

# HOUSE BILL NO. 5726

May 14, 2024, Introduced by Reps. McFall, Fitzgerald and Liberati 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~~**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

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

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

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

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

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

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

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

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

28 (f) ~~A~~**Except as provided in subsection (3)**, a civil fine  
 29 imposed ~~upon~~**on** a person for violation of a provision of a code or

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

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

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

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

18 (3) **A civil fine ordered in a civil infraction action for a**  
 19 **violation of section 627c of the Michigan vehicle code, 1949 PA**  
 20 **300, MCL 257.627c, or an ordinance of a political subdivision that**  
 21 **substantially corresponds to section 627c of the Michigan vehicle**  
 22 **code, 1949 PA 300, MCL 257.627c, must be paid to the county**  
 23 **treasurer or the county treasurer's designee and distributed as**  
 24 **provided in section 909 of the Michigan vehicle code, 1949 PA 300,**  
 25 **MCL 257.909.**

26 (4) ~~(3)~~ As used in subsection (1) (e) and (f):

27 (a) "Commercial vehicle" includes a motor vehicle used for the  
 28 transportation of passengers for hire or constructed or used for  
 29 transportation of goods, wares, or merchandise and a motor vehicle

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

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

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

10 Sec. 8396. A county, city, village, or township may by  
11 ordinance establish a municipal ordinance violations bureau to  
12 accept admissions of responsibility for municipal civil infractions  
13 and to collect and retain civil fines and costs pursuant to a  
14 schedule as prescribed by ordinance. The expense of operating a  
15 municipal ordinance violations bureau ~~shall~~**must** be borne by the  
16 county, city, village, or township, and the personnel of the bureau  
17 ~~shall~~**must** be county, city, village, or township employees. **If the**  
18 **county, city, village, or township has an ordinance that**  
19 **substantially corresponds to section 627c of the Michigan vehicle**  
20 **code, 1949 PA 300, MCL 257.627c, a civil fine ordered for a**  
21 **violation of that ordinance must be paid to the county treasurer or**  
22 **the county treasurer's designee and distributed as provided in**  
23 **section 909 of the Michigan vehicle code, 1949 PA 300, MCL 257.909.**

24 Enacting section 1. This amendatory act does not take effect  
25 unless House Bill No. 4921 of the 102nd Legislature is enacted into  
26 law.