

**700.5510 Revocation of patient advocate designation.**

Sec. 5510. (1) A patient advocate designation is revoked by 1 or more of the following:

(a) The patient's death, except that part of the patient advocate designation, if any, that authorizes the patient advocate to make an anatomical gift of all or part of the deceased patient's body in accordance with this act and section 10102 of the public health code, 1978 PA 368, MCL 333.10102.

(b) An order of removal by the probate court under section 5511(4).

(c) The patient advocate's resignation or removal by the court, unless a successor patient advocate has been designated.

(d) The patient's revocation of the patient advocate designation. Even if the patient is unable to participate in medical treatment decisions, a patient may revoke a patient advocate designation at any time and in any manner by which he or she is able to communicate an intent to revoke the patient advocate designation. If there is a dispute as to the intent of the patient to revoke the patient advocate designation, the court may make a determination on the patient's intent to revoke the patient advocate designation. If the revocation is not in writing, an individual who witnesses a revocation of a patient advocate designation shall describe in writing the circumstances of the revocation, must sign the writing, and shall notify, if possible, the patient advocate of the revocation. If the patient's physician or health facility has notice of the patient's revocation of a patient advocate designation, the physician or health facility shall note the revocation in the patient's medical records and bedside chart and must notify the patient advocate.

(e) A subsequent patient advocate designation that revokes the prior patient advocate designation either expressly or by inconsistency.

(f) The occurrence of a provision for revocation contained in the patient advocate designation.

(g) If a patient advocate designation is executed during a patient's marriage naming the patient's spouse as the patient advocate, the patient advocate designation is suspended during the pendency of an action for separate maintenance, annulment, or divorce and is revoked upon the entry of a judgment of separate maintenance, annulment, or divorce, unless the patient has named a successor individual to serve as a patient advocate. If a successor patient advocate is named, that individual acts as the patient advocate.

(2) The revocation of a patient advocate designation under subsection (1) does not revoke or terminate the agency as to the patient advocate or other person who acts in good faith under the patient advocate designation and without actual knowledge of the revocation. Unless the action is otherwise invalid or unenforceable, an action taken without knowledge of the revocation binds the patient and his or her heirs, devisees, and personal representatives. A sworn statement executed by the patient advocate stating that, at the time of doing an act in accordance with the patient advocate designation, he or she did not have actual knowledge of the revocation of the patient advocate designation is, in the absence of fraud, conclusive proof that the patient advocate did not have actual knowledge of the revocation at the time of the act.

**Conditional effective date.**

Enacting section 1. This amendatory act does not take effect unless House Bill No. 4125 of the 92nd Legislature is enacted into law.

This act is ordered to take immediate effect.

Approved July 21, 2003.

Filed with Secretary of State July 22, 2003.

**[No. 64]****(HB 4224)**

AN ACT to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending section 628 (MCL 257.628), as amended by 2000 PA 167.

*The People of the State of Michigan enact:*

**257.628 Maximum or minimum speed limits; determination; petition by township board; speed control signs, signals, or devices; public record as evidence; violation as civil infraction; automobile insurance eligibility or rates.**

Sec. 628. (1) If the state transportation commission and the director of the department of state police jointly determine upon the basis of an engineering and traffic investigation that the speed of vehicular traffic on a state trunk line highway is greater or less than is reasonable or safe under the conditions found to exist at an intersection or other place or upon a part of the highway, the officials acting jointly may determine and declare a reasonable and safe maximum or minimum speed limit on that state trunk line highway or intersection that shall be effective at the times determined when appropriate signs giving notice of the speed limit are erected at the intersection or other place or part of the highway.

(2) If the county road commission, the township board, and the director of the department of state police unanimously determine upon the basis of an engineering and traffic investigation that the speed of vehicular traffic on a county highway is greater or less than is reasonable or safe under the conditions found to exist at an intersection or other place or upon a part of the highway, the officials acting unanimously may establish a reasonable and safe maximum or minimum speed limit at that intersection or on that county highway that shall be effective at the times determined when appropriate signs giving notice of the speed limit are erected at the intersection or other place or part of the highway.

(3) If a superintendent of a school district determines that the speed of vehicular traffic on a state trunk line or county highway, which is within 1,000 feet of a school in the school district of which that person is the superintendent, is greater or less than is reasonable or safe, the officials identified in subsection (1) or (2), as appropriate, shall include the superintendent of the school district affected in acting jointly in determining

and declaring a reasonable and safe maximum or minimum speed limit on that state trunk line or county highway. The maximum speed limit on all highways or parts of highways upon which a maximum speed limit is not otherwise fixed under this act shall be 55 miles per hour.

(4) In the case of a county highway of not less than 1 mile with residential lots with road frontage of 300 feet or less along either side of the highway for the length of that part of the highway that is under review for a proposed change in the speed limit, the township board may petition the county road commission or in charter counties where there is no road commission, but there is a county board of commissioners, the township board may petition the county board of commissioners for a proposed change in the speed limit. The county road commission or in charter counties where there is no road commission, but there is a county board of commissioners, the township board may petition the county board of commissioners to approve the proposed change in the speed limit without the necessity of an engineering and traffic investigation.

(5) The speed limit on a county highway or an interconnected group of county highways of not more than 1 mile in total length that connect with the county road system by a single entrance and exit shall be 25 miles per hour unless a different speed limit is fixed and posted.

(6) If upon investigation the state transportation commission or county road commission and the director of the department of state police find it in the interest of public safety, they may order the township board, or city or village officials to erect and maintain, take down, or regulate the speed control signs, signals, or devices as directed, and in default of an order the state transportation commission or county road commission may cause the designated signs, signals, and devices to be erected and maintained, taken down, regulated, or controlled, in the manner previously directed, and pay for the erecting and maintenance, removal, regulation, or control of the sign, signal, or device out of the highway fund designated.

(7) A public record of all speed control signs, signals, or devices authorized under this section shall be filed in the office of the county clerk of the county in which the highway is located, and a certified copy shall be prima facie evidence in all courts of the issuance of the authorization. The public record with the county clerk shall not be required as prima facie evidence of authorization in the case of signs erected or placed temporarily for the control of speed or direction of traffic at points where construction, repairs, or maintenance of highways is in progress, or along a temporary alternate route established to avoid the construction, repair, or maintenance of a highway, if the signs are of uniform design approved by the state transportation commission and the director of the department of state police and clearly indicate a special control, when proved in court that the temporary traffic-control sign was placed by the state transportation commission or on the authority of the state transportation commission and the director of the department of state police or by the county road commission or on the authority of the county road commission, at a specified location.

(8) A person who fails to observe an authorized speed or traffic control sign, signal, or device is responsible for a civil infraction.

(9) Except as otherwise provided in this section, the maximum speed limit on all freeways shall be 70 miles per hour except that the state transportation department may designate not more than 170 miles of freeway in this state on which the speed limit may be less than 70 miles per hour. The minimum speed limit on all freeways shall be 45 miles per hour except if reduced speed is necessary for safe operation or in compliance with law or in compliance with a special permit issued by an appropriate authority.

(10) The maximum rates of speed allowed pursuant to this section are subject to the maximum rates established under section 629b, section 627(5) to (7) for certain vehicles and vehicle combinations, and section 629(4).

(11) A citation or civil infraction determination for exceeding a lawful maximum speed limit of 55 miles per hour by driving 65 miles per hour or less shall not be considered by any person in establishing automobile insurance eligibility or automobile insurance rates.

**Conditional effective date.**

Enacting section 1. This amendatory act does not take effect unless House Bill No. 4133 of the 92nd Legislature is enacted into law.

This act is ordered to take immediate effect.

Approved July 21, 2003.

Filed with Secretary of State July 22, 2003.

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**Compiler's note:** House Bill No. 4133, referred to in enacting section 1, was filed with the Secretary of State July 22, 2003, and became P.A. 2003, No. 65, Imd. Eff. July 22, 2003.

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**[No. 65]**

**(HB 4133)**

AN ACT to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending section 628 (MCL 257.628), as amended by 2000 PA 167.

*The People of the State of Michigan enact:*

**257.628 Maximum or minimum speed limits; determination; petition by township board; speed control signs, signals, or devices; public record as evidence; violation as civil infraction; automobile insurance eligibility or rates.**

Sec. 628. (1) If the state transportation commission and the director of the department of state police jointly determine upon the basis of an engineering and traffic investigation that the speed of vehicular traffic on a state trunk line highway is greater or less than is reasonable or safe under the conditions found to exist at an intersection or other place or

upon a part of the highway, the officials acting jointly may determine and declare a reasonable and safe maximum or minimum speed limit on that state trunk line highway or intersection that shall be effective at the times determined when appropriate signs giving notice of the speed limit are erected at the intersection or other place or part of the highway.

(2) If the county road commission, the township board, and the director of the department of state police unanimously determine upon the basis of an engineering and traffic investigation that the speed of vehicular traffic on a county highway is greater or less than is reasonable or safe under the conditions found to exist at an intersection or other place or upon a part of the highway, the officials acting unanimously may establish a reasonable and safe maximum or minimum speed limit at that intersection or on that county highway that shall be effective at the times determined when appropriate signs giving notice of the speed limit are erected at the intersection or other place or part of the highway. A township board that does not wish to continue as part of the process provided by this subsection shall notify in writing the county road commission. As used in this subsection, "county road commission" means the board of county road commissioners elected or appointed pursuant to section 6 of chapter IV of 1909 PA 283, MCL 224.6, or, in the case of a charter county with a population of 2,000,000 or more with an elected county executive that does not have a board of county road commissioners, the county executive.

