

BRUCE A. TIMMONS

The Honorable Graham Filler, Chair, House Committee on Judiciary
Members of the House Committee on Judiciary

March 24, 2022

Statement Regarding **HB 5750** – Objection to Use of Civil Fine Revenue

What do the following proposals have in common?

- Enhance sanctions for dumping; direct that civil fines for state civil infraction violation be distributed to a local community group or municipal, county, or state that performs clean-up or remediation. **HB 4084**, as originally introduced. Remedy was changed before House passed HB 4084 (H-3) in February.

- Enhance enforcement against those who fail to stop but instead pass school buses that are equipped with a stop-arm camera system that records those who violate statute or ordinance; deploy stop-arm technology to identify violators; increase maximum civil fine to \$500; and allow civil fines for traffic civil infraction violation (whether state law or municipal ordinance) to be paid to school district that operates the school bus. **HB 5509 (H-2)** and companion HB 5508 were reported from House Judiciary May 10.

- Prohibit motor vehicles other than snowmobiles from driving on snowmobile trails between December 1 and March 31; set violation as state civil infraction and a civil fine up to \$200, with civil fine revenue to be deposited in the DNR's recreational snowmobile trail improvement subaccount. **HB 4535 (H-2)** and companion **HB 4536** (amending (MCL 600.8831) were passed by the House last October.

- Authorize installation and use of an automated speed enforcement system in a work zone on a highway or street under MDOT, make violations a (traffic) civil infraction, set civil fines up to \$300 (depending upon how many violations the motorist has accumulated), and earmark the civil fine revenue to a new work zone safety fund. **HB 5750**, up for consideration today.

Each was introduced with the expressed intention to intercept civil infraction civil fine revenue and divert it away from your libraries – contrary to the historical legislative policy that civil infraction civil fines for violation of state law violations were designated to libraries, as penal fines have constitutionally been designated for decades. See Const 1963, Art VIII, Sec.9, and its predecessors. Designating state law violations as “civil infractions” (whether former or new) was not intended to alter the flow of revenue or lessen the support of public libraries or county law libraries. See MCL 257.909 (per 1978 PA 510) and MCL 600.8831 (since 1996).

As noted above, HB 4084 passed the House with a different remedy. But HB 4535-36 have passed the House and HBs 5508-09 are on the House calendar. Now comes HB 5750.

We are no longer talking about an “isolated” instance. Two predecessors to the current bills were introduced last Session but died. This Session there have been 4 such “exceptions”, which seem spurred by the capture of non-tax revenue. This “trend”, perhaps driven by expediency of the moment, invites repetition. Where will it stop? Libraries are not swimming in money and who is going to replace diverted revenue, especially if this trend gains further momentum?

For that reason, **I oppose HB 5750 as drafted**. I do not object to stricter enforcement of work zone violations. I had to swerve last week to avoid getting hit by a motorist who sped by me at an excessive rate just as cones in a construction zone on US-127 narrowed the roadway.

Respectfully,

Bruce A. Timmons

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222hb5750 (work zone; diverting civil fines) 05.24.2022