



# HOUSE BILL No. 4957

July 15, 1993, Introduced by Reps. Gnodtke, Brackenridge, Randall, Middaugh, Bender, McNutt, Dalman, Gernaat, Goschka and Galloway and referred to the Committee on Judiciary.

A bill to amend section 4801 of Act No. 236 of the Public Acts of 1961, entitled as amended "Revised judicature act of 1961," being section 600.4801 of the Michigan Compiled Laws; and to add section 4803.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

4 Sec. 4801. ~~The term "penalty", as~~ AS used in this  
5 chapter: —

6 (A) "COSTS" MEANS MONETARY AMOUNTS ASSESSED FOR CRIMINAL  
7 OFFENSES, CIVIL INFRACTIONS, CIVIL VIOLATIONS, AND PARKING  
8 VIOLATIONS, INCLUDING THE COST OF PROSECUTION AND COURT-ORDERED  
9 LEGAL ASSISTANCE TO THE DEFENDANT.

1 (B) "FEE" MEANS ANY MONETARY AMOUNT THE COURT IS AUTHORIZED  
2 TO IMPOSE AND COLLECT, INCLUDING A DRIVER LICENSE REINSTATEMENT  
3 FEE.

4 (C) "PENALTY" includes fines, forfeitures, and forfeited  
5 recognizances.

6 SEC. 4803. (1) A PERSON WHO FAILS TO PAY A PENALTY, FEE, OR  
7 COSTS IN FULL WITHIN 56 DAYS AFTER THAT AMOUNT IS DUE AND OWING  
8 IS SUBJECT TO A LATE PENALTY EQUAL TO 20% OF THE AMOUNT OWED.  
9 THE COURT SHALL INFORM A PERSON SUBJECT TO A PENALTY, FEE, OR  
10 COSTS THAT THE LATE PENALTY WILL BE APPLIED TO ANY AMOUNT THAT  
11 CONTINUES TO BE UNPAID 56 DAYS AFTER THE AMOUNT IS DUE AND  
12 OWING. PENALTIES, FEES, AND COSTS ARE DUE AND OWING AT THE TIME  
13 THEY ARE ORDERED UNLESS THE COURT DIRECTS OTHERWISE. IF THE  
14 COURT AUTHORIZES DELAYED OR INSTALLMENT PAYMENTS OF A PENALTY,  
15 FEE, OR COSTS, THE COURT SHALL INFORM THE PERSON OF THE DATE ON  
16 WHICH, OR TIME SCHEDULE UNDER WHICH, THE PENALTY, FEE, OR COSTS,  
17 OR PORTION OF THE PENALTY, FEE, OR COSTS, WILL BE DUE AND OWING.

18 (2) WITHIN 30 DAYS AFTER RECEIVING A LATE PENALTY, THE CLERK  
19 OF THE COURT SHALL TRANSMIT THE AMOUNT RECEIVED TO THE TREASURER  
20 OR CHIEF FINANCIAL OFFICER OF THE FUNDING UNIT OF THE COURT, FOR  
21 DEPOSIT IN THE GENERAL FUND OF THE FUNDING UNIT.

22 (3) AS USED IN THIS SECTION, "FUNDING UNIT" MEANS 1 OF THE  
23 FOLLOWING AS APPLICABLE:

24 (A) FOR A CIRCUIT OTHER THAN THE THIRD CIRCUIT OF THE CIR-  
25 CUIT COURT, EACH COUNTY IN THE CIRCUIT.

26 (B) FOR THE THIRD CIRCUIT OF THE CIRCUIT COURT AND THE  
27 RECORDER'S COURT, THE STATE.

1 (C) FOR A DISTRICT OTHER THAN THE THIRTY-SIXTH DISTRICT OF  
2 THE DISTRICT COURT, THE DISTRICT CONTROL UNIT OF THE DISTRICT, AS  
3 DEFINED IN SECTION 8104.

4 (D) FOR THE THIRTY-SIXTH DISTRICT OF THE DISTRICT COURT, THE  
5 STATE.

6 (E) FOR A MUNICIPAL COURT, THE POLITICAL UNIT WHERE THE  
7 MUNICIPAL COURT IS LOCATED.

8 Section 2. This amendatory act shall take effect January 1,  
9 1994.

10 Section 3. This amendatory act shall not take effect unless  
11 Senate Bill No. \_\_\_\_\_ or House Bill No. 4956 (request  
12 no. 04221'93) of the 87th Legislature is enacted into law.