(3) If a superintendent of a school district determines that the speed of vehicular traffic on a state trunk line or county highway, which is within 1,000 feet of a school in the school district of which that person is the superintendent, is greater or less than is reasonable or safe, the officials identified in subsection (1) or (2), as appropriate, shall include the superintendent of the school district affected in acting jointly in determining and declaring a reasonable and safe maximum or minimum speed limit on that state trunk line or county highway. The maximum speed limit on all highways or parts of highways upon which a maximum speed limit is not otherwise fixed under this act shall be 55 miles per hour.

(4) In the case of a county highway of not less than 1 mile with residential lots with road frontage of 300 feet or less along either side of the highway for the length of that part of the highway that is under review for a proposed change in the speed limit, the township board may petition the county road commission or in charter counties where there is no road commission, but there is a county board of commissioners, the township board may petition the county board of commissioners for a proposed change in the speed limit. The county road commission or in charter counties where there is no road commission, but there is a county board of commissioners, the township board may petition the county board of commissioners to approve the proposed change in the speed limit without the necessity of an engineering and traffic investigation.

(5) The speed limit on a county highway or an interconnected group of county highways of not more than 1 mile in total length that connect with the county road system by a single entrance and exit shall be 25 miles per hour unless a different speed limit is fixed and posted.

(6) If upon investigation the state transportation commission or county road commission and the director of the department of state police find it in the interest of public safety, they may order the township board, or city or village officials to erect and maintain, take down, or regulate the speed control signs, signals, or devices as directed, and in default of an order the state transportation commission or county road commission may cause the designated signs, signals, and devices to be erected and maintained, taken down, regulated, or controlled, in the manner previously directed, and pay for the erecting

and maintenance, removal, regulation, or control of the sign, signal, or device out of the highway fund designated.

(7) A public record of all speed control signs, signals, or devices authorized under this section shall be filed in the office of the county clerk of the county in which the highway is located, and a certified copy shall be prima facie evidence in all courts of the issuance of the authorization. The public record with the county clerk shall not be required as prima facie evidence of authorization in the case of signs erected or placed temporarily for the control of speed or direction of traffic at points where construction, repairs, or maintenance of highways is in progress, or along a temporary alternate route established to avoid the construction, repair, or maintenance of a highway, if the signs are of uniform design approved by the state transportation commission and the director of the department of state police and clearly indicate a special control, when proved in court that the temporary traffic-control sign was placed by the state transportation commission or on the authority of the state transportation commission and the director of the department of state police or by the county road commission or on the authority of the county road commission, at a specified location.

(8) A person who fails to observe an authorized speed or traffic control sign, signal, or device is responsible for a civil infraction.

(9) Except as otherwise provided in this section, the maximum speed limit on all freeways shall be 70 miles per hour except that the state transportation department may designate not more than 170 miles of freeway in this state on which the speed limit may be less than 70 miles per hour. The minimum speed limit on all freeways shall be 45 miles per hour except if reduced speed is necessary for safe operation or in compliance with law or in compliance with a special permit issued by an appropriate authority.

(10) The maximum rates of speed allowed pursuant to this section are subject to the maximum rates established under section 629b, section 627(5) to (7) for certain vehicles and vehicle combinations, and section 629(4).

(11) A citation or civil infraction determination for exceeding a lawful maximum speed limit of 55 miles per hour by driving 65 miles per hour or less shall not be considered by any person in establishing automobile insurance eligibility or automobile insurance rates.

### **Conditional effective date.**

Enacting section 1. This amendatory act does not take effect unless House Bill No. 4224 of the 92nd Legislature is enacted into law.

This act is ordered to take immediate effect.

Approved July 21, 2003.

Filed with Secretary of State July 22, 2003.

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**Compiler's note:** House Bill No. 4224, referred to in enacting section 1, was filed with the Secretary of State July 22, 2003, and became P.A. 2003, No. 64, Imd. Eff. July 22, 2003.

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**[No. 66]**

**(HB 4238)**

AN ACT to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor

vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending section 622 (MCL 257.622), as amended by 1991 PA 168.

*The People of the State of Michigan enact:*

**257.622 Report of accidents resulting in death, personal injury, or property damage; forms; analysis; use; retention.**

Sec. 622. The driver of a motor vehicle involved in an accident that injures or kills any person, or that damages property to an apparent extent totaling \$1,000.00 or more, shall immediately report that accident at the nearest or most convenient police station, or to the nearest or most convenient police officer. The officer receiving the report, or his or her commanding officer, shall immediately forward each report to the director of the department of state police on forms prescribed by the director of the department of state police. The forms shall be completed in full by the investigating officer. The director of the department of state police shall analyze each report relative to the cause of the reported accident and shall prepare information compiled from reports filed under this section for public use. A copy of the report under this section and copies of reports required under section 621 shall be retained for at least 3 years at the local police department, sheriff's department, or local state police post making the report.

**Effective date.**

Enacting section 1. This amendatory act takes effect January 1, 2004.

This act is ordered to take immediate effect.

Approved July 21, 2003.

Filed with Secretary of State July 22, 2003.

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**[No. 67]**

**(HB 4479)**

AN ACT to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and

officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending section 10102a (MCL 333.10102a), as added by 1986 PA 186.

*The People of the State of Michigan enact:*

**333.10102a Requesting consent to gift of all or any physical part of decedent's body; conditions prohibiting request for consent; organ donation log; transmitting summary of information in log to department; execution of gift; development and implementation of policy regarding requests; revocation; rules; withdrawal or withholding of medical care not authorized.**

Sec. 10102a. (1) Subject to section 10102 and subsections (2) to (8), an individual designated under subsection (7) shall, at or near the death of a patient whose body, according to accepted medical standards, is suitable for donation or for the donation of physical parts, request 1 of the individuals listed in section 10102(2), in the order of priority stated, to consent to the gift of all or any physical part of the decedent's body.

(2) The individual designated under subsection (7) shall not make a request for consent pursuant to subsection (1) if 1 or more of the following conditions exist:

(a) The individual designated under subsection (7) has actual notice that the patient or decedent had expressed an unwillingness to make the gift.

(b) The individual designated under subsection (7) has actual notice that an individual with a higher priority or equal priority listed in section 10102(2) opposes the making of a gift.

(c) The individual designated under subsection (7) has knowledge that the gift of all or any physical part of a body is contrary to the religious beliefs of the decedent.

(3) Each hospital shall maintain a hospital organ donation log sheet on a form provided by the department. The organ donation log sheet shall include all of the following information:

(a) The name and age of the patient or decedent for whom a request is made under this section.

(b) A list of patients or decedents for whom a request was not made pursuant to this section and the reason for not making the request, as set forth in subsection (2) or (8).

(c) An indication that a request for consent to a gift of all or any physical part of a body has been made.

(d) An indication of whether or not consent was granted.

(e) If consent was granted, an indication of which physical parts of the body were donated or whether the entire body was donated.

(4) After making a request for a gift under subsection (1) or after the death of a patient or decedent who made a gift under section 10102(1), the individual designated under subsection (7) shall complete the hospital's organ donation log sheet.



(5) A summary of the information contained in the organ donation log sheets annually shall be transmitted by each hospital to the department. The summary shall include all of the following:

- (a) The number of deaths.
- (b) The number of requests made.
- (c) The number of consents granted.

(d) The number of bodies or physical parts donated in each category as specified on the organ donation log sheet.

(6) A gift made pursuant to a request required by this section shall be executed pursuant to this part.

(7) The chief executive officer of each hospital shall develop and implement a policy regarding requests made under this section. The policy shall provide, at a minimum, for all of the following:

- (a) The designation of individuals who shall make requests under this section.

(b) That if a patient's religious preference is known, a clergy of that denomination shall, if possible, be made available upon request to the individuals to whom a request under this section is made.

(c) The development of a support system that facilitates the making of requests under this section.

- (d) The maintenance of the organ donation log sheet required by subsection (3).

(8) If an individual has made a gift under section 10102(1), the gift is not revocable after the death of that individual and the individual designated under subsection (7) is not required to make a request for consent under this section unless the decedent had revoked the gift under section 10107.

(9) The director may promulgate rules to establish minimum training standards for persons required to make requests pursuant to this section and to revise the organ donation log sheet required by subsection (3).

(10) This section shall not be construed to authorize the withdrawal or withholding of medical care for a patient who is a possible donor and who is near death.

This act is ordered to take immediate effect.

Approved July 21, 2003.

Filed with Secretary of State July 22, 2003.

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**[No. 68]**

**(HB 4524)**

AN ACT to amend 1984 PA 431, entitled "An act to prescribe the powers and duties of the department of management and budget; to define the authority and functions of its director and its organizational entities; to authorize the department to issue directives; to provide for the capital outlay program; to provide for the leasing, planning, constructing, maintaining, altering, renovating, demolishing, conveying of lands and facilities; to provide for centralized administrative services such as purchasing, payroll, record retention, data processing, and publishing and for access to certain services; to provide for a system of internal accounting and administrative control for certain principal departments; to provide for an internal auditor in certain principal departments; to provide for certain powers and duties of certain state officers and agencies; to codify, revise, consolidate,

classify, and add to the powers, duties, and laws relative to budgeting, accounting, and the regulating of appropriations; to provide for the implementation of certain constitutional provisions; to create funds and accounts; to make appropriations; to prescribe remedies and penalties; to rescind certain executive reorganization orders; to prescribe penalties; and to repeal certain acts and parts of acts,” by amending section 361 (MCL 18.1361).

