



# HOUSE BILL No. 4927

September 30, 1999, Introduced by Reps. Rick Johnson, Allen, Kelly, Jelinek, Julian, Middaugh, Garcia, Kukuk, Garza and Bovin and referred to the Committee on Transportation.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8379 (MCL 600.8379), as amended by 1990 PA 54.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 8379. (1) Fines and costs assessed in the district  
2 court shall be paid to the clerk of the court who shall appropri-  
3 ate them 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  
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

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

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

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

12 (E) A CIVIL FINE IMPOSED UPON A PERSON OPERATING A COMMER-  
13 CIAL VEHICLE FOR VIOLATION OF A PROVISION OF A CODE OR AN ORDI-  
14 NANCE OF A POLITICAL SUBDIVISION OF THIS STATE SUBSTANTIALLY COR-  
15 RESPONDING TO A PROVISION OF THE MICHIGAN VEHICLE CODE, 1949  
16 PA 300, MCL 257.1 TO 257.923, SHALL BE PAID TO THE COUNTY TREA-  
17 SURER AND APPLIED FOR LIBRARY PURPOSES AS PROVIDED BY LAW.

18 (F) A CIVIL FINE IMPOSED UPON A PERSON OPERATING A COMMER-  
19 CIAL VEHICLE FOR VIOLATION OF A PROVISION OF A CODE OR AN ORDI-  
20 NANCE ADOPTED BY A CITY, TOWNSHIP, OR VILLAGE PURSUANT TO SECTION  
21 1 OF 1956 PA 62, MCL 257.951, SHALL BE PAID TO THE COUNTY TREA-  
22 SURER AND APPLIED FOR LIBRARY PURPOSES AS PROVIDED BY LAW.

23 (2) In the fifty-second district, 30% of all fines and  
24 costs, other than those imposed for the violation of a penal law  
25 of this state or ordered in a civil infraction action for the  
26 violation of a law of this state, shall be paid to the political  
27 subdivision whose law was violated and 70% shall be paid to the

1 county in which the political subdivision is located. This  
 2 subsection shall apply only if the consolidation of the  
 3 forty-fifth-b district with the fifty-second district, as pro-  
 4 vided in section 8123, takes place pursuant to section 8177.

5 (3) AS USED IN SUBSECTION (1)(E) AND (F):

6 (A) "COMMERCIAL VEHICLE" INCLUDES A MOTOR VEHICLE USED FOR  
 7 THE TRANSPORTATION OF PASSENGERS FOR HIRE OR CONSTRUCTED OR USED  
 8 FOR TRANSPORTATION OF GOODS, WARES, OR MERCHANDISE AND A MOTOR  
 9 VEHICLE DESIGNED AND USED FOR DRAWING OTHER VEHICLES AND NOT SO  
 10 CONSTRUCTED AS TO CARRY ANY LOAD ON THE VEHICLE INDEPENDENTLY OR  
 11 ANY PART OF THE WEIGHT OF A VEHICLE OR LOAD SO DRAWN.

12 (B) "OPERATING" MEANS BEING IN ACTUAL PHYSICAL CONTROL OF A  
 13 VEHICLE REGARDLESS OF WHETHER THE PERSON IS LICENSED UNDER THE  
 14 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923, AS AN  
 15 OPERATOR OR CHAUFFEUR.

16 (C) "PERSON" MEANS EVERY NATURAL PERSON, PARTNERSHIP, ASSO-  
 17 CIATION, OR CORPORATION AND THEIR LEGAL SUCCESSORS.

18 Enacting section 1. This amendatory act does not take  
 19 effect unless all of the following bills of the 90th Legislature  
 20 are enacted into law:

21 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 4932 (request  
 22 no. 03641'99\*).

23 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 4928 (request  
 24 no. 03652'99\*).

25 (c) Senate Bill No. \_\_\_\_\_ or House Bill No. 4929 (request  
 26 no. 03653'99\*).

1 (d) Senate Bill No. \_\_\_\_\_ or House Bill No. 4931 (request  
2 no. 04221'99\*).

3 (e) Senate Bill No. \_\_\_\_\_ or House Bill No. 4930 (request  
4 no. 04528'99\*).