

# Legislative Analysis



## CIVIL INFRACTIONS FOR CERTAIN VIOLATIONS

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 5684 as introduced**  
**Sponsor: Rep. John D. Cherry**

Analysis available at  
<http://www.legislature.mi.gov>

**House Bill 5685 as introduced**  
**Sponsor: Rep. Tim Sneller**

**House Bill 5686 as introduced**  
**Sponsor: Rep. Annette Glenn**

**House Bills 5687, 5689, and 5693 as introduced**  
**Sponsor: Rep. Beau Matthew LaFave**

**House Bill 5695 as introduced**  
**Sponsor: Rep. Mike Mueller**

**House Bills 5688 and 5690 as introduced**  
**Sponsor: Rep. David LaGrand**

**House Bill 5696 as introduced**  
**Sponsor: Rep. Ronnie D. Peterson**

**House Bill 5691 as introduced**  
**Sponsor: Rep. Graham Filler**

**House Bill 5697 as introduced**  
**Sponsor: Rep. Gary Howell**

**House Bill 5692 as introduced**  
**Sponsor: Rep. Gregory Markkanen**

**House Bill 5698 as introduced**  
**Sponsor: Rep. Kyra Harris Bolden**

**House Bill 5694 as introduced**  
**Sponsor: Rep. Steven Johnson**

**House Bill 5699 as introduced**  
**Sponsor: Rep. Tenisha Yancey**

**Committee: Judiciary**  
**Complete to 6-3-20**

### SUMMARY:

The bills would amend several sections of the Natural Resources and Environmental Protection Act (NREPA), the Michigan Vehicle Code, and the Motor Carrier Fuel Tax Act, generally to remove criminal penalties for certain violations of those acts and instead make those violations civil infractions. In some cases, the bills would create civil infractions. The bills would amend the following acts:

- House Bills 5684, 5687, 5689, 5692, 5693, 5694, 5695, and 5697: NREPA
- House Bills 5685, 5686, 5688, 5690, 5691, 5698, and 5699: Michigan Vehicle Code
- House Bill 5696: Motor Carrier Fuel Tax Act

**House Bill 5684** would amend several sections of NREPA pertaining to the registration and operation of snowmobiles. Among other things, these sections require a snowmobile operator to show the certificate of registration upon demand by a peace officer, affix the registration decal as required and display no other number on the snowmobile, and not operate a snowmobile if the certificate of registration is lost, mutilated, or illegible. Currently, a person convicted of violating these provisions is guilty of a misdemeanor. (Under the Michigan Penal Code, a misdemeanor for which no specific penalty is prescribed is punishable by imprisonment for up to 90 days or a fine of up to \$500, or both.) Under the bill, a person violating the provisions would be responsible for a civil infraction and could be ordered to pay a civil fine of up to \$150.

NREPA also requires the operator of a snowmobile on a public highway to observe certain rules, such as observing the speed limit, traveling in single file, and riding to the far right with the flow of the highway, and requires that the operator of a snowmobile cross a public highway at a right angle after first coming to a complete stop and yielding the right-of-way to oncoming traffic. Currently, a person convicted of violating these provisions is guilty of a misdemeanor. (Under the Michigan Penal Code, a misdemeanor for which no specific penalty is prescribed is punishable by imprisonment for up to 90 days or a fine of up to \$500, or both.) Under the bill, a person violating the provisions would be responsible for a civil infraction and could be ordered to pay a civil fine of up to \$150.

MCL 324.82105 et seq.

**House Bill 5685** would amend several sections of the Michigan Vehicle Code pertaining to vehicle registrations, titles, and license plates. Among other things, these sections prohibit a person from driving a vehicle that is not properly registered, prohibit the improper use of temporary plates, require certain procedures and documentation when applying for a new title or transferring plates to another vehicle, prohibit certain holders of suspended or revoked licenses from buying or leasing a car during the suspension or revocation, and require certain procedures concerning the registration of vehicles by nonresident owners. Currently, a person convicted of violating these provisions is guilty of a misdemeanor punishable by imprisonment for up to 90 days (or, in two cases, 93 days) or a fine of up to \$100, or both. Under the bill, the person would be responsible for a civil infraction with a civil fine of \$150.