*The People of the State of Michigan enact:*

**18.1361 Submission of tax credit, deduction, and expenditure report.**

Sec. 361. The tax credit, deduction, and exemption report as provided by 1979 PA 72, MCL 21.271 to 21.296, shall be submitted with the annual budget message by the governor to the legislature pursuant to 1979 PA 72, MCL 21.271 to 21.296.

**Conditional effective date.**

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 362 of the 92nd Legislature is enacted into law.

This act is ordered to take immediate effect.

Approved July 21, 2003.

Filed with Secretary of State July 22, 2003.

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**Compiler's note:** Senate Bill No. 362, referred to in enacting section 1, was filed with the Secretary of State July 8, 2003, and became P.A. 2003, No. 38, Imd. Eff. July 8, 2003.

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**[No. 69]**

**(HB 4606)**

AN ACT to amend 1976 PA 388, entitled “An act to regulate political activity; to regulate campaign financing; to restrict campaign contributions and expenditures; to require campaign statements and reports; to regulate anonymous contributions; to regulate campaign advertising and literature; to provide for segregated funds for political purposes; to provide for the use of public funds for political purposes; to create certain funds; to provide for reversion, retention, or refunding of unexpended balances in certain funds; to require other statements and reports; to regulate acceptance of certain gifts, payments, and reimbursements; to prescribe the powers and duties of certain state departments and state and local officials and employees; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts,” by amending section 6 (MCL 169.206), as amended by 1995 PA 264.

*The People of the State of Michigan enact:*

**169.206 “Expenditure” defined.**

Sec. 6. (1) “Expenditure” means a payment, donation, loan, or promise of payment of money or anything of ascertainable monetary value for goods, materials, services, or facilities in assistance of, or in opposition to, the nomination or election of a candidate, or

the qualification, passage, or defeat of a ballot question. Expenditure includes, but is not limited to, any of the following:

(a) A contribution or a transfer of anything of ascertainable monetary value for purposes of influencing the nomination or election of a candidate or the qualification, passage, or defeat of a ballot question.

(b) Except as provided in subsection (2)(f) or (g), an expenditure for voter registration or get-out-the-vote activities made by a person who sponsors or finances the activity or who is identified by name with the activity.

(c) Except as provided in subsection (2)(f) or (g), an expenditure made for poll watchers, challengers, distribution of election day literature, canvassing of voters to get out the vote, or transporting voters to the polls.

(2) Expenditure does not include any of the following:

(a) An expenditure for communication by a person with the person's paid members or shareholders and those individuals who can be solicited for contributions to a separate segregated fund under section 55.

(b) An expenditure for communication on a subject or issue if the communication does not support or oppose a ballot question or candidate by name or clear inference.

(c) An expenditure for the establishment, administration, or solicitation of contributions to a separate segregated fund or independent committee.

(d) An expenditure by a broadcasting station, newspaper, magazine, or other periodical or publication for a news story, commentary, or editorial in support of or opposition to a candidate for elective office or a ballot question in the regular course of publication or broadcasting.

(e) An offer or tender of an expenditure if expressly and unconditionally rejected or returned.

(f) An expenditure for nonpartisan voter registration or nonpartisan get-out-the-vote activities made by an organization that is exempt from federal income tax pursuant to section 501(c)(3) of the internal revenue code of 1986, 26 U.S.C. 501, or any successor statute.

(g) An expenditure for nonpartisan voter registration or nonpartisan get-out-the-vote activities performed pursuant to chapter XXIII of the Michigan election law, 1954 PA 116, MCL 168.491 to 168.524, by the secretary of state and other registration officials who are identified by name with the activity.

(h) An expenditure by a state central committee of a political party or a person controlled by a state central committee of a political party for the construction, purchase, or renovation of 1 or more office facilities in Ingham county if the facility is not constructed, purchased, or renovated for the purpose of influencing the election of a candidate in a particular election. Items excluded from the definition of expenditure under this subdivision include expenditures approved in federal election commission advisory opinions 1993-9, 2001-1, and 2001-12 as allowable expenditures under the federal election campaign act of 1971, Public Law 92-225, 2 U.S.C. 431 to 434, 437, 437c to 439a, 439c, 441a to 441h, and 442 to 455, and regulations promulgated under that act, regardless of whether those advisory opinions have been superseded.

This act is ordered to take immediate effect.

Approved July 21, 2003.

Filed with Secretary of State July 22, 2003.

**[No. 70]****(HB 4732)**

AN ACT to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide 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,” (MCL 760.1 to 777.69) by adding section 1j to chapter IX.

*The People of the State of Michigan enact:*

## CHAPTER IX

**769.1j Court ordered fine, costs, or assessments; minimum amounts; definitions.**

Sec. 1j. (1) Beginning October 1, 2003, if the court orders a person convicted of an offense to pay any combination of a fine, costs, or applicable assessments, the court shall order that the person pay costs of not less than the following amount, as applicable:

(a) \$60.00, if the defendant is convicted of a felony.

(b) \$45.00, if the defendant is convicted of a serious misdemeanor or a specified misdemeanor.

(c) \$40.00, if the defendant is convicted of a misdemeanor not described in subdivision (b).

(2) Of the costs ordered to be paid by a person convicted of an offense, the clerk shall pay to the justice system fund created in section 181 of the revised judicature act of 1961, 1961 PA 236, MCL 600.181, the applicable amount specified as a minimum cost under subsection (1).

(3) Payment of the minimum state cost is a condition of probation under chapter XI of this act.

(4) If a defendant who is ordered to pay a minimum state cost under subsection (1) posts a cash bond or bail deposit in connection with the case, the court shall order that the

minimum state cost be collected out of the bond or deposit as provided in section 15 of chapter V of this act or section 6 or 7 of 1966 PA 257, MCL 780.66 and 780.67.

(5) If a defendant who is ordered to pay a minimum state cost under this section is subject to any combination of fines, costs, restitution, assessments, or payments arising out of the same criminal prosecution, money collected from that person for the payment of fines, costs, restitution, assessments, or other payments shall be allocated as provided in section 22 of chapter XV. A fine imposed for a felony, misdemeanor, or ordinance violation shall not be waived unless costs, other than the minimum cost ordered under subsection (2), are waived.

(6) On the last day of each month, the clerk of the court shall transmit the minimum state cost or portions of minimum state cost collected under this section to the department of treasury for deposit in the justice system fund created in section 181 of the revised judicature act of 1961, 1961 PA 236, MCL 600.181.

(7) As used in this section:

(a) “Felony” means a violation of a penal law of this state for which the offender may be punished by imprisonment for more than 1 year or an offense expressly designated by law to be a felony.

(b) “Minimum state cost” means the applicable minimum cost to be ordered for a conviction under subsection (1).

(c) “Serious misdemeanor” means that term as defined in section 61 of the crime victim’s rights act, 1985 PA 87, MCL 780.811.

(d) “Specified misdemeanor” means that term as defined in section 1 of 1989 PA 196, MCL 780.901.

### **Effective date.**

Enacting section 1. This amendatory act takes effect October 1, 2003.

This act is ordered to take immediate effect.

Approved July 21, 2003.

Filed with Secretary of State July 22, 2003.

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**[No. 71]**

**(HB 4733)**

AN ACT to amend 1939 PA 288, entitled “An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; to provide for certain immunity from liability; and to provide

remedies and penalties,” by amending section 18 of chapter XIIA (MCL 712A.18), as amended by 2000 PA 55, and by adding section 18m to chapter XIIA.

*The People of the State of Michigan enact:*

#### CHAPTER XIIA

### **712A.18 Orders of disposition; reimbursement; hearing; guidelines and model schedule; restitution; condition of probation; community service; fingerprints; report to state police; payment of assessment; registration of juvenile provided in MCL 28.721 to 28.732; release from placement in juvenile boot camp; alternative order of disposition; imposition of sentence in county jail facility; violation of personal protection order; costs.**

Sec. 18. (1) If the court finds that a juvenile concerning whom a petition is filed is not within this chapter, the court shall enter an order dismissing the petition. Except as otherwise provided in subsection (10), if the court finds that a juvenile is within this chapter, the court may enter any of the following orders of disposition that are appropriate for the welfare of the juvenile and society in view of the facts proven and ascertained:

(a) Warn the juvenile or the juvenile’s parents, guardian, or custodian and, except as provided in subsection (7), dismiss the petition.

(b) Place the juvenile on probation, or under supervision in the juvenile’s own home or in the home of an adult who is related to the juvenile. As used in this subdivision, “related” means being a parent, grandparent, brother, sister, stepparent, stepsister, stepbrother, uncle, or aunt by marriage, blood, or adoption. The court shall order the terms and conditions of probation or supervision, including reasonable rules for the conduct of the parents, guardian, or custodian, if any, as the court determines necessary for the physical, mental, or moral well-being and behavior of the juvenile. The court also shall order, as a condition of probation or supervision, that the juvenile shall pay the minimum state cost prescribed by section 18m of this chapter.

(c) If a juvenile is within the court’s jurisdiction under section 2(a) of this chapter, or under section 2(h) of this chapter for a supplemental petition, place the juvenile in a suitable foster care home subject to the court’s supervision. If a juvenile is within the court’s jurisdiction under section 2(b) of this chapter, the court shall not place a juvenile in a foster care home subject to the court’s supervision.

