

HOUSE BILL No. 5490

March 17, 2016, Introduced by Reps. Leutheuser, Lauwers and Glenn 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 fine imposed for the violation of a penal law of this
5 state and a civil fine ordered in a civil infraction action for
6 violation of a law of this state shall be paid to the county
7 treasurer and applied for library purposes as provided by law.

8 (b) In districts of the first and second class, costs imposed
9 for the violation of a penal law of this state or ordered in a
10 civil infraction action for the violation of a law of this state
11 shall be paid to the treasurer of the county in which the action

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

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

24 (d) In a district of the third class, if each political
25 subdivision within the district, by resolution of its governing
26 body, agrees to a distribution of fines and costs, other than fines
27 imposed for the violation of a penal law of this state or ordered

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

8 (e) A civil fine imposed upon a person for violation of a
9 provision of a code or an ordinance of a political subdivision of
10 this state regulating the operation of a commercial vehicle that
11 substantially corresponds to a provision of **CHAPTER VI OF** the
12 Michigan vehicle code, 1949 PA 300, MCL ~~257.1 to 257.923, 257.601~~
13 **TO 257.750, RELATED TO THE SIZE, WEIGHT, OR LOAD OF VEHICLES** shall
14 be paid to the county treasurer and allocated as follows:

15 (i) Seventy percent to the ~~political subdivision~~ **COUNTY ROAD**
16 **COMMISSION OF THE COUNTY** in which the citation is issued.

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

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

23 (i) Seventy percent to the ~~political subdivision~~ **COUNTY ROAD**
24 **COMMISSION OF THE COUNTY** in which the citation is issued.

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

26 (2) In the fifty-second district, 30% of all fines and costs,
27 other than those imposed for the violation of a penal law of this

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

8 (3) As used in subsection (1)(e) and (f):

9 (a) "Commercial vehicle" includes a motor vehicle used for the
10 transportation of passengers for hire or constructed or used for
11 transportation of goods, wares, or merchandise and a motor vehicle
12 designed and used for drawing other vehicles and not so constructed
13 as to carry any load on the vehicle independently or any part of
14 the weight of a vehicle or load so drawn.

15 (B) "COUNTY ROAD COMMISSION" INCLUDES THE COUNTY BOARD OF
16 COMMISSIONERS OF A COUNTY IF THE BOARD OF COUNTY ROAD COMMISSIONERS
17 IS DISSOLVED AS PROVIDED IN SECTION 6 OF CHAPTER IV OF 1909 PA 283,
18 MCL 224.6.

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

23 (D) ~~(e)~~—"Person" means every natural person, partnership,
24 association, or corporation and their legal successors.

25 Enacting section 1. This amendatory act takes effect 90 days
26 after the date it is enacted into law.

27 Enacting section 2. This amendatory act does not take effect

1 unless Senate Bill No. ____ or House Bill No. 5491 (request no.
2 04042'15 **) of the 98th Legislature is enacted into law.