The Vehicle Code also prohibits a person from buying a vehicle to circumvent a vehicle immobilization under the act, transferring ownership of a vehicle to avoid its foreclosure, or transferring the title of a vehicle to a person who is not subject to use tax for the transfer (e.g., a relative) while the vehicle is subject to immobilization, forfeiture, or registration denial, among other things. Currently, a person convicted of violating these provisions is guilty of a misdemeanor punishable by imprisonment for up to one year or a fine of up to \$1,000, or both. Under the bill, the person would be responsible for a civil infraction with a civil fine of \$1,000.

MCL 257.215 et seq.

**House Bill 5686** would amend section 802 of the Michigan Vehicle Code, which provides for special registrations for certain vehicles that are used exclusively for certain specified farming operations. The bill would require a person that obtains such a special registration to use the vehicle exclusively for the specified purposes. A person who violated those provisions would be responsible for a civil infraction with a civil fine of \$150.

MCL 257.802 and 257.907

**House Bill 5687** would amend section 80141 of NREPA, which requires a person operating or supervising the operation of a motorboat to present his or her boating safety certificate (a safety education certificate issued to young boaters) upon the demand of a peace officer. Currently, a person convicted of violating the section is guilty of a misdemeanor. (Under the Michigan Penal Code, a misdemeanor for which no specific penalty is prescribed is punishable by imprisonment for up to 90 days or a fine of up to \$500, or both.) Under the bill, the person would be responsible for a civil infraction and could be ordered to pay a civil fine of \$150.

MCL 324.80141

**House Bill 5688** would amend sections 255 and 256 of the Michigan Vehicle Code, which prohibit a person from operating vehicles with no registration plates or with unauthorized plates. Currently, a person convicted of operating a vehicle licensed under the international registration plan without a registration due to nonpayment of the fee is guilty of a misdemeanor punishable by imprisonment for up to 90 days or a fine of up to \$100, or both. The same penalty applies to a person who improperly lends or borrows a certificate of title, registration certificate, registration or special plate, or permit. Under the bill, a person violating these provisions would be responsible for a civil infraction with a \$150 fine.

Currently, a person convicted of operating certain commercial vehicles without a plate or with unauthorized or illegal plates is guilty of a misdemeanor punishable by imprisonment for up to 90 days or a fine of up to \$500, or both. Under the bill, a person operating such a commercial vehicle with no plates would be responsible for a civil infraction with a \$100 fine, and a person operating such a commercial vehicle with unauthorized or illegal plates would be responsible for a civil infraction with a \$500 fine.

MCL 257.255 et seq.

**House Bill 5689** would amend sections 82120 and 82126 of NREPA, which respectively require a person to show his or her snowmobile safety certificate (a safety education certificate issued to young snowmobilers) to a peace officer upon demand and prohibit a person from operating a snowmobile at a greater speed than is reasonable and proper. Currently, a person convicted of violating either section is guilty of a misdemeanor. (Under the Michigan Penal Code, a misdemeanor for which no specific penalty is prescribed is punishable by imprisonment for up to 90 days or a fine of up to \$500, or both.) Under the bill, a person violating either section would be responsible for a civil infraction and could be ordered to pay a civil fine of \$150.

MCL 324.82120 and 324.82126

**House Bill 5690** would amend section 306 of the Michigan Vehicle Code, which allows people who are enrolled in a driver education course or motorcycle safety course or who have a temporary instruction permit to operate a vehicle under certain specified conditions, such as when accompanied by or under the supervision of an adult driver or instructor. Currently, a person convicted of violating the section is guilty of a misdemeanor punishable by imprisonment for up to 90 days or a fine of up to \$100, or both. Under the bill, the person would be responsible for a civil infraction and would have to be ordered to pay a civil fine of \$150.

MCL 257.306

**House Bill 5691** would amend section 244 of the Michigan Vehicle Code, which provides for special plates for manufacturers, transporters, and dealers, and registration plates for those picking up or delivering vehicles for repair, service, storage, or the like. Among other things, the section prohibits unauthorized use of special plates, requires certain people to have specified documentation in their possession while using the plates, and provides penalties for failure to return plates under certain circumstances. Currently, a person convicted of violating the section is guilty of a misdemeanor punishable by imprisonment for up to 90 days or a fine of up to \$100, or both. Under the bill, the person would be responsible for a civil infraction with a civil fine of \$150.