(d) Except as otherwise provided in this subdivision, place the juvenile in or commit the juvenile to a private institution or agency approved or licensed by the department of consumer and industry services for the care of juveniles of similar age, sex, and characteristics. If the juvenile is not a ward of the court, the court shall commit the juvenile to the family independence agency or, if the county is a county juvenile agency, to that county juvenile agency for placement in or commitment to such an institution or agency as the family independence agency or county juvenile agency determines is most appropriate, subject to any initial level of placement the court designates.

(e) Except as otherwise provided in this subdivision, commit the juvenile to a public institution, county facility, institution operated as an agency of the court or county, or agency authorized by law to receive juveniles of similar age, sex, and characteristics. If the juvenile is not a ward of the court, the court shall commit the juvenile to the family independence agency or, if the county is a county juvenile agency, to that county juvenile

agency for placement in or commitment to such an institution or facility as the family independence agency or county juvenile agency determines is most appropriate, subject to any initial level of placement the court designates. If a child is not less than 17 years of age and is in violation of a personal protection order, the court may commit the child to a county jail within the adult prisoner population. In a placement under subdivision (d) or a commitment under this subdivision, except to a state institution or a county juvenile agency institution, the juvenile's religious affiliation shall be protected by placement or commitment to a private child-placing or child-caring agency or institution, if available. Except for commitment to the family independence agency or a county juvenile agency, an order of commitment under this subdivision to a state institution or agency described in the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309, or in 1935 PA 220, MCL 400.201 to 400.214, the court shall name the superintendent of the institution to which the juvenile is committed as a special guardian to receive benefits due the juvenile from the government of the United States. An order of commitment under this subdivision to the family independence agency or a county juvenile agency shall name that agency as a special guardian to receive those benefits. The benefits received by the special guardian shall be used to the extent necessary to pay for the portions of the cost of care in the institution or facility that the parent or parents are found unable to pay.

(f) Provide the juvenile with medical, dental, surgical, or other health care, in a local hospital if available, or elsewhere, maintaining as much as possible a local physician-patient relationship, and with clothing and other incidental items the court determines are necessary.

(g) Order the parents, guardian, custodian, or any other person to refrain from continuing conduct that the court determines has caused or tended to cause the juvenile to come within or to remain under this chapter or that obstructs placement or commitment of the juvenile by an order under this section.

(h) Appoint a guardian under section 5204 of the estates and protected individuals code, 1998 PA 386, MCL 700.5204, in response to a petition filed with the court by a person interested in the juvenile's welfare. If the court appoints a guardian as authorized by this subdivision, it may dismiss the petition under this chapter.

(i) Order the juvenile to engage in community service.

(j) If the court finds that a juvenile has violated a municipal ordinance or a state or federal law, order the juvenile to pay a civil fine in the amount of the civil or penal fine provided by the ordinance or law. Money collected from fines levied under this subsection shall be distributed as provided in section 29 of this chapter.

(k) If a juvenile is within the court's jurisdiction under section 2(a)(1) of this chapter, order the juvenile's parent or guardian to personally participate in treatment reasonably available in the parent's or guardian's location.

(l) If a juvenile is within the court's jurisdiction under section 2(a)(1) of this chapter, place the juvenile in and order the juvenile to complete satisfactorily a program of training in a juvenile boot camp established by the family independence agency under the juvenile boot camp act, 1996 PA 263, MCL 400.1301 to 400.1309, as provided in that act. If the county is a county juvenile agency, however, the court shall commit the juvenile to that county juvenile agency for placement in the program under that act. Upon receiving a report of satisfactory completion of the program from the family independence agency, the court shall authorize the juvenile's release from placement in the juvenile boot camp. Following satisfactory completion of the juvenile boot camp program, the juvenile shall complete an additional period of not less than 120 days or more than 180 days of intensive

supervised community reintegration in the juvenile's local community. To place or commit a juvenile under this subdivision, the court shall determine all of the following:

(i) Placement in a juvenile boot camp will benefit the juvenile.

(ii) The juvenile is physically able to participate in the program.

(iii) The juvenile does not appear to have any mental handicap that would prevent participation in the program.

(iv) The juvenile will not be a danger to other juveniles in the boot camp.

(v) There is an opening in a juvenile boot camp program.

(vi) If the court must commit the juvenile to a county juvenile agency, the county juvenile agency is able to place the juvenile in a juvenile boot camp program.

(m) If the court entered a judgment of conviction under section 2d of this chapter, enter any disposition under this section or, if the court determines that the best interests of the public would be served, impose any sentence upon the juvenile that could be imposed upon an adult convicted of the offense for which the juvenile was convicted. If the juvenile is convicted of a violation or conspiracy to commit a violation of section 7403(2)(a)(i) of the public health code, 1978 PA 368, MCL 333.7403, the court may impose the alternative sentence permitted under that section if the court determines that the best interests of the public would be served. The court may delay imposing a sentence of imprisonment under this subdivision for a period not longer than the period during which the court has jurisdiction over the juvenile under this chapter by entering an order of disposition delaying imposition of sentence and placing the juvenile on probation upon the terms and conditions it considers appropriate, including any disposition under this section. If the court delays imposing sentence under this section, section 18i of this chapter applies. If the court imposes sentence, it shall enter a judgment of sentence. If the court imposes a sentence of imprisonment, the juvenile shall receive credit against the sentence for time served before sentencing. In determining whether to enter an order of disposition or impose a sentence under this subdivision, the court shall consider all of the following factors, giving greater weight to the seriousness of the offense and the juvenile's prior record:

(i) The seriousness of the offense in terms of community protection, including, but not limited to, the existence of any aggravating factors recognized by the sentencing guidelines, the use of a firearm or other dangerous weapon, and the impact on any victim.

(ii) The juvenile's culpability in committing the offense, including, but not limited to, the level of the juvenile's participation in planning and carrying out the offense and the existence of any aggravating or mitigating factors recognized by the sentencing guidelines.

(iii) The juvenile's prior record of delinquency including, but not limited to, any record of detention, any police record, any school record, or any other evidence indicating prior delinquent behavior.

(iv) The juvenile's programming history, including, but not limited to, the juvenile's past willingness to participate meaningfully in available programming.

(v) The adequacy of the punishment or programming available in the juvenile justice system.

(vi) The dispositional options available for the juvenile.

(2) An order of disposition placing a juvenile in or committing a juvenile to care outside of the juvenile's own home and under state, county juvenile agency, or court supervision shall contain a provision for reimbursement by the juvenile, parent, guardian, or custodian to the court for the cost of care or service. The order shall be reasonable, taking into



account both the income and resources of the juvenile, parent, guardian, or custodian. The amount may be based upon the guidelines and model schedule created under subsection (6). If the juvenile is receiving an adoption support subsidy under sections 115f to 115m of the social welfare act, 1939 PA 280, MCL 400.115f to 400.115m, the amount shall not exceed the amount of the support subsidy. The reimbursement provision applies during the entire period the juvenile remains in care outside of the juvenile's own home and under state, county juvenile agency, or court supervision, unless the juvenile is in the permanent custody of the court. The court shall provide for the collection of all amounts ordered to be reimbursed and the money collected shall be accounted for and reported to the county board of commissioners. Collections to cover delinquent accounts or to pay the balance due on reimbursement orders may be made after a juvenile is released or discharged from care outside the juvenile's own home and under state, county juvenile agency, or court supervision. Twenty-five percent of all amounts collected under an order entered under this subsection shall be credited to the appropriate fund of the county to offset the administrative cost of collections. The balance of all amounts collected under an order entered under this subsection shall be divided in the same ratio in which the county, state, and federal government participate in the cost of care outside the juvenile's own home and under state, county juvenile agency, or court supervision. The court may also collect from the government of the United States benefits paid for the cost of care of a court ward. Money collected for juveniles placed by the court with or committed to the family independence agency or a county juvenile agency shall be accounted for and reported on an individual juvenile basis. In cases of delinquent accounts, the court may also enter an order to intercept state or federal tax refunds of a juvenile, parent, guardian, or custodian and initiate the necessary offset proceedings in order to recover the cost of care or service. The court shall send to the person who is the subject of the intercept order advance written notice of the proposed offset. The notice shall include notice of the opportunity to contest the offset on the grounds that the intercept is not proper because of a mistake of fact concerning the amount of the delinquency or the identity of the person subject to the order. The court shall provide for the prompt reimbursement of an amount withheld in error or an amount found to exceed the delinquent amount.

(3) An order of disposition placing a juvenile in the juvenile's own home under subsection (1)(b) may contain a provision for reimbursement by the juvenile, parent, guardian, or custodian to the court for the cost of service. If an order is entered under this subsection, an amount due shall be determined and treated in the same manner provided for an order entered under subsection (2).

(4) An order directed to a parent or a person other than the juvenile is not effective and binding on the parent or other person unless opportunity for hearing is given by issuance of summons or notice as provided in sections 12 and 13 of this chapter and until a copy of the order, bearing the seal of the court, is served on the parent or other person as provided in section 13 of this chapter.

(5) If the court appoints an attorney to represent a juvenile, parent, guardian, or custodian, the court may require in an order entered under this section that the juvenile, parent, guardian, or custodian reimburse the court for attorney fees.

