

HOUSE BILL No. 4900

September 7, 2011, Introduced by Reps. Tlaib, Switalski, Irwin and Hovey-Wright and referred to the Committee on Regulatory Reform.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 8379, 8801, and 8831 (MCL 600.8379, 600.8801, and 600.8831), section 8379 as amended by 2000 PA 93, section 8801 as amended by 2005 PA 51, and section 8831 as added by 1995 PA 54.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8379. (1) Fines and costs assessed in the district court
2 shall be paid to the clerk of the court who shall appropriate them
3 as follows:

4 (a) A fine imposed for the violation of a penal law of this
5 state and a civil fine ordered in a civil infraction action for
6 violation of a law of this state shall be paid to the county
7 treasurer and applied for library purposes as provided by law.

8 HOWEVER, A CIVIL FINE ORDERED IN A CIVIL INFRACTION ACTION FOR

1 VIOLATION OF PART 69 OF THE NATURAL RESOURCES AND ENVIRONMENTAL
2 PROTECTION ACT, 1994 PA 451, MCL 324.6901 TO 324.6917, SHALL BE
3 PAID TO THE APPROPRIATE TREASURER AND APPLIED AS SPECIFIED IN THAT
4 PART.

5 (b) In districts of the first and second class, costs imposed
6 for the violation of a penal law of this state or ordered in a
7 civil infraction action for the violation of a law of this state
8 shall be paid to the treasurer of the county in which the action
9 was commenced. In districts of the third class, costs imposed for
10 the violation of a penal law of this state or ordered in a civil
11 infraction action for the violation of a law of this state shall be
12 paid to the treasurer of the political subdivision where the guilty
13 plea or civil infraction admission was entered or where the trial
14 or civil infraction action hearing took place.

15 (c) Except as provided in subsection (2), in districts of the
16 first and second class, $\frac{1}{3}$ of all fines and costs, other than
17 those imposed for the violation of a penal law of this state or
18 ordered in a civil infraction action for the violation of a law of
19 this state, shall be paid to the political subdivision whose law
20 was violated and $\frac{2}{3}$ shall be paid to the county in which the
21 political subdivision is located. In districts of the third class,
22 all fines and costs, other than those imposed for the violation of
23 a penal law of this state or ordered in a civil infraction action
24 for the violation of a law of this state, shall be paid to the
25 political subdivision whose law was violated, except that where
26 fines and costs are assessed in a political subdivision other than
27 the political subdivision whose law was violated, $\frac{2}{3}$ shall be paid

1 to the political subdivision where the guilty plea or civil
2 infraction admission was entered or where the trial or civil
3 infraction action hearing took place and the balance shall be paid
4 to the political subdivision whose law was violated.

5 (d) In a district of the third class, if each political
6 subdivision within the district, by resolution of its governing
7 body, agrees to a distribution of fines and costs, other than fines
8 imposed for the violation of a penal law of this state or ordered
9 in a civil infraction action for the violation of a law of this
10 state, differently than as provided by this section, the
11 distribution of those fines and costs among the political
12 subdivisions of that district shall be as agreed to. An existing
13 agreement applicable to the distribution of fines and costs shall
14 apply with the same effect to the distribution of civil fines and
15 costs ordered in civil infraction actions.

16 (e) A civil fine imposed upon a person for violation of a
17 provision of a code or an ordinance of a political subdivision of
18 this state regulating the operation of a commercial vehicle that
19 substantially corresponds to a provision of the Michigan vehicle
20 code, 1949 PA 300, MCL 257.1 to 257.923, shall be paid to the
21 county treasurer and allocated as follows:

22 (i) Seventy percent to the political subdivision in which the
23 citation is issued.

24 (ii) Thirty percent for library purposes as provided by law.

25 (f) A civil fine imposed upon a person for violation of a
26 provision of a code or an ordinance regulating the operation of a
27 commercial vehicle adopted by a city, township, or village pursuant

1 to section 1 of 1956 PA 62, MCL 257.951, shall be paid to the
2 county treasurer and allocated as follows:

3 (i) Seventy percent to the political subdivision in which the
4 citation is issued.

5 (ii) Thirty percent for library purposes as provided by law.

6 (2) In the fifty-second district, 30% of all fines and costs,
7 other than those imposed for the violation of a penal law of this
8 state or ordered in a civil infraction action for the violation of
9 a law of this state, shall be paid to the political subdivision
10 whose law was violated and 70% shall be paid to the county in which
11 the political subdivision is located. This subsection shall apply
12 only if the consolidation of the forty-fifth-b district with the
13 fifty-second district, as provided in section 8123, takes place
14 pursuant to section 8177.