MCL 257.244 and 257.907

**House Bill 5692** would amend sections 82122 and 82123 of NREPA, which respectively prohibit a person from operating or selling a snowmobile without properly working safety features (such as headlights and brakes) and prohibit a person from operating or riding a snowmobile without wearing proper safety gear (except on his or her private property). Currently, a person convicted of violating either section is guilty of a misdemeanor. (Under the Michigan Penal Code, a misdemeanor for which no specific penalty is prescribed is punishable by imprisonment for up to 90 days or a fine of up to \$500, or both.) Under the bill, a person violating either section would be responsible for a civil infraction and could be ordered to pay a civil fine of \$150.

MCL 324.82122 and 324.82123

**House Bill 5693** would amend section 81122 of NREPA, which among other things requires the operator of an ORV to cross a street, county road, or highway at a right angle after first coming to a complete stop and yielding the right-of-way to oncoming traffic. Currently, a person convicted of violating those provisions is guilty of a misdemeanor punishable by imprisonment for up to 90 days or a fine of \$50 to \$1,000, or both, for each violation. Under the bill, the person would be responsible for a civil infraction and could be ordered to pay a civil fine of \$150.

MCL 324.81122

**House Bill 5694** would amend section 43560 of NREPA, which prescribes penalties for violations of Part 435 (Hunting and Fishing Licenses). Section 43516 requires an individual who has been issued a hunting, fur harvester's, or fishing license to carry the license (or an electronic copy), and show it to an officer on demand, when he or she is hunting, trapping, or fishing or engaged in certain other activities. Currently, a person convicted of violating this provision is guilty of a misdemeanor punishable by imprisonment for up to 90 days or a fine of up to \$25 to \$250 and the costs of prosecution, or both. Under the bill, a person who failed to show his or her license would be responsible for a civil infraction and could be ordered to pay a civil fine of \$150.

MCL 324.43560

**House Bill 5695** would amend section 48738 of NREPA, which prescribes penalties for violations of Part 487 (Sport Fishing). Section 48703 requires a person to mark his or her name and address on a tip-up or similar device used in ice fishing. The section also limits the number of rods and lines an angler can use. Currently, a person convicted of violating these provisions is guilty of a misdemeanor punishable by imprisonment for up to 90 days or a fine of up to \$500, or both. Under the bill, a person who failed to attach his or her name and address to a tip-up or fished with more lines than authorized would be responsible for a civil infraction and could be ordered to pay a civil fine of \$150.

MCL 324.48738

**House Bill 5696** would amend section 15 of the Motor Carrier Fuel Tax Act, which provides penalties for certain violations of that act. Currently, a person who commits a violation of the act for which a specific penalty is not given—or who makes a false statement or return, refuses or neglects to make a statement or return, or engages in business as a motor carrier without being a holder of an unrevoked license—is guilty of a misdemeanor punishable by imprisonment for up to 90 days or a fine of up to \$100, or both. Under the bill, the person would be responsible for a civil infraction and could be ordered to pay a civil fine of \$150.

MCL 207.255

**House Bill 5697** would amend sections 40118 and 43558 of NREPA. The Wildlife Conservation Order currently requires a person to affix his or her name, driver license number, or sportcard number to a ground blind, tree stand, scaffold, or raised platform and restricts supplemental feeding of deer. Currently, a person convicted of violating these provisions is guilty of a misdemeanor punishable by imprisonment for up to 90 days or a fine of \$50 to \$500, or both, and the costs of prosecution. Under the bill, a person who violated those or related provisions would be responsible for a civil infraction and could be ordered to pay a civil fine of \$150.

Section 43509(2) of NREPA prohibits a person from taking or possessing a wild animal without having in his or her possession a valid license as provided under Part 435 (Hunting and Fishing Licensing). Currently, a person convicted of violating the provision is guilty of a misdemeanor punishable by imprisonment for up to 90 days or a fine of \$25 to \$250 and the costs of prosecution, or both. Under the bill, a person who violated those provisions or others on the same topics would be responsible for a civil infraction and could be ordered to pay a civil fine of \$150.