(6) The office of the state court administrator, under the supervision and direction of the supreme court and in consultation with the family independence agency and the Michigan probate judges association, shall create guidelines and a model schedule the court may use in determining the ability of the juvenile, parent, guardian, or custodian to pay for care and any costs of service ordered under subsection (2) or (3). The guidelines and model schedule shall take into account both the income and resources of the juvenile, parent, guardian, or custodian.

(7) If the court finds that a juvenile comes under section 30 of this chapter, the court shall order the juvenile or the juvenile's parent to pay restitution as provided in sections 30 and 31 of this chapter and in sections 44 and 45 of the crime victim's rights act, 1985 PA 87, MCL 780.794 and 780.795.

(8) If the court imposes restitution as a condition of probation, the court shall require the juvenile to do either of the following as an additional condition of probation:

(a) Engage in community service or, with the victim's consent, perform services for the victim.

(b) Seek and maintain paid employment and pay restitution to the victim from the earnings of that employment.

(9) If the court finds that the juvenile is in intentional default of the payment of restitution, a court may, as provided in section 31 of this chapter, revoke or alter the terms and conditions of probation for nonpayment of restitution. If a juvenile who is ordered to engage in community service intentionally refuses to perform the required community service, the court may revoke or alter the terms and conditions of probation.

(10) The court shall not enter an order of disposition for a juvenile offense as defined in section 1a of 1925 PA 289, MCL 28.241a, or a judgment of sentence for a conviction until the court has examined the court file and has determined that the juvenile's fingerprints have been taken and forwarded as required by section 3 of 1925 PA 289, MCL 28.243, and as required by the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.732. If a juvenile has not had his or her fingerprints taken, the court shall do either of the following:

(a) Order the juvenile to submit himself or herself to the police agency that arrested or obtained the warrant for the juvenile's arrest so the juvenile's fingerprints can be taken and forwarded.

(b) Order the juvenile committed to the sheriff's custody for taking and forwarding the juvenile's fingerprints.

(11) Upon final disposition, conviction, acquittal, or dismissal of an offense within the court's jurisdiction under section 2(a)(1) of this chapter, using forms approved by the state court administrator, the clerk of the court entering the final disposition, conviction, acquittal, or dismissal shall immediately advise the department of state police of that final disposition, conviction, acquittal, or dismissal as required by section 3 of 1925 PA 289, MCL 28.243. The report to the department of state police shall include information as to the finding of the judge or jury and a summary of the disposition or sentence imposed.

(12) If the court enters an order of disposition based on an act that is a juvenile offense as defined in section 1 of 1989 PA 196, MCL 780.901, the court shall order the juvenile to pay the assessment as provided in that act. If the court enters a judgment of conviction under section 2d of this chapter for an offense that is a felony, serious misdemeanor, or specified misdemeanor as defined in section 1 of 1989 PA 196, MCL 780.901, the court shall order the juvenile to pay the assessment as provided in that act.

(13) If the court has entered an order of disposition or a judgment of conviction for a listed offense as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722, the court, the family independence agency, or the county juvenile agency shall register the juvenile or accept the juvenile's registration as provided in the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.732.

(14) If the court enters an order of disposition placing a juvenile in a juvenile boot camp program, or committing a juvenile to a county juvenile agency for placement in a juvenile boot camp program, and the court receives from the family independence agency a report that the juvenile has failed to perform satisfactorily in the program, that the

juvenile does not meet the program's requirements or is medically unable to participate in the program for more than 25 days, that there is no opening in a juvenile boot camp program, or that the county juvenile agency is unable to place the juvenile in a juvenile boot camp program, the court shall release the juvenile from placement or commitment and enter an alternative order of disposition. A juvenile shall not be placed in a juvenile boot camp under an order of disposition more than once, except that a juvenile returned to the court for a medical condition, because there was no opening in a juvenile boot camp program, or because the county juvenile agency was unable to place the juvenile in a juvenile boot camp program may be placed again in the juvenile boot camp program after the medical condition is corrected, an opening becomes available, or the county juvenile agency is able to place the juvenile.

(15) If the juvenile is within the court's jurisdiction under section 2(a)(1) of this chapter for an offense other than a listed offense as defined in section 2(e)(i) to (ix) and (xi) to (xiii) of the sex offenders registration act, 1994 PA 295, MCL 28.722, the court shall determine if the offense is a violation of a law of this state or a local ordinance of a municipality of this state that by its nature constitutes a sexual offense against an individual who is less than 18 years of age. If so, the order of disposition is for a listed offense as defined in section 2(e)(x) of the sex offenders registration act, 1994 PA 295, MCL 28.722, and the court shall include the basis for that determination on the record and include the determination in the order of disposition.

(16) The court shall not impose a sentence of imprisonment in the county jail under subsection (1)(m) unless the present county jail facility for the juvenile's imprisonment would meet all requirements under federal law and regulations for housing juveniles. The court shall not impose the sentence until it consults with the sheriff to determine when the sentence will begin to ensure that space will be available for the juvenile.

(17) In a proceeding under section 2(h) of this chapter, this section only applies to a disposition for a violation of a personal protection order and subsequent proceedings.

(18) If a juvenile is within the court's jurisdiction under section 2(a)(1) of this chapter, the court shall order the juvenile to pay costs as provided in section 18m of this chapter.

### **712A.18m Payment of costs; minimum amounts; disposition; definitions.**

Sec. 18m. (1) If a juvenile is within the court's jurisdiction under section 2(a)(1) of this chapter, the court shall order the juvenile to pay costs of not less than the following amount, as applicable:

(a) \$60.00, if the juvenile is found to be within the court's jurisdiction for a felony.

(b) \$45.00, if the juvenile is found to be within the court's jurisdiction for a serious misdemeanor or a specified misdemeanor.

(c) \$40.00, if the juvenile is found to be within the court's jurisdiction for a misdemeanor not described in subdivision (b) or of an ordinance violation.

(2) Of the costs ordered to be paid, the clerk of the court shall pay to the justice system fund created in section 181 of the revised judicature act of 1961, 1961 PA 236, MCL 600.181, the applicable amount specified as a minimum cost in subsection (1).

(3) If a juvenile who is ordered to pay a minimum state cost under this section is subject to any combination of fines, costs, restitution, assessments, or payments arising out of the same juvenile proceeding, money collected from that person for the payment of fines, costs, restitution, assessments, or other payments shall be allocated as provided in

section 29 of this chapter. A fine imposed for a felony, misdemeanor, or ordinance violation shall not be waived unless costs, other than the minimum state cost, are waived.

(4) On the last day of each month, the clerk of the court shall transmit the minimum state cost or portions of minimum state cost collected under this section to the department of treasury for deposit in the justice system fund created in section 181 of the revised judicature act of 1961, 1961 PA 236, MCL 600.181.

(5) As used in this section:

(a) “Felony” means a violation of a penal law of this state for which the offender may be punished by imprisonment for more than 1 year or an offense expressly designated by law to be a felony.

(b) “Minimum state cost” means the applicable minimum cost to be ordered under subsection (1).

(c) “Ordinance violation” means that term as defined in section 1 of chapter I of the code of criminal procedure, 1927 PA 175, MCL 761.1.

(d) “Serious misdemeanor” means that term as defined in section 61 of the crime victim’s rights act, 1985 PA 87, MCL 780.811.

(e) “Specified misdemeanor” means that term as defined in section 1 of 1989 PA 196, MCL 780.901.

**Effective date.**

Enacting section 1. This amendatory act takes effect October 1, 2003.

This act is ordered to take immediate effect.

Approved July 21, 2003.

Filed with Secretary of State July 22, 2003.

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**[No. 72]**

**(HB 4735)**

AN ACT to amend 1961 PA 236, entitled “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; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” (MCL 600.101 to 600.9948) by adding section 185.

*The People of the State of Michigan enact:*

**600.185 Drug treatment court fund; creation; use; disposition; investment; administration; eligibility conditions; reimbursement to state court administrative office.**

Sec. 185. (1) The drug treatment court fund is created in the state treasury. The money in the fund shall be used as provided in this section.

(2) The state treasurer shall credit to the drug treatment court fund deposits of proceeds from the collection of revenue from court assessments and costs directed to the fund by law and shall credit all income from investment credited to the fund by the state treasurer. The state treasurer may invest money in the fund in any manner authorized by law for the investment of state money. However, an investment shall not interfere with any apportionment, allocation, or payment of money as required by this section. The unencumbered balance remaining in the fund at the end of a fiscal year shall remain in the fund and shall not revert to the general fund.

(3) The fund shall be administered by the state court administrative office for the administration of, and awarding of grants for, drug treatment court programs throughout the state.

(4) To be eligible for funding, a drug treatment court shall meet both of the following conditions:

(a) The court shall be responsible for handling cases involving nonviolent substance abuse offenders through comprehensive supervision, testing, treatment services, and immediate sanctions and incentives.

(b) The court shall use all available local and state personnel involved in the disposition of cases, including, but not limited to, parole and probation agents, prosecuting attorneys, defense attorneys, and community corrections providers.

(5) Money from the fund may be used in connection with other state, federal, and local funding sources. The state court administrative office shall be reimbursed annually from the drug treatment court fund for all reasonable costs associated with the administration of this section.

**Effective date.**

Enacting section 1. This amendatory act takes effect October 1, 2003.

This act is ordered to take immediate effect.

Approved July 21, 2003.

Filed with Secretary of State July 22, 2003.

