

HOUSE BILL NO. 4997

September 14, 2023, Introduced by Reps. Skaggs and Witwer and referred to the Committee on Appropriations.

A bill to amend 1972 PA 284, entitled
"Business corporation act,"
by amending section 1060 (MCL 450.2060), as amended by 2019 PA 68.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1060. (1) When delivering a document described in this
2 subsection to the administrator for filing, a person shall pay the
3 administrator whichever of the following fees apply to that
4 document:

5 (a) Articles of a domestic corporation, \$10.00.

- 1 (b) Application of a foreign corporation for a certificate of
2 authority to transact business in this state, \$10.00.
- 3 (c) Amendment to the articles of a domestic corporation,
4 \$10.00.
- 5 (d) Amended application for a certificate of authority to
6 transact business in this state, \$10.00.
- 7 (e) Certificate of merger, conversion, or share exchange under
8 chapter 7, \$50.00.
- 9 (f) Certificate attesting to the occurrence of a merger or
10 conversion of a foreign corporation under section 1021, \$10.00.
- 11 (g) Certificate of dissolution, \$10.00.
- 12 (h) Application for withdrawal and issuance of a certificate
13 of withdrawal of a foreign corporation, \$10.00.
- 14 (i) Application for reservation of corporate name, \$10.00.
- 15 (j) Certificate of assumed name or a certificate of
16 termination of assumed name, \$10.00.
- 17 (k) Statement of change of registered office or resident
18 agent, \$5.00.
- 19 (l) Restated articles of domestic corporations, \$10.00.
- 20 (m) Certificate of abandonment, \$10.00.
- 21 (n) Certificate of correction, \$10.00.
- 22 (o) Certificate of revocation of dissolution proceedings,
23 \$10.00.
- 24 (p) Certificate of renewal of corporate existence, \$10.00.
- 25 (q) For examining a special report required by law, \$2.00.
- 26 (r) Certificate of registration of corporate name of a foreign
27 corporation, \$50.00.
- 28 (s) Certificate of renewal of registration of corporate name
29 of a foreign corporation, \$50.00.

1 (t) Certificate of termination of registration of corporate
2 name of a foreign corporation, \$10.00.

3 (u) Report required under section 911, ~~\$15.00 if paid after~~
4 ~~September 30, 2023. Before October 1, 2023, the fee is \$25.00.~~

5 (2) The fees described in subsection (1) are in addition to
6 any franchise fees prescribed in this act. The administrator shall
7 not refund all or any part of a fee described in this section.

8 (3) Except as provided in subsection (9), the administrator
9 shall deposit all fees received and collected under this section in
10 the state treasury to the credit of the administrator, who may only
11 use the money credited ~~pursuant to~~ **in accordance with** legislative
12 appropriation and only in carrying out those duties of the
13 department required by law.

14 (4) The fees described in this section apply to documents
15 filed by a domestic or foreign regulated investment company as **that**
16 **term is** defined in section 1064.

17 (5) If any money received by the administrator from fees paid
18 under subsection (1)(u) is not appropriated to the department in
19 that fiscal year, the money remaining from those fees ~~shall revert~~
20 **reverts** to the general fund of this state.

21 (6) A minimum charge of \$1.00 for each certificate and 50
22 cents per folio ~~shall~~ **must** be paid to the administrator for
23 certifying a part of a file or record pertaining to a corporation
24 if a fee for that service is not described in subsection (1). The
25 administrator may furnish copies of documents, reports, and papers
26 required or permitted by law to be filed with the administrator,
27 and shall charge for those copies the fee established in a schedule
28 of fees adopted by the administrator with the approval of the state
29 administrative board. The administrator shall retain the revenue

1 collected under this subsection, and the department shall use it to
2 defray the costs for its copying and certifying services.

3 (7) If a domestic or foreign corporation pays fees or
4 penalties by check and the check is dishonored, or by credit card
5 and a chargeback is successful, the fee is unpaid and the
6 administrator shall rescind the filing of all related documents.

7 (8) The administrator may accept a credit card in lieu of cash
8 or check as payment of a fee under this act. The administrator
9 shall determine which credit cards ~~he or she shall accept~~ **the**
10 **administrator accepts** for payment.

11 (9) The administrator may charge a nonrefundable fee of ~~up to~~
12 **not more than** \$50.00 for any document submitted or certificate sent
13 by facsimile or electronic transmission. The administrator shall
14 retain the revenue collected under this subsection and the
15 department shall use it to carry out its duties required by law.

16 (10) The administrator shall waive any fee otherwise required
17 under this section if a majority of the shares of the domestic or
18 foreign corporation responsible for paying the fee are, and the
19 corporation provides proof satisfactory to the administrator that
20 those shares are, held by 1 or more honorably discharged veterans
21 of the Armed Forces of the United States.