MCL 324.40118 and 324.43558

**House Bill 5698** would amend section 801e of the Michigan Vehicle Code, which among other things requires a moped certificate of registration to accompany the moped and be made available for inspection upon the demand of a law enforcement officer. Currently, a person convicted of violating the section is guilty of a misdemeanor punishable by imprisonment for up to 90 days or a fine of up to \$100, or both. Under the bill, the person would be responsible for a civil infraction with a civil fine of \$150.

MCL 257.801e and 257.907

**House Bill 5699** would amend section 311 of the Michigan Vehicle Code, which prohibits a person from operating a vehicle without having his or her operator's or chauffeur's license in his or her possession. Currently, a person convicted of a violation is guilty of a misdemeanor punishable by imprisonment for up to 90 days or a fine of up to \$100, or both. Under the bill, the person would be responsible for a civil infraction and would have to be ordered to pay a fine of \$150.

Under current law, the court must waive any fine and costs upon receiving certification by a law enforcement agency that, before the appearance date on the citation, the person produced his or her operator's or chauffeur's license and the license was valid on the date of the violation of section 311. The bill would not change this provision.

MCL 257.311 and 257.907

#### **FISCAL IMPACT:**

**House Bills 5684, 5689, and 5692** would have an indeterminate fiscal impact on the state and on local units of government. Currently, under section 82133 of NREPA, unless otherwise stated, a person who violates any provision within Part 821 of the act is guilty of a misdemeanor. Under House Bills 5684, 5689, and 5692, a number of violations within Part 821 of the act would be reduced from misdemeanor charges to civil infractions. Reducing penalties from misdemeanors to civil infractions would impact costs to local county jails, revenue deposited into the state's Justice System Fund, and revenues used to support public and county law libraries. Costs to local county jails would be reduced. Costs of incarceration in local county jails varies by jurisdiction, so the savings to local units cannot be determined. Revenue collected from the payment of civil infraction penalties is used to support public and county law libraries, but, under section 8827(4) of the

Revised Judicature Act (RJA), \$10 of the civil fine would be deposited into the state's Justice System Fund, so revenue to the state would be increased. Justice System Fund revenue supports various justice-related endeavors in the judicial branch, the Departments of State Police, Corrections, Health and Human Services, and Treasury, and the Legislative Retirement System. Because there is no practical way to determine the number of violations that will occur under provisions of the bills, an estimate of the amount of additional revenue the state would collect cannot be made.

**House Bill 5685** would have an indeterminate fiscal impact on the state and on local units of government. The bill would reduce the penalties for a number of offenses from the current misdemeanor charges to civil infractions. Also, the bill would add civil infraction penalties for a number of offenses. Changing penalties from misdemeanors to civil infractions and adding civil infraction penalties would impact costs to local county jails, revenue deposited into the state's Justice System Fund, and revenue used to support public and county law libraries. Costs to local county jails would be reduced as misdemeanor convictions would be replaced with civil infraction penalties. Costs of incarceration in local county jails varies by jurisdiction, so the savings to local units cannot be determined. Revenue collected from the payment of civil infraction penalties is used to support public and county law libraries. Any increase in the amount of fine revenue received would benefit the libraries. Under section 907(13) of the Michigan Vehicle Code, for any civil fines ordered to be paid, the judge or district court magistrate is required to order the defendant to pay a justice system assessment of \$40 for each civil infraction determination, except for parking violations. Revenue deposited into the state's Justice System Fund supports various justice-related endeavors in the judicial branch, the Departments of State Police, Corrections, Health and Human Services, and Treasury, and the Legislative Retirement System. Because there is no practical way to determine the number of violations that will occur under provisions of the bill, an estimate of the amount of additional revenue the state would collect cannot be made.

