

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 6235**

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 8827 (MCL 600.8827), as amended by 2003 PA 95.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8827. (1) A state civil infraction is not a lesser
2 included offense of a criminal offense.
3 (2) If a defendant is determined to be responsible or
4 responsible "with explanation" for a state civil infraction, the
5 judge or district court magistrate may order the defendant to pay a
6 civil fine as provided by law and costs as provided in subsection
7 (3) and the justice system assessment provided in subsection (4).
8 In the order of judgment, the judge or district court magistrate
9 may grant a defendant permission to pay a civil fine, costs, and



1 assessment within a specified period of time or in specified
2 installments. Otherwise, the civil fine, costs, and assessment are
3 payable immediately.

4 (3) If a defendant is ordered to pay a civil fine under
5 subsection (2), the judge or district court magistrate shall
6 summarily tax and determine the costs of the action, which are not
7 limited to the costs taxable in ordinary civil actions and may
8 include all expenses, direct and indirect, to which the plaintiff
9 has been put in connection with the state civil infraction, up to
10 the entry of judgment. Costs of not more than \$500.00 ~~shall~~**must** be
11 ordered. Until September 30, 2003, the amount of costs ordered
12 ~~shall~~**must** be not less than \$9.00. Costs in a state civil
13 infraction action in the district court ~~shall~~**must** be distributed
14 as provided in sections 8379 and 8381. Beginning October 1, 2003,
15 costs ordered in a state civil infraction action ~~shall~~**must** be
16 distributed as provided in section 8379. Costs in a state civil
17 infraction action in a municipal court ~~shall~~**must** be paid to the
18 county.

19 (4) Effective October 1, 2003, in addition to any fine or cost
20 ordered to be paid under subsection (2) or (3), the judge or
21 district court magistrate shall order the defendant to pay a
22 justice system assessment of \$10.00. Upon payment of the
23 assessment, the clerk of the court shall transmit the assessment
24 collected to the state treasurer for deposit in the justice system
25 fund created in section 181.

26 (5) A district court magistrate shall impose the sanctions
27 permitted under subsection (2) only to the extent expressly
28 authorized by the chief judge or only judge of the district court
29 district.



1 (6) Each district of the district court and each municipal
2 court may establish a schedule of civil fines, costs, and
3 assessments to be imposed for state civil infractions that occur
4 within the district or city. If a schedule is established, it shall
5 **must** be prominently posted and readily available for public
6 inspection. A schedule need not include all violations that are
7 designated by law as state civil infractions.

8 (7) A default in the payment of a civil fine, costs, or
9 assessment ordered under subsection (2), (3), or (4) or an
10 installment of the fine, costs, or assessment may be collected by a
11 means authorized for the enforcement of a judgment under chapter 40
12 or chapter 60.

13 ~~(8) Not less than 28 days after a defendant fails to appear in~~
14 ~~response to a citation issued for, or fails to comply with an order~~
15 ~~or judgment involving, a state civil infraction, the court shall~~
16 ~~give notice by ordinary mail, addressed to the defendant's last~~
17 ~~known address, that if the defendant fails to appear or fails to~~
18 ~~comply with the order or judgment described in this subsection~~
19 ~~within 14 days after the notice is issued, the court will give to~~
20 ~~the secretary of state notice of that failure. Upon receiving~~
21 ~~notice of that failure, the secretary of state shall not issue or~~
22 ~~renew an operator's or chauffeur's license for the defendant until~~
23 ~~both of the following occur:~~

24 ~~(a) The court informs the secretary of state that the~~
25 ~~defendant has resolved all outstanding matters regarding each~~
26 ~~notice or citation.~~

27 ~~(b) The defendant has paid to the court a \$45.00 driver~~
28 ~~license reinstatement fee. If the court determines that the~~
29 ~~defendant is not responsible for any violation for which the~~



1 ~~defendant's license was not issued or renewed under this~~
2 ~~subsection, the court shall waive the driver license reinstatement~~
3 ~~fee.~~

4 (8) ~~(9)~~—A defendant who fails to comply with an order or
5 judgment issued under this section is guilty of a misdemeanor.

6 Enacting section 1. This amendatory act takes effect October
7 1, 2021.

8 Enacting section 2. This amendatory act does not take effect
9 unless House Bill No. 5846 of the 100th Legislature is enacted into
10 law.