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**[No. 73]**

**(HB 4736)**

AN ACT to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for

the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending sections 629e and 907 (MCL 257.629e and 257.907), section 629e as amended by 2001 PA 213 and section 907 as amended by 2002 PA 534.

*The People of the State of Michigan enact:*

**257.629e Levy, transmittal, and disposition of assessments; annual report; highway safety fund, jail reimbursement program fund, secondary road patrol and training fund; creation; administration; use of money collected; annual report.**

Sec. 629e. (1) Before October 1, 2003, in addition to any fine or cost ordered to be paid under this act, and in addition to any assessment levied under section 907, the judge or district court magistrate shall levy a highway safety assessment of \$5.00, a jail reimbursement program assessment of \$5.00, and a secondary road patrol and training assessment of \$10.00 for each civil infraction determination except for a parking violation or a violation for which the total fine and costs imposed are \$10.00 or less. Upon payment of the assessments, the clerk of the court shall transmit the assessments levied to the department of treasury. Until October 1, 2003, the state treasurer shall deposit the revenue received pursuant to this subsection in the highway safety fund, in the jail reimbursement program fund, and in the secondary road patrol and training fund, and shall report annually to the legislature all revenues received and disbursed under this section. An assessment levied under this subsection shall not be considered a civil fine for purposes of section 909.

(2) A highway safety fund, a jail reimbursement program fund, and a secondary road patrol and training fund are created in the department of treasury. The highway safety fund and the secondary road patrol and training fund shall be administered by the department of state police. The jail reimbursement program fund shall be administered by the department of corrections. Until October 1, 2003, money collected under subsection (1) shall be deposited in the respective funds as provided in subsection (1). Beginning October 1, 2003, money collected under subsection (1) shall be deposited in the justice system fund created in section 181 of the revised judicature act of 1961, 1961 PA 236, MCL 600.181. Money remaining in the respective funds at the end of a fiscal year shall not lapse but shall remain in the respective funds for use for the purposes of the funds. The money deposited in the highway safety fund shall serve as a supplement to, and not as a replacement for, the funds budgeted for the department of state police. The money in the highway safety fund shall be used by the department of state police for the employment of additional state police enlisted personnel to enforce the traffic laws on the highways and freeways of this state. The money in the jail reimbursement program fund shall be used by the department of corrections to reimburse counties for housing and custody of convicted felons pursuant to the requirements of section 35 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.35. The money in the secondary road patrol and training fund shall be used for secondary road patrol and traffic accident grants pursuant to section 77 of 1846 RS 14, MCL 51.77, and for grants under section 14 of the commission on law enforcement standards act, 1965 PA 203, MCL 28.614. The department of state police and the department of corrections shall report annually to the legislature all revenues received and disbursed under this section.

**257.907 Civil infraction not crime; payment of civil fine and costs; program of treatment, education, or rehabilitation; sanctions; schedule of civil fines and costs; recommended range of civil fines and costs; certification of repair of defective equipment; collection of civil fines or costs; noncompliance with order or judgment; additional assessment; waiver of fines and costs.**

Sec. 907. (1) A violation of this act, or a local ordinance substantially corresponding to a provision of this act, which is designated a civil infraction shall not be considered a lesser included offense of a criminal offense.

(2) If a person is determined pursuant to sections 741 to 750 to be responsible or responsible “with explanation” for a civil infraction under this act or a local ordinance substantially corresponding to a provision of this act, the judge or district court magistrate may order the person to pay a civil fine of not more than \$100.00 and costs as provided in subsection (4). However, for a violation of section 674(1)(s) or a local ordinance substantially corresponding to section 674(1)(s), the person shall be ordered to pay costs as provided in subsection (4) and a civil fine of not less than \$100.00 or more than \$250.00. For a violation of section 328 or 710d, the civil fine ordered under this subsection shall not exceed \$10.00. For a violation of section 710e, the civil fine and court costs ordered under this subsection shall be \$25.00. For a violation of section 682 or a local ordinance substantially corresponding to section 682, the person shall be ordered to pay costs as provided in subsection (4) and a civil fine of not less than \$100.00 or more than \$500.00. Permission may be granted for payment of a civil fine and costs to be made within a specified period of time or in specified installments, but unless permission is included in the order or judgment, the civil fine and costs shall be payable immediately.

(3) Except as provided in this subsection, if a person is determined to be responsible or responsible “with explanation” for a civil infraction under this act or a local ordinance substantially corresponding to a provision of this act while driving a commercial motor vehicle, he or she shall be ordered to pay costs as provided in subsection (4) and a civil fine of not more than \$250.00. If a person is determined to be responsible or responsible “with explanation” for a civil infraction under section 319g or a local ordinance substantially corresponding to section 319g, that person shall be ordered to pay costs as provided in subsection (4) and a civil fine of not more than \$10,000.00.

(4) If a civil fine is ordered under subsection (2) or (3), the judge or district court magistrate shall summarily tax and determine the costs of the action, which are not limited to the costs taxable in ordinary civil actions, and may include all expenses, direct and indirect, to which the plaintiff has been put in connection with the civil infraction, up to the entry of judgment. Costs shall not be ordered in excess of \$100.00. A civil fine ordered under subsection (2) or (3) shall not be waived unless costs ordered under this subsection are waived. Except as otherwise provided by law, costs are payable to the general fund of the plaintiff.

(5) In addition to a civil fine and costs ordered under subsection (2) or (3) and subsection (4) and the justice system assessment ordered under subsection (14), the judge or district court magistrate may order the person to attend and complete a program of treatment, education, or rehabilitation.

(6) A district court magistrate shall impose the sanctions permitted under subsections (2), (3), and (5) only to the extent expressly authorized by the chief judge or only judge of the district court district.

(7) Each district of the district court and each municipal court may establish a schedule of civil fines, costs, and assessments to be imposed for civil infractions which occur within

the respective district or city. If a schedule is established, it shall be prominently posted and readily available for public inspection. A schedule need not include all violations which are designated by law or ordinance as civil infractions. A schedule may exclude cases on the basis of a defendant's prior record of civil infractions or traffic offenses, or a combination of civil infractions and traffic offenses.

(8) The state court administrator shall annually publish and distribute to each district and court a recommended range of civil fines and costs for first-time civil infractions. This recommendation is not binding upon the courts having jurisdiction over civil infractions but is intended to act as a normative guide for judges and district court magistrates and a basis for public evaluation of disparities in the imposition of civil fines and costs throughout the state.

(9) If a person has received a civil infraction citation for defective safety equipment on a vehicle under section 683, the court shall waive a civil fine, costs, and assessments upon receipt of certification by a law enforcement agency that repair of the defective equipment was made before the appearance date on the citation.

(10) A default in the payment of a civil fine or costs ordered under subsection (2), (3), or (4) or a justice system assessment ordered under subsection (14), or an installment of the fine, costs, or assessment, may be collected by a means authorized for the enforcement of a judgment under chapter 40 of the revised judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or under chapter 60 of the revised judicature act of 1961, 1961 PA 236, MCL 600.6001 to 600.6098.

(11) If a person fails to comply with an order or judgment issued pursuant to this section, within the time prescribed by the court, the driver's license of that person shall be suspended pursuant to section 321a until full compliance with that order or judgment occurs. In addition to this suspension, the court may also proceed under section 908.

(12) The court shall waive any civil fine, cost, or assessment against a person who received a civil infraction citation for a violation of section 710d if the person, before the appearance date on the citation, supplies the court with evidence of acquisition, purchase, or rental of a child seating system meeting the requirements of section 710d.

(13) Until October 1, 2003, in addition to any civil fines and costs ordered to be paid under this section, the judge or district court magistrate shall levy an assessment of \$5.00 for each civil infraction determination, except for a parking violation or a violation for which the total fine and costs imposed are \$10.00 or less. An assessment paid before October 1, 2003 shall be transmitted by the clerk of the court to the state treasurer to be deposited into the Michigan justice training fund. An assessment ordered before October 1, 2003 but collected on or after October 1, 2003 shall be transmitted by the clerk of the court to the state treasurer for deposit in the justice system fund created in section 181 of the revised judicature act of 1961, 1961 PA 236, MCL 600.181. An assessment levied under this subsection is not a civil fine for purposes of section 909.

(14) Effective October 1, 2003, in addition to any civil fines and costs ordered to be paid under this section, the judge or district court magistrate shall order the defendant to pay a justice system assessment of \$40.00 for each civil infraction determination, except for a parking violation or a violation for which the total fine and costs imposed are \$10.00 or less. Upon payment of the assessment, the clerk of the court shall transmit the assessment collected to the state treasury to be deposited into the justice system fund created in section 181 of the revised judicature act of 1961, 1961 PA 236, MCL 600.181. An assessment levied under this subsection is not a civil fine for purposes of section 909.

(15) If a person has received a citation for a violation of section 223, the court shall waive any civil fine, costs, and assessment, upon receipt of certification by a law enforcement agency



that the person, before the appearance date on the citation, produced a valid registration certificate that was valid on the date the violation of section 223 occurred.

**Effective date.**

Enacting section 1. This amendatory act takes effect October 1, 2003.

This act is ordered to take immediate effect.

Approved July 21, 2003.

Filed with Secretary of State July 22, 2003.

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**[No. 74]**

**(HB 4741)**

AN ACT to amend 1939 PA 288, entitled “An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; to provide for certain immunity from liability; and to provide remedies and penalties,” by amending section 29 of chapter XIIA (MCL 712A.29), as added by 1993 PA 344.

