

SUBSTITUTE FOR
HOUSE BILL NO. 5508

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 8379 and 8396 (MCL 600.8379 and 600.8396),
section 8379 as amended by 2000 PA 93 and section 8396 as added by
1994 PA 12.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8379. (1) Fines and costs assessed in the district court
2 ~~shall~~**must** be paid to the clerk of the court who shall appropriate
3 them 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~~**must** be paid to the county treasurer and applied for library

1 purposes as provided by law.

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

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

1 infraction action hearing took place and the balance ~~shall~~**must** be
2 paid to the political subdivision whose law was violated.

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

15 (e) ~~A~~**Except as provided in subsection (3)**, a civil fine
16 imposed ~~upon~~**on** a person for violation of a provision of a code or
17 an ordinance of a political subdivision of this state regulating
18 the operation of a commercial vehicle that substantially
19 corresponds to a provision of the Michigan vehicle code, 1949 PA
20 300, MCL 257.1 to 257.923, ~~shall~~**must** be paid to the county
21 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~~**Except as provided in subsection (3)**, a civil fine
26 imposed ~~upon~~**on** a person for violation of a provision of a code or
27 an ordinance regulating the operation of a commercial vehicle
28 adopted by a city, township, or village ~~pursuant to~~**under** section 1
29 of 1956 PA 62, MCL 257.951, ~~shall~~**must** be paid to the county

1 treasurer and allocated as follows:

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

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

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

15 (3) **A civil fine ordered in a civil infraction action for a**
16 **violation of section 682 of the Michigan vehicle code, 1949 PA 300,**
17 **MCL 257.682, or an ordinance of a political subdivision that**
18 **substantially corresponds to section 682 of the Michigan vehicle**
19 **code, 1949 PA 300, MCL 257.682, must be paid to the county**
20 **treasurer and distributed as provided in section 909 of the**
21 **Michigan vehicle code, 1949 PA 300, MCL 257.909.**

22 (4) ~~(3)~~—As used in subsection (1) (e) and (f):

23 (a) "Commercial vehicle" includes a motor vehicle used for the
24 transportation of passengers for hire or constructed or used for
25 transportation of goods, wares, or merchandise and a motor vehicle
26 designed and used for drawing other vehicles and not so constructed
27 as to carry any load on the vehicle independently or any part of
28 the weight of a vehicle or load so drawn.

29 (b) "Operation" means being in actual physical control of a

1 vehicle regardless of whether the person is licensed under the
2 Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, as an
3 operator or chauffeur.

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

6 Sec. 8396. A county, city, village, or township may by
7 ordinance establish a municipal ordinance violations bureau to
8 accept admissions of responsibility for municipal civil infractions
9 and to collect and retain civil fines and costs pursuant to a
10 schedule as prescribed by ordinance. The expense of operating a
11 municipal ordinance violations bureau ~~shall~~**must** be borne by the
12 county, city, village, or township, and the personnel of the bureau
13 ~~shall~~**must** be county, city, village, or township employees. **If the**
14 **county, city, village, or township has an ordinance that**
15 **substantially corresponds to section 682 of the Michigan vehicle**
16 **code, 1949 PA 300, MCL 257.682, a civil fine ordered for a**
17 **violation of that ordinance must be paid to the county treasurer**
18 **and distributed as provided in section 909 of the Michigan vehicle**
19 **code, 1949 PA 300, MCL 257.909.**

20 Enacting section 1. This amendatory act does not take effect
21 unless all of the following bills of the 101st Legislature are
22 enacted into law:

23 (a) House Bill No. 5501.

24 (b) House Bill No. 5509.