**House Bill 5686** would have an indeterminate fiscal impact on the state and on local units of government. The bill would add civil infraction penalties. Revenue collected from the payment of civil fines is used to support public and county law libraries. Also, under section 907(13) of the Michigan Vehicle Code, for any civil fines ordered to be paid, the judge or district court magistrate is required to order the defendant to pay a justice system assessment of \$40 for each civil infraction determination, except for parking violations. Revenue deposited into the state's Justice System Fund supports various justice-related endeavors in the judicial branch, the Departments of State Police, Corrections, Health and Human Services, and Treasury, and the Legislative Retirement System. Because there is no practical way to determine the number of violations that will occur under provisions of the bill, an estimate of the amount of additional revenue that libraries or the state would collect cannot be made.

**House Bill 5687** would have an indeterminate fiscal impact on the state and on local units of government. Currently, under section 80171 of NREPA, unless otherwise stated, a person who violates any provision within Part 801 of the act is guilty of a misdemeanor. Under House Bill 5687, the violation in section 80141 would be reduced from a misdemeanor charge to a civil infraction. Reducing the penalty from a misdemeanor to a civil infraction would impact costs to local county jails, revenue deposited into the state's Justice System Fund, and revenue used to support public and county law libraries. Costs to local county jails would be reduced. Costs of incarceration in local county jails varies by jurisdiction, so the savings to local units cannot be determined. Revenue collected from the payment of civil infraction penalties is used to support public and county law libraries, but, under section 8827(4) of the RJA, \$10 of the civil fine would be deposited into the state's Justice System Fund, so revenue to the state would be increased. Justice System Fund revenue supports various justice-related endeavors in the judicial branch, the

Departments of State Police, Corrections, Health and Human Services, and Treasury, and the Legislative Retirement System. Because there is no practical way to determine the number of violations that will occur under provisions of the bill, an estimate of the amount of additional revenue the state would collect cannot be made.

**House Bill 5688** would have an indeterminate fiscal impact on the state and on local units of government. The bill would reduce the penalties for a number of offenses from the current misdemeanor charges to civil infractions. Changing penalties from misdemeanors to civil infractions would impact costs to local county jails, revenue deposited into the state's Justice System Fund, and revenue used to support public and county law libraries. Costs to local county jails would be reduced as misdemeanor convictions would be replaced with civil infraction penalties. Costs of incarceration in local county jails varies by jurisdiction, so the savings to local units cannot be determined. Revenue collected from the payment of civil infraction penalties is used to support public and county law libraries. Any increase in the amount of fine revenue received would benefit the libraries. Under section 907(13) of the Michigan Vehicle Code, for any civil fines ordered to be paid, the judge or district court magistrate is required to order the defendant to pay a justice system assessment of \$40 for each civil infraction determination, except for parking violations. Revenue deposited into the state's Justice System Fund supports various justice-related endeavors in the judicial branch, the Departments of State Police, Corrections, Health and Human Services, and Treasury, and the Legislative Retirement System. Because there is no practical way to determine the number of violations that will occur under provisions of the bill, an estimate of the amount of additional revenue the state would collect cannot be made.

**House Bill 5690** would have an indeterminate fiscal impact on the state and on local units of government. The bill would add civil infraction penalties. Revenue collected from the payment of civil fines is used to support public and county law libraries. Also, under section 907(13) of the Michigan Vehicle Code, for any civil fines ordered to be paid, the judge or district court magistrate is required to order the defendant to pay a justice system assessment of \$40 for each civil infraction determination, except for parking violations. Revenue deposited into the state's Justice System Fund supports various justice-related endeavors in the judicial branch, the Departments of State Police, Corrections, Health and Human Services, and Treasury, and the Legislative Retirement System. Because there is no practical way to determine the number of violations that will occur under provisions of the bill, an estimate of the amount of additional revenue that libraries or the state would collect cannot be made.

