

# HOUSE BILL No. 5113

October 20, 2011, Introduced by Reps. Heise and Walsh and referred to the Committee on Appropriations.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending section 8379 (MCL 600.8379), as amended by 2000 PA 93;  
and to repeal acts and parts of acts.

## 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       (b) In districts of the first and second class, costs imposed

1 for the violation of a penal law of this state or ordered in a  
2 civil infraction action for the violation of a law of this state  
3 shall be paid to the treasurer of the county in which the action  
4 was commenced. In districts of the third class, costs imposed for  
5 the violation of a penal law of this state or ordered in a civil  
6 infraction action for the violation of a law of this state shall be  
7 paid to the treasurer of the political subdivision ~~where the guilty~~  
8 ~~plea or civil infraction admission was entered or where the trial~~  
9 ~~or civil infraction action hearing took place.~~ **WHERE THE VIOLATION**  
10 **OCCURRED.**

11 (c) ~~Except as provided in subsection (2), in~~ **IN** districts of  
12 the first and second class, 1/3 of all fines and costs, other than  
13 those imposed for the violation of a penal law of this state or  
14 ordered in a civil infraction action for the violation of a law of  
15 this state, shall be paid to the political subdivision whose law  
16 was violated and 2/3 shall be paid to the county in which the  
17 political subdivision is located. In districts of the third class,  
18 all fines and costs, other than those imposed for the violation of  
19 a penal law of this state or ordered in a civil infraction action  
20 for the violation of a law of this state, shall be paid to the  
21 political subdivision whose law was violated. ~~, except that where~~  
22 ~~fines and costs are assessed in a political subdivision other than~~  
23 ~~the political subdivision whose law was violated, 2/3 shall be paid~~  
24 ~~to the political subdivision where the guilty plea or civil~~  
25 ~~infraction admission was entered or where the trial or civil~~  
26 ~~infraction action hearing took place and the balance shall be paid~~  
27 ~~to the political subdivision whose law was violated.~~

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

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

18 (i) Seventy percent to the political subdivision in which the  
19 citation is issued.

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

21 (f) A civil fine imposed upon a person for violation of a  
22 provision of a code or an ordinance regulating the operation of a  
23 commercial vehicle adopted by a city, township, or village pursuant  
24 to ~~to~~ **UNDER** section 1 of 1956 PA 62, MCL 257.951, shall be paid to the  
25 county treasurer and allocated as follows:

26 (i) Seventy percent to the political subdivision in which the  
27 citation is issued.

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

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

11 (2) ~~(3)~~ As used in subsection (1) (e) and (f):

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

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

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

24 Enacting section 1. Section 8251 of the revised judicature act  
25 of 1961, 1961 PA 236, MCL 600.8251, is repealed.