

HOUSE BILL NO. 5508

November 02, 2021, Introduced by Reps. Tyrone Carter, Puri and Cynthia Johnson and referred to the Committee on Judiciary.

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 ~~shall~~**must** be paid to the clerk of the court who shall appropriate
3 them as follows:

1 (a) ~~A~~**Except as provided in subsection (3)**, a fine imposed for
 2 the violation of a penal law of this state and a civil fine ordered
 3 in a civil infraction action for violation of a law of this state
 4 ~~shall~~**must** be paid to the county treasurer and applied for library
 5 purposes as provided by law.

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

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

1 fines and costs are assessed in a political subdivision other than
2 the political subdivision whose law was violated, 2/3 ~~shall~~**must** be
3 paid to the political subdivision where the guilty plea or civil
4 infraction admission was entered or where the trial or civil
5 infraction action hearing took place and the balance ~~shall~~**must** be
6 paid to the political subdivision whose law was violated.

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

19 (e) ~~A-Except as provided in subsection (3)~~, a civil fine
20 imposed ~~upon~~**on** a person for violation of a provision of a code or
21 an ordinance of a political subdivision of this state regulating
22 the operation of a commercial vehicle that substantially
23 corresponds to a provision of the Michigan vehicle code, 1949 PA
24 300, MCL 257.1 to 257.923, ~~shall~~**must** be paid to the county
25 treasurer and allocated as follows:

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

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

29 (f) ~~A-Except as provided in subsection (3)~~, a civil fine

1 imposed ~~upon~~**on** a person for violation of a provision of a code or
 2 an ordinance regulating the operation of a commercial vehicle
 3 adopted by a city, township, or village ~~pursuant to~~**under** section 1
 4 of 1956 PA 62, MCL 257.951, ~~shall~~**must** be paid to the county
 5 treasurer and allocated as follows:

6 (i) Seventy percent to the political subdivision in which the
 7 citation is issued.

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

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

19 (3) **A civil fine ordered in a civil infraction action for a**
 20 **violation of section 682 of the Michigan vehicle code, 1949 PA 300,**
 21 **MCL 257.682, or an ordinance of a political subdivision that**
 22 **substantially corresponds to section 682 of the Michigan vehicle**
 23 **code, 1949 PA 300, MCL 257.682, may be distributed as provided in**
 24 **section 909 of the Michigan vehicle code, 1949 PA 300, MCL 257.909.**

25 (4) ~~(3)~~As used in subsection (1) (e) and (f):

26 (a) "Commercial vehicle" includes a motor vehicle used for the
 27 transportation of passengers for hire or constructed or used for
 28 transportation of goods, wares, or merchandise and a motor vehicle
 29 designed and used for drawing other vehicles and not so constructed

1 as to carry any load on the vehicle independently or any part of
2 the weight of a vehicle or load so drawn.

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

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

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

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

25 (a) Senate Bill No. ____ or House Bill No. 5501 (request no.
26 02703'21 **).

27 (b) Senate Bill No. ____ or House Bill No. 5509 (request no.
28 02703'21 a **).