**House Bill 5691** would have an indeterminate fiscal impact on the state and on local units of government. The bill would reduce the penalty from the current misdemeanor charge to a civil infraction. Also, the bill would add a civil infraction penalty. Changing the penalty from a misdemeanor to a civil infraction and adding a civil infraction penalty would impact costs to local county jails, revenue deposited into the state's Justice System Fund, and revenue used to support public and county law libraries. Costs to local county jails would be reduced as misdemeanor convictions would be replaced with civil infraction penalties. Costs of incarceration in local county jails varies by jurisdiction, so the savings to local units cannot be determined. Revenue collected from the payment of civil infraction penalties is used to support public and county law libraries. Any increase in the amount of fine revenue received would benefit the libraries. Under section 907(13) of the Michigan Vehicle Code, for any civil fines ordered to be paid, the judge or district court magistrate is required to order the defendant to pay a justice system assessment of \$40 for each civil infraction determination, except for parking violations. Revenue deposited into the state's Justice System Fund supports various justice-related endeavors in the judicial branch, the Departments of State Police, Corrections, Health and Human Services, and Treasury, and the Legislative Retirement System. Because there is no practical way to determine the number of

violations that will occur under provisions of the bill, an estimate of the amount of additional revenue the state would collect cannot be made.

**House Bill 5693** would have an indeterminate fiscal impact on the state and on local units of government. Currently, under section 81147 of NREPA, unless otherwise stated, a person who violates any provision within Part 811 of the act is guilty of a misdemeanor. Under House Bill 5693, the violation in section 81122 would be reduced from a misdemeanor charge to a civil infraction. Reducing the penalty from a misdemeanor to a civil infraction would impact costs to local county jails, revenue deposited into the state's Justice System Fund, and revenue used to support public and county law libraries. Costs to local county jails would be reduced. Costs of incarceration in local county jails varies by jurisdiction, so the savings to local units cannot be determined. Revenue collected from the payment of civil infraction penalties is used to support public and county law libraries, but, under section 8827(4) of the RJA, \$10 of the civil fine would be deposited into the state's Justice System Fund, so revenue to the state would be increased. Justice System Fund revenue supports various justice-related endeavors in the judicial branch, the Departments of State Police, Corrections, Health and Human Services, and Treasury, and the Legislative Retirement System. Because there is no practical way to determine the number of violations that will occur under provisions of the bill, an estimate of the amount of additional revenue the state would collect cannot be made.

**House Bill 5694** would have an indeterminate fiscal impact on the state and on local units of government. Currently, under section 43560 of NREPA, unless otherwise stated, a person who violates any provision within Part 435 of the act is guilty of a misdemeanor. Under House Bill 5694, the violation in section 43516 would be reduced from a misdemeanor charge to a civil infraction. Reducing the penalty from a misdemeanor to a civil infraction would impact costs to local county jails, revenue deposited into the state's Justice System Fund, and revenue used to support public and county law libraries. Costs to local county jails would be reduced. Costs of incarceration in local county jails varies by jurisdiction, so the savings to local units cannot be determined. Revenue collected from the payment of civil infraction penalties is used to support public and county law libraries, but, under section 8827(4) of the RJA, \$10 of the civil fine would be deposited into the state's Justice System Fund, so revenue to the state would be increased. Justice System Fund revenue supports various justice-related endeavors in the judicial branch, the Departments of State Police, Corrections, Health and Human Services, and Treasury, and the Legislative Retirement System. Because there is no practical way to determine the number of violations that will occur under provisions of the bill, an estimate of the amount of additional revenue the state would collect cannot be made.

**House Bill 5695** would have an indeterminate fiscal impact on the state and on local units of government. Currently, under section 48738 of NREPA, unless otherwise stated, a person who violates any provision within Part 487 of the act is guilty of a misdemeanor. Under House Bill 5695, the violation in section 48703 would be reduced from a misdemeanor charge to a civil infraction. Reducing the penalty from a misdemeanor to a civil infraction would impact costs to local county jails, revenue deposited into the state's Justice System Fund, and revenue used to support public and county law libraries. Costs to local county jails would be reduced. Costs of incarceration in local county jails varies by jurisdiction, so the savings to local units cannot be determined. Revenue collected from the payment of civil infraction penalties is used to support public and county law libraries, but, under section 8827(4) of the RJA, \$10 of the civil fine would be deposited into the state's Justice System Fund, so revenue to the state would be increased. Justice System Fund revenue supports various justice-related endeavors in the judicial branch, the Departments of State Police, Corrections, Health and Human Services, and Treasury, and the Legislative Retirement System. Because there is no practical way to determine the number of



violations that will occur under provisions of the bill, an estimate of the amount of additional revenue the state would collect cannot be made.

