

HOUSE BILL No. 4905

September 22, 2015, Introduced by Reps. Jacobsen, Garcia, Aaron Miller, Brett Roberts, Chatfield, Price, Iden, Plawecki, Hoadley and Phelps and referred to the Committee on Transportation and Infrastructure.

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.

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~~**EXCEPT AS PROVIDED IN SUBSECTION (3), A** fine imposed for
5 the violation of a penal law of this state and a civil fine ordered
6 in a civil infraction action for violation of a law of this state
7 shall be paid to the county treasurer and applied for library
8 purposes as provided by law.

9 (b) ~~In~~**EXCEPT AS PROVIDED IN SUBSECTION (3), IN** districts of
10 the first and second class, costs imposed for the violation of a
11 penal law of this state or ordered in a civil infraction action for

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

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

26 (d) In a district of the third class, if each political
27 subdivision within the district, by resolution of its governing

1 body, agrees to a distribution of fines and costs, other than fines
2 imposed for the violation of a penal law of this state or ordered
3 in a civil infraction action for the violation of a law of this
4 state, differently than as provided by this section, the
5 distribution of those fines and costs among the political
6 subdivisions of that district shall be as agreed to. An existing
7 agreement applicable to the distribution of fines and costs shall
8 apply with the same effect to the distribution of civil fines and
9 costs ordered in civil infraction actions.

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

16 (i) Seventy percent to the political subdivision in which the
17 citation is issued.

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

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

24 (i) Seventy percent to the political subdivision in which the
25 citation is issued.

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

27 (2) In the fifty-second district, 30% of all fines and costs,

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

9 **(3) TWENTY-FIVE PERCENT OF EACH FINE IMPOSED FOR A VIOLATION**
10 **OF SECTION 312A OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL**
11 **257.312A, SHALL BE DEPOSITED IN THE MOTORCYCLE SAFETY FUND**
12 **DESCRIBED IN SECTIONS 312C AND 811A OF THE MICHIGAN VEHICLE CODE,**
13 **1949 PA 300, MCL 257.312C AND 257.811A.**

14 **(4) ~~(3)~~—As used in subsection (1)(e) and (f):**

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

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

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

27 Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.

2 Enacting section 2. This amendatory act does not take effect
3 unless House Bill No. 4651 of the 98th Legislature is enacted into
4 law.