

Act No. 317
Public Acts of 1993
Approved by the Governor
December 28, 1993
Filed with the Secretary of State
December 29, 1993

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1993**

Introduced by Reps. Gnodtke, Brackenridge, Randall, Middaugh, Bender, McNutt, Dalman, Gernaat, Goschka and Galloway

ENROLLED HOUSE BILL No. 4957

AN ACT to amend section 4801 of Act No. 236 of the Public Acts of 1961, entitled as amended "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act," being section 600.4801 of the Michigan Compiled Laws; and to add section 4803.

The People of the State of Michigan enact:

Section 1. Section 4801 of Act No. 236 of the Public Acts of 1961, being section 600.4801 of the Michigan Compiled Laws, is amended and section 4803 is added to read as follows:

Sec. 4801. As used in this chapter:

(a) "Costs" means any monetary amount that the court is authorized to assess and collect for prosecution, adjudication, or processing of criminal offenses, civil infractions, civil violations, and parking violations, including court costs, the cost of prosecution, and the cost of providing court-ordered legal assistance to the defendant.

(b) "Fee" means any monetary amount, other than costs or a penalty, that the court is authorized to impose and collect pursuant to a conviction, finding of responsibility, or other adjudication of a criminal offense, a civil infraction, a civil violation, or a parking violation, including a driver license reinstatement fee.

(c) "Penalty" includes fines, forfeitures, and forfeited recognizances.

(d) "Civil violation" means a violation of a law of this state or a local ordinance, other than a criminal offense or a violation that is defined or designated as a civil infraction, that is punishable by a civil fine or forfeiture under the applicable law or ordinance.

Sec. 4803. (1) A person who fails to pay a penalty, fee, or costs in full within 56 days after that amount is due and owing is subject to a late penalty equal to 20% of the amount owed. The court shall inform a person subject to a penalty, fee, or costs that the late penalty will be applied to any amount that continues to be unpaid 56 days after the amount is due and owing. Penalties, fees, and costs are due and owing at the time they are ordered unless the court directs otherwise. The court shall order a specific date on which the penalties, fees, and costs are due and owing. If the court authorizes delayed or installment payments of a penalty, fee, or costs, the court shall inform the person of the date on which, or time schedule under which, the penalty, fee, or costs, or portion of the penalty, fee, or costs, will be due and owing. A late penalty may be waived by the court upon the request of the person subject to the late penalty.

(2) Within 30 days after receiving a late penalty, the clerk of the court shall transmit the amount received to the treasurer or chief financial officer of the funding unit of the court, for deposit in the general fund of the funding unit.

(3) As used in this section, "funding unit" means 1 of the following as applicable:

(a) For a circuit other than the third circuit of the circuit court, each county in the circuit.

(b) For the third circuit of the circuit court and the recorder's court, the state.

(c) For a district other than the thirty-sixth district of the district court, the district control unit of the district, as defined in section 8104.

(d) For the thirty-sixth district of the district court, the state.

(e) For a municipal court, the political unit where the municipal court is located.

(4) This section is repealed effective January 1, 1998.

Section 2. This amendatory act shall take effect January 1, 1994.

Section 3. This amendatory act shall not take effect unless Senate Bill No. 755 of the 87th Legislature is enacted into law.

This act is ordered to take immediate effect.

Co-Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.