

SUBSTITUTE FOR
HOUSE BILL NO. 4038

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 5718 (MCL 600.5718).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5718. (1) The demand provided for in section 5716 may be
2 served by ~~delivering it personally~~ **ANY OF THE FOLLOWING MEANS:**

3 **(A) PERSONAL DELIVERY** to the person in possession. ~~, or by~~
4 ~~delivering it~~

5 **(B) PERSONAL DELIVERY** on the premises to a member of ~~his~~ **THE**
6 family or household or an employee **OF THE PERSON IN POSSESSION, WHO**
7 **IS** of suitable age and discretion, with a request that it be
8 delivered to the person in possession. ~~, or by sending it by first-~~
9 ~~class~~

10 **(C) FIRST-CLASS** mail addressed to the person in possession. If

1 the demand is mailed, the date of service for purposes of this
2 chapter is the next regular day for delivery of mail after the day
3 when it was mailed.

4 (D) SUBJECT TO SUBSECTION (2), ELECTRONICALLY, IF THE PERSON
5 IN POSSESSION HAS IN WRITING SPECIFICALLY CONSENTED TO ELECTRONIC
6 SERVICE OF THE DEMAND AND IF AN ELECTRONIC COMMUNICATION THAT
7 CONSTITUTES OR CONFIRMS THE CONSENT HAS BEEN SENT BY 1 PARTY AND
8 AFFIRMATIVELY REPLIED TO, BY ELECTRONIC SERVICE, BY THE OTHER
9 PARTY.

10 (2) THE ELECTRONIC SERVICE AND ADDRESS USED BY A PARTY IN THE
11 PROCESS UNDER SUBSECTION (1) (D) SHALL BE CONSIDERED TO REMAIN THAT
12 PARTY'S CORRECT, FUNCTIONING ELECTRONIC COMMUNICATION METHOD,
13 UNLESS THE PROCESS UNDER SUBSECTION (1) (D) IS REPEATED USING A
14 DIFFERENT ELECTRONIC SERVICE OR ADDRESS FOR THAT PARTY OR UNLESS
15 THAT PARTY NOTIFIES THE OTHER IN WRITING THAT THAT PARTY NO LONGER
16 HAS AN ELECTRONIC SERVICE. A LANDLORD SHALL NOT REFUSE TO ENTER A
17 LEASE BECAUSE THE PROSPECTIVE TENANT DECLINES TO CONSENT TO
18 ELECTRONIC SERVICE UNDER THIS SECTION.

19 Enacting section 1. This amendatory act takes effect 90 days
20 after the date it is enacted into law.