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STATE CIVIL INFRACTIONS

House Bills 5541 and 5552
Sponsor: Rep. Alan Cropsey

House Bill 5542
Sponsor: Rep. Eric Bush

House Bill 5543
Sponsor: Rep. Jessie Dalman

House Bills 5544 and 5546
Sponsor: Rep. Michael Nye

House Bill 5545
Sponsor: Rep. Candice Curtis

House Bill 5547
Sponsor: Rep. Roland Jersevic

House Bill 5548
Sponsor: Rep. Allen Lowe

House Bill 5549
Sponsor: Rep. Frank M. Fitzgerald

House Bill 5550
Sponsor: Rep. James Ryan

House Bill 5551
Sponsor: Rep. David Galloway

Committee: Judiciary and Civil Rights

Complete to 2-6-96

A SUMMARY OF HOUSE BILLS 5541-5552 AS INTRODUCED 2-1-96

Public Act 54 of 1995 (enrolled House Bill 4426) amended the Revised Judicature Act to define "state civil infraction," and to specify procedures for processing these infractions. The bills would amend various laws to specify that certain violations were "state civil infractions" rather than "civil infractions" or "civil violations," as well as make a number of other minor changes. The bills would amend the following laws as follows:

House Bill 5541 would amend the firearms registration act (Public Act 372 of 1927, MCL 28.429) to change civil violations to state civil infractions.

House Bill 5542 would amend the veterans' peddler's license act (Public Act 359 of 1921, MCL 35.442) to change civil infractions under the act to state civil infractions, and to delete the requirement that county prosecutors bring a civil action against anyone who violates the act.

House Bill 5543 would amend the Pupil Transportation Act (Public Act 187 of 1990, MCL 257.1857 and 257.1859) to allow civil fines of up to \$100 for civil infractions under the act. (Note: The bill as introduced retains current references in the act to "civil infraction"; it does not change them to "state civil infraction.")

House Bills 5544-5549 would amend various sections of the Natural Resources and Environmental Protection Act (Public Act 451 of 1994) to change various civil violations or civil infractions under the act to state civil infractions, along with making a number of other changes. More specifically, House Bill 5544 (MCL 324.504) would delete current misdemeanor provisions (which the act specifies are to be changed to civil infractions when "the civil procedures act is enacted into law") for certain violations of rules or orders under the NREPA's land protection section, and would change "civil infraction" to "state civil infraction." House Bill 5545 (MCL 324.8328) would change certain pesticide civil infractions to state civil infractions. House Bill 5546 (MCL 324.9121) would make certain violations of soil erosion prevention provisions state civil infractions. The bill also would delete both (a) the requirement that soil erosion violation fines be paid to the local enforcing agency and (b) provisions allowing defaults on fines or costs to be remedied by any means authorized by the Revised Judicature Act. House Bill 5547 (MCL 324.80142 and 324.80180) would make certain marine safety violations - - and would change certain marine safety civil infractions into -- state civil infractions. (Currently, the act allows a civil fine of up to \$100 for a violation of the requirement that children under six years old wear personal flotation devices when in open deck areas on boats, but doesn't make the violation a civil infraction; the act also makes it a civil infraction for boat operators to refuse to submit to a preliminary breath analysis.) House Bill 5548 (MCL 324.81109 et al.) would change references to "civil violations" and "civil infractions" in the off-road vehicle (ORV) part of the NREPA to "state civil infractions." The bill also would add civil fines of up to \$100 for refusing to submit to preliminary chemical breath tests, and would delete language allowing such civil infractions to be processed "in the same manner as a civil infraction under the code." Finally, currently all violations of the ORV part of the NREPA are misdemeanors until a "civil procedures act is enacted into law," at which time certain specified violations are to become "civil violations"; the bill would delete language specifying that violations of certain ORV sections of the act (e.g., dealing with titling, licensing, and safety education) are civil violations "on and after the date the civil procedures act is enacted into law." House Bill 5549 (MCL 324.82118) would specify that the current fine that can be collected from out-of-state snowmobilers for failing to secure a snowmobile trail permit is a "civil" fine, and would delete the provision allowing court costs to be collected. (Note: The bill as introduced retains the current reference to "civil infraction" in this part of the act; it would not change it to "state civil infraction.")

House Bill 5550 would amend the Michigan Liquor Control Act (MCL 436.33b) to add a \$100 maximum fine for minors responsible for the state civil infraction resulting from refusing to submit to a preliminary chemical breath test analysis. The bill also would delete the current requirement that fifty percent of the criminal fines collected under this section of the liquor

control act be credited to the Department of Public Health for substance abuse prevention, treatment, and rehabilitation.

House Bill 5551 would amend the Revised Judicature Act (MCL 600.586) to change certain civil infractions involving sheriffs and county medical examiners into state civil infractions. (The RJA currently prohibits sheriffs and county medical examiners who are licensed to practice law from (a) serving process in actions in which they act as attorney or counsel for a party and (b) appearing in court as attorney or counsel for a criminal defendant except in criminal or civil contempt proceedings. Violations of these prohibitions are civil infractions.)

House Bill 5552 would amend the section of Chapter 171 of the Revised Statutes of 1846 (titled "Of county jails and the regulation thereof," MCL 801.10) that prohibits using prisoner labor for private benefit or financial gain and that makes violations civil infractions subject to fines of up to \$500 plus the value of the private benefit or financial gain. The bill would change the references to "civil infraction" into "state civil infraction," and would delete the provision allowing collection of the value of the private benefit or financial gain (as well as deleting an inoperative provision allowing certain sheriffs to receive private benefit or financial gain from providing food to jail prisoners until December 31, 1992).

The proposed changes, in table form, are as follows:

House Bill	Statute amended	Proposed change	MCL
5541	firearm registration act (Public Act 372 of 1927)	Change "civil violation" to "state civil infraction"	28.429
5542	veteran's licenses act (Public Act 359 of 1921)	Change "civil infraction" to "state civil infraction"; delete mandatory prosecution of violations	35.442
5543	Pupil Transportation Act	Add civil fines of up to \$100	257.1857 257.1859
5544	Natural Resources and Environmental Protection Act (NREPA)	Change land destruction "civil infraction" to "state civil infraction"; delete misdemeanor language	324.504
5545	NREPA	Change pesticide "civil infraction" to "state civil infraction"	324.8328

5546	NREPA	Add soil erosion "state civil infraction"; delete language requiring that fines be paid to local enforcing agencies, default remedies under Revised Judicature Act	324.839121
5547	NREPA	Add "state civil infraction" for marine safety violation; change "civil infraction" to "state civil infraction"	324.80142 and 324.80180
5548	NREPA	Change ORV "civil violations/infractions" to "state civil infractions"; delete ability to collect costs in addition to fines	324.81109 324.81141 324.81147
5549	NREPA	Change snowmobile violation "fine" to "civil fine"; delete ability to collect costs in addition to fines	324.82118
5550	Liquor Control Act	Delete requirement that half of certain fines go to Department of Public Health for substance abuse programs; add civil fine of up to \$100 for minor's refusal to take preliminary chemical breath test	436.33b
5551	Revised Judicature Act	Change "civil infraction" involving sheriffs and medical examiners to "state civil infraction"	600.586
5552	jail operation act (Chapter 171 of the Revised Statutes of 1846)	Change jail operation "civil infraction" to "state civil infraction"; delete ability to collect value of financial gain for using prisoners for private gain	801.10

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.