15 (3) As used in subsection (1)(e) and (f):

16 (a) "Commercial vehicle" includes a motor vehicle used for the
17 transportation of passengers for hire or constructed or used for
18 transportation of goods, wares, or merchandise and a motor vehicle
19 designed and used for drawing other vehicles and not so constructed
20 as to carry any load on the vehicle independently or any part of
21 the weight of a vehicle or load so drawn.

22 (b) "Operation" means being in actual physical control of a
23 vehicle regardless of whether the person is licensed under the
24 Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, as an
25 operator or chauffeur.

26 (c) "Person" means every natural person, partnership,
27 association, or corporation and their legal successors.

1 Sec. 8801. (1) This chapter applies only to a state civil
2 infraction action involving a violation of state law that is
3 designated as a state civil infraction.

4 (2) This chapter does not apply to a civil infraction action
5 involving a traffic or parking violation.

6 (3) As used in this chapter:

7 (a) "Citation" means a written complaint or notice to appear
8 in court upon which a law enforcement officer records the
9 occurrence or existence of 1 or more state civil infractions by the
10 person cited.

11 (b) "Civil infraction determination" means a determination
12 that a defendant is responsible for a state civil infraction by 1
13 of the following:

14 (i) An admission of responsibility for the state civil
15 infraction.

16 (ii) An admission of responsibility for the state civil
17 infraction, "with explanation".

18 (iii) A preponderance of the evidence at an informal hearing or
19 formal hearing on the question under section 8819 or 8821,
20 respectively.

21 (iv) A default judgment, for failing to appear as directed by a
22 citation or other notice, at a scheduled appearance under section
23 8815(3)(b) or (4), at an informal hearing under section 8819, or at
24 a formal hearing under section 8821.

25 (c) "Law enforcement officer" means any of the following:

26 (i) A sheriff or deputy sheriff.

27 (ii) An officer of the police department of a city, village, or

township, or the marshal of a city, village, or township.

(iii) An officer of the Michigan state police.

~~(iv) A conservation officer.~~

(iv) ~~(v)~~ A security employee employed by the state pursuant to section 6c of 1935 PA 59, MCL 28.6c.

(v) ~~(vi)~~ A motor carrier officer appointed pursuant to section 6d of 1935 PA 59, MCL 28.6d.

(vi) ~~(vii)~~ A public safety officer employed by a university as authorized by either of the following:

(A) 1965 PA 278, MCL 390.711 to 390.717.

(B) 1990 PA 120, MCL 390.1511 to 390.1514.

(vii) ~~(viii)~~ If authorized by the governing body of a political subdivision, a constable of the political subdivision.

(viii) A CONSERVATION OFFICER.

(ix) A park and recreation officer commissioned pursuant to section 1606 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.1606.

(x) A state forest officer commissioned pursuant to section 83107 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.83107.

(xi) AN OFFICER, EMPLOYEE, OR AGENT OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY ENFORCING, PURSUANT TO AUTHORITY GRANTED BY THE DIRECTOR OF THAT DEPARTMENT, A STATUTE ADMINISTERED, A RULE PROMULGATED, OR AN ORDER ISSUED BY THAT DEPARTMENT OR THE DIRECTOR OF THAT DEPARTMENT.

(xii) ~~(x)~~ An officer, employee, or agent of the department of agriculture enforcing, pursuant to authority granted by the

1 director of agriculture, a statute administered, a rule
2 promulgated, or an order issued by the department of agriculture or
3 the director of agriculture.

4 Sec. 8831. (1) ~~A-SUBJECT TO SUBSECTION (2), A~~ civil fine which
5 is ordered under section 8827 for a violation of state statute
6 shall be exclusively applied to the support of public libraries and
7 county law libraries in the same manner as is provided by law for
8 penal fines assessed and collected for violation of a penal law of
9 the state.

10 (2) **A CIVIL FINE ORDERED IN A CIVIL INFRACTION ACTION FOR**
11 **VIOLATION OF PART 69 OF THE NATURAL RESOURCES AND ENVIRONMENTAL**
12 **PROTECTION ACT, 1994 PA 451, MCL 324.6901 TO 324.6917, SHALL BE**
13 **PAID TO THE APPROPRIATE TREASURER AND APPLIED AS SPECIFIED IN THAT**
14 **PART.**

15 (3) ~~(2)~~—Subsection (1) is intended to maintain a source of
16 revenue for public libraries which previously received penal fines
17 for misdemeanor violations of state statute which are now
18 designated state civil infractions.

19 Enacting section 1. This amendatory act does not take effect
20 unless Senate Bill No.____ or House Bill No. 4899(request no.
21 01984'11) of the 96th Legislature is enacted into law.