

HOUSE BILL NO. 4133

February 22, 2023, Introduced by Reps. Mueller and Snyder and referred to the Committee on Transportation, Mobility 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~~**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
5 the violation of a penal law of this state and a civil fine ordered

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

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

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

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

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

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

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

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

27 (f) ~~A~~**Except as provided in subsection (3)**, a civil fine
28 imposed ~~upon~~**on** a person for violation of a provision of a code or
29 an ordinance regulating the operation of a commercial vehicle

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

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

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

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

17 (3) **A civil fine ordered in a civil infraction action for a**
18 **violation of section 627c of the Michigan vehicle code, 1949 PA**
19 **300, MCL 257.627c, must be paid to the state transportation**
20 **department and distributed as provided in section 909 of the**
21 **Michigan vehicle code, 1949 PA 300, MCL 257.909.**

22 (4) ~~(3)~~As used in subsection (1) (e) and (f):

23 (a) "Commercial vehicle" includes a motor vehicle used for the
24 transportation of passengers for hire or constructed or used for
25 transportation of goods, wares, or merchandise and a motor vehicle
26 designed and used for drawing other vehicles and not so constructed
27 as to carry any load on the vehicle independently or any part of
28 the weight of a vehicle or load so drawn.

29 (b) "Operation" means being in actual physical control of a

1 vehicle regardless of whether the person is licensed under the
2 Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, as an
3 operator or chauffeur.

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

6 Enacting section 1. This amendatory act does not take effect
7 unless Senate Bill No. _____ or House Bill No. 4132 (request no.
8 00945'23) of the 102nd Legislature is enacted into law.