**House Bill 5696** would have an indeterminate fiscal impact on the state and on local units of government. The bill would reduce the penalty from the current misdemeanor charge to a civil infraction. Changing the penalty from a misdemeanor to a civil infraction would impact costs to local county jails, revenue deposited into the state's Justice System Fund, and revenue used to support public and county law libraries. Costs to local county jails would be reduced as misdemeanor convictions would be replaced with civil infraction penalties. Costs of incarceration in local county jails varies by jurisdiction, so the savings to local units cannot be determined. Revenue collected from the payment of civil infraction penalties is used to support public and county law libraries. Any increase in the amount of fine revenue received would benefit the libraries. Under section 907(13) of the Michigan Vehicle Code, for any civil fines ordered to be paid, the judge or district court magistrate is required to order the defendant to pay a justice system assessment of \$40 for each civil infraction determination, except for parking violations. Revenue deposited into the state's Justice System Fund supports various justice-related endeavors in the judicial branch, the Departments of State Police, Corrections, Health and Human Services, and Treasury, and the Legislative Retirement System. Because there is no practical way to determine the number of violations that will occur under provisions of the bill, an estimate of the amount of additional revenue the state would collect cannot be made.

**House Bill 5697** would have an indeterminate fiscal impact on the state and on local units of government. Currently, under sections 40118 and 43558 of NREPA, unless otherwise stated, a person who violates any provisions within Part 401 or 435 of the act is guilty of a misdemeanor. Under House Bill 5697, the violations in sections 40118(19) and 43509 would be reduced from misdemeanor charges to civil infractions. Reducing the penalties from misdemeanors to civil infractions would impact costs to local county jails, revenue deposited into the state's Justice System Fund, and revenue used to support public and county law libraries. Costs to local county jails would be reduced. Costs of incarceration in local county jails varies by jurisdiction, so the savings to local units cannot be determined. Revenue collected from the payment of civil infraction penalties is used to support public and county law libraries, but, under section 8827(4) of the RJA, \$10 of the civil fine would be deposited into the state's Justice System Fund, so revenue to the state would be increased. Justice System Fund revenue supports various justice-related endeavors in the judicial branch, the Departments of State Police, Corrections, Health and Human Services, and Treasury, and the Legislative Retirement System. Because there is no practical way to determine the number of violations that will occur under provisions of the bill, an estimate of the amount of additional revenue the state would collect cannot be made.

**House Bill 5698** would have an indeterminate fiscal impact on the state and on local units of government. The bill would add a civil infraction penalty. Revenue collected from the payment of civil fines is used to support public and county law libraries. Also, under section 907(13) of the Michigan Vehicle Code, for any civil fines ordered to be paid, the judge or district court magistrate is required to order the defendant to pay a justice system assessment of \$40 for each civil infraction determination, except for parking violations. Revenue deposited into the state's Justice System Fund supports various justice-related endeavors in the judicial branch, the Departments of State Police, Corrections, Health and Human Services, and Treasury, and the Legislative Retirement System. Because there is no practical way to determine the number of violations that will occur under provisions of the bill, an estimate of the amount of additional revenue that libraries or the state would collect cannot be made.

**House Bill 5699** would have an indeterminate fiscal impact on the state and on local units of government. The bill would add a civil infraction penalty. Revenue collected from the payment of civil fines is used to support public and county law libraries. Also, under section 907(13) of the Michigan Vehicle Code, for any civil fines ordered to be paid, the judge or district court magistrate is required to order the defendant to pay a justice system assessment of \$40 for each civil infraction determination, except for parking violations. Revenue deposited into the state's Justice System Fund supports various justice-related endeavors in the judicial branch, the Departments of State Police, Corrections, Health and Human Services, and Treasury, and the Legislative Retirement System. Because there is no practical way to determine the number of violations that will occur under provisions of the bill, an estimate of the amount of additional revenue that libraries or the state would collect cannot be made.

Legislative Analyst: Emily S. Smith  
Fiscal Analyst: Robin Risko

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.