

SENATE BILL No. 1046

September 10, 2014, Introduced by Senators JONES and BIEDA 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 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~~ EXCEPT AS OTHERWISE PROVIDED IN SECTION 682E OF THE
5 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.682E, A fine imposed
6 for the violation of a penal law of this state and a civil fine
7 ordered in a civil infraction action for violation of a law of this
8 state shall be paid to the county treasurer and applied for library
9 purposes as provided by law.

10 (b) In districts of the first and second class, costs imposed

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

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

27 (d) In a district of the third class, if each political

1 subdivision within the district, by resolution of its governing
2 body, agrees to a distribution of fines and costs, other than fines
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, differently than as provided by this section, the
6 distribution of those fines and costs among the political
7 subdivisions of that district shall be as agreed to. An existing
8 agreement applicable to the distribution of fines and costs shall
9 apply with the same effect to the distribution of civil fines and
10 costs ordered in civil infraction actions.

11 (e) A civil fine imposed upon a person for violation of a
12 provision of a code or an ordinance of a political subdivision of
13 this state regulating the operation of a commercial vehicle that
14 substantially corresponds to a provision of the Michigan vehicle
15 code, 1949 PA 300, MCL 257.1 to 257.923, shall be paid to the
16 county treasurer and allocated as follows:

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

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

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

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

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

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

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

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

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

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

23 Enacting section 1. This amendatory act does not take effect
24 unless Senate Bill No.1045

25 of the 97th Legislature is enacted into law.