

SENATE BILL NO. 1100

September 10, 2020, Introduced by Senators WOJNO and SCHMIDT and referred to the Committee on Transportation and Infrastructure.

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

1 them as follows:

2 (a) ~~A-Except as provided in subsection (3),~~ a fine imposed for
3 the violation of a penal law of this state and a civil fine ordered
4 in a civil infraction action for violation of a law of this state
5 ~~shall-must~~ be paid to the county treasurer and applied for library
6 purposes as provided by law.

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

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

1 political subdivision whose law was violated, except that where
2 fines and costs are assessed in a political subdivision other than
3 the political subdivision whose law was violated, 2/3 ~~shall~~**must** be
4 paid to the political subdivision where the guilty plea or civil
5 infraction admission was entered or where the trial or civil
6 infraction action hearing took place and the balance ~~shall~~**must** be
7 paid to the political subdivision whose law was violated.

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

20 (e) ~~A~~**Except as provided in subsection (3)**, a civil fine
21 imposed ~~upon~~**on** a person for violation of a provision of a code or
22 an ordinance of a political subdivision of this state regulating
23 the operation of a commercial vehicle that substantially
24 corresponds to a provision of the Michigan vehicle code, 1949 PA
25 300, MCL 257.1 to 257.923, ~~shall~~**must** be paid to the county
26 treasurer and allocated as follows:

27 (i) Seventy percent to the political subdivision in which the
28 citation is issued.

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

(f) ~~A~~ **Except as provided in subsection (3),** a civil fine imposed ~~upon~~ **on** a person for violation of a provision of a code or an ordinance regulating the operation of a commercial vehicle adopted by a city, township, or village ~~pursuant to~~ **under** section 1 of 1956 PA 62, MCL 257.951, ~~shall~~ **must** be paid to the county treasurer and allocated as follows:

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

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

(2) ~~In~~ **Except as provided in subsection (3),** in the fifty-second district, 30% of all fines and costs, other than those imposed for the violation of a penal law of this state or ordered in a civil infraction action for the violation of a law of this state, ~~shall~~ **must** be paid to the political subdivision whose law was violated and 70% ~~shall~~ **must** be paid to the county in which the political subdivision is located. This subsection shall apply only if the consolidation of the forty-fifth-b district with the fifty-second district, as provided in section 8123, takes place pursuant to section 8177.

(3) **A civil fine ordered in a civil infraction action for a violation of section 682 of the Michigan vehicle code, 1949 PA 300, MCL 257.682, or an ordinance of a political subdivision substantially corresponding to section 682 of the Michigan vehicle code, 1949 PA 300, MCL 257.682, must be distributed as provided in section 909 of the Michigan vehicle code, 1949 PA 300, MCL 257.909.**

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

(a) "Commercial vehicle" includes a motor vehicle used for the transportation of passengers for hire or constructed or used for 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 682 of the Michigan vehicle**
20 **code, 1949 PA 300, MCL 257.682, a civil fine ordered for a**
21 **violation of that ordinance must be distributed as provided in**
22 **section 909 of the Michigan vehicle code, 1949 PA 300, MCL 257.909.**

23 Enacting section 1. This amendatory act does not take effect
24 unless all of the following bills of the 100th Legislature are
25 enacted into law:

26 (a) Senate Bill No. 1098.

27
28 (b) Senate Bill No. 1099.