*The People of the State of Michigan enact:*

CHAPTER XIIA

**712A.29 Allocation and application of money collected; “victim payment” defined.**

Sec. 29. (1) If a child is subject to any combination of fines, costs, restitution, assessments, or payments arising out of the same order of disposition, money collected from that child, or his or her parent or parents, for the payment of fines, costs, restitution, assessments, or other payments shall be allocated as provided in this section.

(2) Except as otherwise provided in this subsection, if a child is subject to payment of victim payments and any combination of other fines, costs, assessments, or other payments, 50% of the money collected from that child, or his or her parent or parents, shall be applied to payment of victim payments, and the balance shall be applied to payment of fines, costs, and other assessments or payments. If fines, costs, or other assessments or payments remain unpaid after all victim payments have been paid, additional money collected shall be applied to payment of those fines, costs, or other assessments or payments. If victim payments remain unpaid after all fines, costs, or other assessments or payments have been paid, additional money collected shall be applied toward payment of those victim payments.

(3) In cases involving orders of disposition for offenses that would be violations of state law if committed by an adult, money allocated under subsection (2) for payment of fines,

costs, and assessments or payments other than victim payments shall be applied in the following order of priority:

(a) Payment of the minimum state cost prescribed in section 1j of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1j.

(b) Payment of other costs.

(c) Payment of fines.

(d) Payment of assessments and other payments.

(4) In cases involving orders of disposition for offenses that would be violations of local ordinances if committed by an adult, money allocated under subsection (2) for payment of fines, costs, and assessments or payments other than victim payments shall be applied in the following order of priority:

(a) Payment of the minimum state cost prescribed in section 1j of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1j.

(b) Payment of fines and other costs.

(c) Payment of assessments and other payments.

(5) Money allocated for payment of costs under subsection (3) shall be paid to the county treasurer for deposit in the general fund of the county. Money allocated for payment of fines under subsection (3) shall be paid to the county treasurer to be used for library purposes as provided by law.

(6) One-third of the money allocated for payment of fines and costs under subsection (4) shall be paid to the treasurer of the political subdivision whose ordinance was violated, and 2/3 of that money shall be paid to the county treasurer for deposit in the general fund of the county.

(7) As used in this section, “victim payment” means restitution ordered under sections 30 and 31 and under the crime victim’s rights act, 1985 PA 87, MCL 780.751 to 780.834, paid to the victim or the victim’s estate, but not to a person who reimbursed the victim for his or her loss, or an assessment ordered under section 5 of 1989 PA 196, MCL 780.905.

### **Effective date.**

Enacting section 1. This amendatory act takes effect October 1, 2003.

This act is ordered to take immediate effect.

Approved July 21, 2003.

Filed with Secretary of State July 22, 2003.

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**[No. 75]**

**(HB 4743)**

AN ACT to amend 1953 PA 232, entitled “An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers

and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 36 (MCL 791.236), as amended by 1999 PA 271.

*The People of the State of Michigan enact:*

**791.236 Order of parole; signature of chairperson; notice; amendment; rescission; conditions; supervision; restitution; payment of parole supervision fee; condition requiring payment of assessment or minimum state cost; compliance with MCL 28.721 to 28.732; violation of MCL 333.7401 to 333.7545; condition requiring housing in community corrections center or community residential home; condition requiring payment by parolee; review to ensure payment of restitution; report of violation; registration of parolee; condition to protect named person; "violent felony" defined.**

Sec. 36. (1) All paroles shall be ordered by the parole board and shall be signed by the chairperson. Written notice of the order shall be given to the sheriff or other police officer of the municipality or county in which the prisoner was convicted, and to the sheriff or other local police officer of the municipality or county to which the paroled prisoner is sent.

(2) A parole order may be amended or rescinded at the discretion of the parole board for cause. If a paroled prisoner who is required to register pursuant to the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.732, willfully violates that act, the parole board shall rescind the parole. If a prisoner convicted of violating or conspiring to violate section 7401(2)(a)(i) or (ii) or 7403(2)(a)(i) or (ii) of the public health code, 1978 PA 368, MCL 333.7401 and 333.7403, is released on parole and violates or conspires to violate article 7 of the public health code, 1978 PA 368, MCL 333.7401 to 333.7545, and that violation or conspiracy to violate is punishable by imprisonment for 4 or more years, or commits a violent felony during his or her release on parole, parole shall be rescinded.

(3) A parole shall not be rescinded unless an interview is conducted by 1 member of the parole board. The purpose of the interview is to consider and act upon information received by the board after the original parole release decision. A rescission interview shall be conducted within 45 days after receiving the new information. At least 10 days before the interview, the parolee shall receive a copy or summary of the new evidence that is the basis for the interview. An amendment to a parole order shall be in writing and is not effective until notice of the amendment is given to the parolee.

(4) When a parole order is issued, the order shall contain the conditions of the parole and shall specifically provide proper means of supervision of the paroled prisoner in accordance with the rules of the bureau of field services.

(5) The parole order shall contain a condition to pay restitution to the victim of the prisoner's crime or the victim's estate if the prisoner was ordered to make restitution pursuant to the crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834, or the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69.

(6) The parole order shall contain a condition requiring the parolee to pay a parole supervision fee as prescribed in section 36a.

(7) The parole order shall contain a condition requiring the parolee to pay any assessment the prisoner was ordered to pay pursuant to section 5 of 1989 PA 196, MCL 780.905.

(8) The parole order shall contain a condition requiring the parolee to pay the minimum state cost prescribed by section 1j of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1j, if the minimum state cost has not been paid.

(9) If the parolee is required to be registered under the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.732, the parole order shall contain a condition requiring the parolee to comply with that act.

(10) If a prisoner convicted of violating or conspiring to violate section 7401(2)(a)(i) or (ii) or 7403(2)(a)(i) or (ii) of the public health code, 1978 PA 368, MCL 333.7401 and 333.7403, is released on parole, the parole order shall contain a notice that if the parolee violates or conspires to violate article 7 of the public health code, 1978 PA 368, MCL 333.7401 to 333.7545, and that violation or conspiracy to violate is punishable by imprisonment for 4 or more years, or commits a violent felony during his or her release on parole, parole shall be rescinded.

(11) A parole order issued for a prisoner subject to disciplinary time may contain a condition requiring the parolee to be housed in a community corrections center or a community residential home for not less than the first 30 days but not more than the first 180 days of his or her term of parole. As used in this subsection, “community corrections center” and “community residential home” mean those terms as defined in section 65a.

(12) The parole order shall contain a condition requiring the parolee to pay the following amounts owed by the prisoner, if applicable:

(a) The balance of filing fees and costs ordered to be paid under section 2963 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2963.

(b) The balance of any filing fee ordered to be paid by a federal court under section 1915 of title 28 of the United States Code, 28 U.S.C. 1915 and any unpaid order of costs assessed against the prisoner.

(13) In each case in which payment of restitution is ordered as a condition of parole, a parole officer assigned to a case shall review the case not less than twice yearly to ensure that restitution is being paid as ordered. The final review shall be conducted not less than 60 days before the expiration of the parole period. If the parole officer determines that restitution is not being paid as ordered, the parole officer shall file a written report of the violation with the parole board on a form prescribed by the parole board. The report shall include a statement of the amount of arrearage and any reasons for the arrearage known by the parole officer. The parole board shall immediately provide a copy of the report to the court, the prosecuting attorney, and the victim.

(14) If a parolee is required to register pursuant to the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.732, the parole officer shall register the parolee as provided in that act.

(15) If the parole order contains a condition intended to protect 1 or more named persons, the department shall enter those provisions of the parole order into the corrections management information system, accessible by the law enforcement information network. If the parole board rescinds a parole order described in this subsection, the department

within 3 business days shall remove from the corrections management information system the provisions of that parole order.

(16) As used in this section, “violent felony” means an offense against a person in violation of section 82, 83, 84, 86, 87, 88, 89, 316, 317, 321, 349, 349a, 350, 397, 520b, 520c, 520d, 520e, 520g, 529, 529a, or 530 of the Michigan penal code, 1931 PA 328, MCL 750.82, 750.83, 750.84, 750.86, 750.87, 750.88, 750.89, 750.316, 750.317, 750.321, 750.349, 750.349a, 750.350, 750.397, 750.520b, 750.520c, 750.520d, 750.520e, 750.520g, 750.529, 750.529a, and 750.530.

### **Effective date.**

Enacting section 1. This amendatory act takes effect October 1, 2003.

This act is ordered to take immediate effect.

Approved July 21, 2003.

Filed with Secretary of State July 22, 2003.

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## **[No. 76]**

### **(HB 4745)**

AN ACT to amend 1990 PA 250, entitled “An act to provide for a DNA identification profiling system; to provide for the collection of samples from certain prisoners, convicted offenders, and juvenile offenders and the analysis of those samples; and to prescribe the powers and duties of certain state departments and county agencies,” by amending section 6 (MCL 28.176), as amended by 2001 PA 87.

