenga, Baxter, Sheen, Pastor, Garfield, Taub, Pearce, Brandenburg, Casperson, Gosselin, Robertson, Moolenaar, Hoogendyk, Drolet and Murphy and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding chapter 10B.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER 10B

BUSINESS COURTS

SEC. 1085. (1) AS USED IN THIS CHAPTER:

(A) "BUSINESS ENTERPRISE" MEANS A SOLE PROPRIETORSHIP,
PARTNERSHIP, LIMITED PARTNERSHIP, JOINT VENTURE, LIMITED LIABILITY
COMPANY, LIMITED LIABILITY PARTNERSHIP, FOR-PROFIT OR NOT-FOR-
PROFIT CORPORATION OR PROFESSIONAL CORPORATION, BUSINESS TRUST,
REAL ESTATE INVESTMENT TRUST, OR ANY OTHER ENTITY IN WHICH A
BUSINESS MAY LAWFULLY BE CONDUCTED IN THE JURISDICTION IN WHICH THE
BUSINESS IS BEING CONDUCTED. BUSINESS ENTERPRISE DOES NOT INCLUDE
AN ECCLESIASTICAL OR RELIGIOUS ORGANIZATION.

(B) "BUSINESS OR COMMERCIAL DISPUTE" MEANS ANY OF THE

1 FOLLOWING:

2 (i) AN ACTION IN WHICH ALL OF THE PARTIES ARE BUSINESS
3 ENTERPRISES.

4 (ii) AN ACTION IN WHICH 1 OR MORE OF THE PARTIES IS A BUSINESS
5 ENTERPRISE AND THE OTHER PARTIES ARE ITS OR THEIR PRESENT OR FORMER
6 OWNERS, MANAGERS, SHAREHOLDERS, MEMBERS, DIRECTORS, OFFICERS,
7 AGENTS, EMPLOYEES, SUPPLIERS, CUSTOMERS, OR COMPETITORS, AND THE
8 CLAIMS ARISE OUT OF THOSE RELATIONSHIPS.

9 (iii) AN ACTION IN WHICH 1 OF THE PARTIES IS A NONPROFIT
10 ORGANIZATION, AND THE CLAIMS ARISE OUT OF THAT PARTY'S
11 ORGANIZATIONAL STRUCTURE, GOVERNANCE, OR FINANCES.

12 (iv) AN ACTION INVOLVING THE SALE, MERGER, PURCHASE,
13 COMBINATION, DISSOLUTION, LIQUIDATION, ORGANIZATIONAL STRUCTURE,
14 GOVERNANCE, OR FINANCES OF A BUSINESS ENTERPRISE.

15 (2) BUSINESS OR COMMERCIAL DISPUTES INCLUDE, BUT ARE NOT
16 LIMITED TO, THE FOLLOWING TYPES OF ACTIONS:

17 (A) THOSE INVOLVING INFORMATION TECHNOLOGY, SOFTWARE, OR
18 WEBSITE DEVELOPMENT, MAINTENANCE, OR HOSTING.

19 (B) THOSE INVOLVING THE INTERNAL ORGANIZATION OF BUSINESS
20 ENTITIES AND THE RIGHTS OR OBLIGATIONS OF SHAREHOLDERS, PARTNERS,
21 MEMBERS, OWNERS, OFFICERS, DIRECTORS, OR MANAGERS.

22 (C) THOSE ARISING OUT OF CONTRACTUAL AGREEMENTS OR OTHER
23 BUSINESS DEALINGS, INCLUDING LICENSING, TRADE SECRET, NONCOMPETE,
24 NONSOLICITATION, AND CONFIDENTIALITY AGREEMENTS.

25 (D) THOSE ARISING OUT OF COMMERCIAL TRANSACTIONS, INCLUDING
26 COMMERCIAL BANK TRANSACTIONS.

27 (E) THOSE ARISING OUT OF BUSINESS OR COMMERCIAL INSURANCE

1 POLICIES.

2 (F) THOSE INVOLVING COMMERCIAL REAL PROPERTY.

3 (3) NOTWITHSTANDING SUBSECTIONS (1) AND (2), BUSINESS OR
4 COMMERCIAL DISPUTES EXPRESSLY EXCLUDE THE FOLLOWING TYPES OF
5 ACTIONS:

6 (A) PERSONAL INJURY ACTIONS INVOLVING ONLY PHYSICAL INJURIES
7 TO 1 OR MORE INDIVIDUALS, INCLUDING WRONGFUL DEATH AND MALPRACTICE
8 ACTIONS AGAINST ANY HEALTH CARE PROVIDER.

9 (B) PRODUCT LIABILITY ACTIONS IN WHICH ANY CLAIMANT IS AN
10 INDIVIDUAL.

11 (C) MATTERS WITHIN THE JURISDICTION OF THE FAMILY DIVISION OF
12 CIRCUIT COURT.

13 (D) PROCEEDINGS UNDER THE PROBATE CODE OF 1939, 1939 PA 288,
14 MCL 710.21 TO 712A.32.

15 (E) PROCEEDINGS UNDER THE ESTATES AND PROTECTED INDIVIDUALS
16 CODE, 1998 PA 386, MCL 700.1101 TO 700.8102.

17 (F) CRIMINAL MATTERS.

18 (G) CONDEMNATION MATTERS.

19 (H) APPEALS FROM LOWER COURTS OR ANY ADMINISTRATIVE AGENCY.

