

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4133

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

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

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

11 (c) Except as provided **for fines and costs** in subsection (2)
12 **and for fines under subsections (3) and (4)**, in districts of the
13 first and second class, 1/3 of all fines and costs, other than
14 those imposed for the violation of a penal law of this state or
15 ordered in a civil infraction action for the violation of a law of
16 this state, ~~shall~~**must** be paid to the political subdivision whose
17 law was violated and 2/3 ~~shall~~**must** be paid to the county in which
18 the political subdivision is located. ~~In~~**Except as provided for**
19 **fines under subsections (3) and (4)**, in districts of the third
20 class, all fines and costs, other than those imposed for the
21 violation of a penal law of this state or ordered in a civil
22 infraction action for the violation of a law of this state, ~~shall~~
23 **must** be paid to the political subdivision whose law was violated,
24 except that where fines and costs are assessed in a political
25 subdivision other than the political subdivision whose law was
26 violated, 2/3 ~~shall~~**must** be paid to the political subdivision where
27 the guilty plea or civil infraction admission was entered or where
28 the trial or civil infraction action hearing took place and the
29 balance ~~shall~~**must** be paid to the political subdivision whose law

1 was violated.

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

14 (e) ~~A-Except as provided in subsections (3) and (4),~~ a civil
15 fine imposed ~~upon~~**on** a person for violation of a provision of a
16 code or an ordinance of a political subdivision of this state
17 regulating the operation of a commercial vehicle that substantially
18 corresponds to a provision of the Michigan vehicle code, 1949 PA
19 300, MCL 257.1 to 257.923, ~~shall~~**must** be paid to the county
20 treasurer and allocated as follows:

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

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

24 (f) ~~A-Except as provided in subsections (3) and (4),~~ a civil
25 fine imposed ~~upon~~**on** a person for violation of a provision of a
26 code or an ordinance regulating the operation of a commercial
27 vehicle adopted by a city, township, or village ~~pursuant to~~**under**
28 section 1 of 1956 PA 62, MCL 257.951, ~~shall~~**must** be paid to the
29 county treasurer and allocated as follows:

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

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

4 (2) ~~In-Except as provided in subsections (3) and (4), in~~ the
5 fifty-second district, 30% of all fines and costs, other than those
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, ~~shall-must~~ be paid to the political subdivision whose law
9 was violated and 70% ~~shall-must~~ be paid to the county in which the
10 political subdivision is located. This subsection ~~shall-apply~~
11 **applies** only if the consolidation of the forty-fifth-b district
12 with the fifty-second district, as provided in section 8123, takes
13 place pursuant to section 8177.

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

22 (4) **A civil fine ordered in a civil infraction action for a**
23 **violation of section 627c of the Michigan vehicle code, 1949 PA**
24 **300, MCL 257.627c, must be paid to the state transportation**
25 **department and distributed as provided in section 909 of the**
26 **Michigan vehicle code, 1949 PA 300, MCL 257.909.**

27 (5) ~~(3)~~As used in subsection (1) (e) and (f):

28 (a) "Commercial vehicle" includes a motor vehicle used for the
29 transportation of passengers for hire or constructed or used for

1 transportation of goods, wares, or merchandise and a motor vehicle
2 designed and used for drawing other vehicles and not so constructed
3 as to carry any load on the vehicle independently or any part of
4 the weight of a vehicle or load so drawn.

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

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

11 Enacting section 1. This amendatory act does not take effect
12 unless House Bill No. 4132 of the 102nd Legislature is enacted into
13 law.