20 (I) PROCEEDINGS TO ENFORCE JUDGMENTS OF ANY KIND.

21 (J) LANDLORD-TENANT MATTERS INVOLVING ONLY RESIDENTIAL
22 PROPERTY.

23 SEC. 1086. (1) THE BUSINESS COURT IS CREATED AS A DIVISION OF
24 CIRCUIT COURT AND IS ORGANIZED PURSUANT TO THIS CHAPTER.

25 (2) THE PURPOSE OF THE BUSINESS COURT IS TO DO ALL OF THE
26 FOLLOWING:

27 (A) ESTABLISH JUDICIAL STRUCTURES THAT WILL HELP TO STRENGTHEN

1 AND REVITALIZE THE ECONOMY OF THIS STATE.

2 (B) ESTABLISH MICHIGAN AS A STATE IN WHICH BUSINESSES SHOULD
3 LOCATE AND REMAIN.

4 (C) ALLOW BUSINESS OR COMMERCIAL DISPUTES TO BE RESOLVED WITH
5 THE EXPERTISE, TECHNOLOGY, AND EFFICIENCY REQUIRED BY THE
6 INFORMATION AGE ECONOMY.

7 (D) ENHANCE THE ACCURACY, CONSISTENCY, AND PREDICTABILITY OF
8 DECISIONS IN BUSINESS AND COMMERCIAL CASES.

9 (E) ENCOURAGE COMMERCE BY PROVIDING EFFECTIVE AND LOW-COST
10 MEANS OF RESOLVING DISPUTES BETWEEN BUSINESSES.

11 SEC. 1087. (1) THE BUSINESS COURT HAS JURISDICTION OVER
12 BUSINESS OR COMMERCIAL DISPUTES IN WHICH THE AMOUNT IN CONTROVERSY
13 EXCEEDS \$25,000.00.

14 (2) AN ACTION THAT INVOLVES A BUSINESS OR COMMERCIAL DISPUTE
15 MAY BE MAINTAINED IN THE BUSINESS COURT ALTHOUGH IT ALSO INVOLVES
16 CLAIMS THAT ARE NOT BUSINESS OR COMMERCIAL DISPUTES.

17 SEC. 1088. THE MICHIGAN JUDICIAL INSTITUTE SHALL PROVIDE
18 APPROPRIATE TRAINING FOR ALL CIRCUIT JUDGES WHO ARE SERVING AS
19 BUSINESS COURT JUDGES.

20 SEC. 1089. THE SUPREME COURT SHALL ESTABLISH A TASK FORCE THAT
21 SHALL DEVELOP RULES AND PROCEDURES TO IMPLEMENT THIS CHAPTER. THOSE
22 RULES AND PROCEDURES SHALL INCLUDE, BUT ARE NOT LIMITED TO, THE
23 FOLLOWING:

24 (A) THE PROCESS FOR IDENTIFYING CASES THAT ARE TO BE ASSIGNED
25 TO THE BUSINESS COURT.

26 (B) THE PROCESS FOR NOTIFYING PARTIES THAT A CASE HAS BEEN
27 ASSIGNED TO THE BUSINESS COURT.

1 (C) THE PROCESS, IF ANY, FOR REMOVING A CASE FROM THE BUSINESS
2 COURT TO THE CIRCUIT COURT.

3 (D) PROCEDURES FOR AGGRESSIVE CASE MANAGEMENT AND EARLY
4 ALTERNATIVE DISPUTE RESOLUTION EFFORTS.

5 (E) PROCEDURES FOR EVALUATING WHETHER THE PURPOSES AND GOALS
6 STATED IN THIS CHAPTER ARE BEING MET.

7 SEC. 1090. (1) THE TASK FORCE ESTABLISHED UNDER SECTION 1089
8 SHALL SELECT AND RECOMMEND TO THE SUPREME COURT 1 JUDICIAL CIRCUIT
9 IN THE STATE TO SERVE AS A PILOT BUSINESS COURT.

10 (2) THE TASK FORCE, IN CONSULTATION WITH THE CHIEF JUDGE OF
11 THE JUDICIAL CIRCUIT CHOSEN TO HAVE THE PILOT BUSINESS COURT, SHALL
12 IDENTIFY 1 BUSINESS COURT JUDGE FROM THE JUDGES CURRENTLY SERVING
13 IN THAT CIRCUIT AND RECOMMEND TO THE SUPREME COURT THE ASSIGNMENT
14 OF THAT JUDGE TO THE PILOT BUSINESS COURT.

15 (3) THE PILOT BUSINESS COURT SHALL OPERATE UNDER THE RULES AND
16 PROCEDURES RECOMMENDED BY THE TASK FORCE AND ESTABLISHED BY THE
17 SUPREME COURT FOR A PERIOD OF 2 YEARS. AT THE END OF THE 2-YEAR
18 PERIOD, THE TASK FORCE SHALL PREPARE AND PRESENT TO THE SUPREME
19 COURT AND THE LEGISLATURE A WRITTEN EVALUATION OF THE PILOT
20 BUSINESS COURT TOGETHER WITH RECOMMENDATIONS FOR REVISION AND
21 POSSIBLE EXPANSION OF THE BUSINESS COURT BEYOND THE PILOT BUSINESS
22 COURT.

23 SEC. 1091. THE FEES PAYABLE IN CIVIL ACTIONS IN CIRCUIT COURT
24 APPLY TO CASES IN THE BUSINESS COURT, UNLESS OTHERWISE PROVIDED BY
25 LAW.