*The People of the State of Michigan enact:*

### **28.176 DNA identification profile; retention; requirements.**

Sec. 6. (1) The department shall permanently retain a DNA identification profile of an individual obtained from a sample in the manner prescribed by the department under this act if any of the following apply:

(a) The individual is found responsible for a violation of section 83, 91, 316, 317, or 321 of the Michigan penal code, 1931 PA 328, MCL 750.83, 750.91, 750.316, 750.317, and 750.321, or a violation or attempted violation of section 349, 520b, 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.349, 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g, or a violation of section 167(1)(c) or (f) or 335a of the Michigan penal code, 1931 PA 328, MCL 750.167 and 750.335a, or a local ordinance substantially corresponding to section 167(1)(c) or (f) or 335a of the Michigan penal code, 1931 PA 328, MCL 750.167 and 750.335a.

(b) The individual is convicted of a felony or attempted felony, or any of the following misdemeanors, or local ordinances that are substantially corresponding to the following misdemeanors:

(i) A violation of section 145a of the Michigan penal code, 1931 PA 328, MCL 750.145a, enticing a child for immoral purposes.

(ii) A violation of section 167(1)(c), (f), or (i) of the Michigan penal code, 1931 PA 328, MCL 750.167, disorderly person by window peeping, engaging in indecent or obscene conduct in public, or loitering in a house of ill fame or prostitution.

(iii) A violation of section 335a of the Michigan penal code, 1931 PA 328, MCL 750.335a, indecent exposure.

(iv) A violation of section 451 of the Michigan penal code, 1931 PA 328, MCL 750.451, first and second prostitution violations.

(v) A violation of section 454 of the Michigan penal code, 1931 PA 328, MCL 750.454, leasing a house for purposes of prostitution.

(vi) A violation of section 462 of the Michigan penal code, 1931 PA 328, MCL 750.462, female under the age of 17 in a house of prostitution.

(2) The DNA profiles of DNA samples received under this section shall only be disclosed as follows:

(a) To a criminal justice agency for law enforcement identification purposes.

(b) In a judicial proceeding as authorized or required by a court.

(c) To a defendant in a criminal case if the DNA profile is used in conjunction with a charge against the defendant.

(d) For an academic, research, statistical analysis, or protocol developmental purpose only if personal identifications are removed.

(3) Notwithstanding subsection (1), if at the time the individual is convicted of or found responsible for the violation the investigating law enforcement agency or the department of state police already has a sample from the individual that meets the requirements of this act, the individual is not required to provide another sample or pay the fee required under subsection (5).

(4) The county sheriff or the investigating law enforcement agency as ordered by the court shall provide for collecting the samples required to be provided under subsection (1) in a medically approved manner by qualified persons using supplies provided by the department of state police and shall forward those samples and any samples described in subsection (1) that were already in the agency's possession to the department of state police. The collecting and forwarding of samples shall be done in the manner required under this act. A sample shall be collected by the county sheriff or the investigating law enforcement agency after conviction or a finding of responsibility but before sentencing or disposition as ordered by the court and promptly transmitted to the department of state police. This subsection does not preclude a law enforcement agency or state agency from obtaining a sample at or after sentencing or disposition.

(5) Until October 1, 2003, the court shall order each individual found responsible for or convicted of 1 or more crimes listed in subsection (1) to pay an assessment of \$60.00. The assessment required under this subsection is in addition to any fine, costs, or other assessments imposed by the court.

(6) An assessment required under subsection (5) shall be ordered upon the record and shall be listed separately in the adjudication order, judgment of sentence, or order of probation.

(7) After reviewing a verified petition by an individual against whom an assessment is imposed under subsection (5), the court may suspend payment of all or part of the assessment if it determines the individual is unable to pay the assessment.

(8) The court that imposes the assessment prescribed under subsection (5) may retain 10% of all assessments or portions of assessments collected for costs incurred under this section and shall transmit that money to its funding unit. On the last day of each month,

the clerk of the court shall transmit the assessments or portions of assessments collected under this section as follows:

(a) Twenty-five percent to the county sheriff or other investigating law enforcement agency that collected the DNA sample as designated by the court to defray the costs of collecting DNA samples.

(b) Until October 1, 2003, 65% to the department of treasury for the department's forensic science division to defray the costs associated with the requirements of DNA profiling and DNA retention prescribed under this act.

(c) Beginning October 1, 2003, 65% to the state treasurer for deposit in the justice system fund created in section 181 of the revised judicature act of 1961, 1961 PA 236, MCL 600.181.

(9) Beginning December 31, 2002, the director of the department shall report by December 31 of each year concerning the rate of DNA sample collection, DNA identification profiling, retention and compilation of DNA identification profiles, and the collection of assessments required under subsection (5) to all of the following:

(a) The standing committees of the senate and house of representatives concerned with DNA sample collection and retention.

(b) The house of representatives appropriations subcommittee on state police and military affairs.

(c) The senate appropriations subcommittee on state police.

(10) If a sample was collected under subsection (1) from an individual who does not have more than 1 conviction, and that conviction was reversed by an appellate court, the individual may petition the sentencing court to order the disposing of the sample collected and DNA identification profile record for that conviction in the manner provided in subsections (12) and (13). The sentencing court shall only enter the order upon a finding that the individual has proven by clear and convincing evidence that the conviction was reversed based upon the great weight of the evidence, specifically, that there was overwhelming evidence against the verdict resulting in a miscarriage of justice.

(11) Any other DNA identification profile obtained by the department shall not be permanently retained by the department but shall be retained only as long as it is needed for a criminal investigation or criminal prosecution.

(12) If the state police forensic laboratory determines after analysis that a sample has been submitted by an individual who has been eliminated as a suspect in a crime, the laboratory shall dispose of the sample and the DNA identification profile record in the following manner:

(a) The laboratory shall dispose of the sample in compliance with section 13811 of the public health code, 1978 PA 368, MCL 333.13811.

(b) The laboratory shall dispose of the sample and the DNA identification profile record in the presence of a witness.

(13) After disposal in accordance with subsection (12), the laboratory shall make and keep a written record of the disposal, signed by the individual who witnessed the disposal.

### **Effective date.**

Enacting section 1. This amendatory act takes effect October 1, 2003.

This act is ordered to take immediate effect.

Approved July 21, 2003.

Filed with Secretary of State July 22, 2003.

**[No. 77]****(HB 4746)**

AN ACT to amend 1939 PA 288, entitled “An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; to provide for certain immunity from liability; and to provide remedies and penalties,” by amending section 18k of chapter XIIA (MCL 712A.18k), as amended by 2001 PA 91.

*The People of the State of Michigan enact:*

## CHAPTER XIIA

**712A.18k DNA identification profiling; providing samples for chemical testing; disclosure; definitions.**

Sec. 18k. (1) An individual shall provide samples for chemical testing for DNA identification profiling or a determination of the sample’s genetic markers and shall provide samples for chemical testing for a determination of his or her secretor status if any of the following apply:

(a) The individual is found responsible for a violation of section 83, 91, 316, 317, or 321 of the Michigan penal code, 1931 PA 328, MCL 750.83, 750.91, 750.316, 750.317, and 750.321, or a violation or attempted violation of section 349, 520b, 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.349, 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g, or a violation of section 167(1)(c) or (f) or 335a of the Michigan penal code, 1931 PA 328, MCL 750.167 and 750.335a, or a local ordinance substantially corresponding to section 167(1)(c) or (f) or 335a of the Michigan penal code, 1931 PA 328, MCL 750.167 and 750.335a.

(b) The individual is convicted of a felony or attempted felony, or any of the following misdemeanors, or local ordinances that are substantially corresponding to the following misdemeanors:

(i) A violation of section 145a of the Michigan penal code, 1931 PA 328, MCL 750.145a, enticing a child for immoral purposes.

(ii) A violation of section 167(1)(c), (f), or (i) of the Michigan penal code, 1931 PA 328, MCL 750.167, disorderly person by window peeping, engaging in indecent or obscene conduct in public, or loitering in a house of ill fame or prostitution.

(iii) A violation of section 335a of the Michigan penal code, 1931 PA 328, MCL 750.335a, indecent exposure.

(iv) A violation of section 451 of the Michigan penal code, 1931 PA 328, MCL 750.451, first and second prostitution violations.

(v) A violation of section 454 of the Michigan penal code, 1931 PA 328, MCL 750.454, leasing a house for purposes of prostitution.



(vi) A violation of section 462 of the Michigan penal code, 1931 PA 328, MCL 750.462, female under the age of 17 in a house of prostitution.

(2) Notwithstanding subsection (1), if at the time the individual is convicted of or found responsible for the violation the investigating law enforcement agency or the department of state police already has a sample from the individual that meets the requirements of the DNA identification profiling system act, 1990 PA 250, MCL 28.171 to 28.176, the individual is not required to provide another sample or pay the fee required under subsection (4).

(3) The samples required to be collected under this section shall be collected by the investigating law enforcement agency and transmitted by the investigating law enforcement agency to the department of state police in the manner prescribed under the DNA identification profiling system act, 1990 PA 250, MCL 28.171 to 28.176.

(4) Until October 1, 2003, the court shall order each individual found responsible for or convicted of 1 or more crimes listed in subsection (1) to pay an assessment of \$60.00. The assessment required under this subsection is in addition to any fine, costs, or other assessments imposed by the court.

(5) An assessment required under subsection (4) shall be ordered upon the record, and shall be listed separately in the adjudication order, judgment of sentence, or order of probation.

(6) After reviewing a verified petition by an individual against whom an assessment is imposed under subsection (4), the court may suspend payment of all or part of the assessment if it determines the individual is unable to pay the assessment.

(7) The court that imposes the assessment prescribed under subsection (4) may retain 10% of all assessments or portions of assessments collected for costs incurred under this section and shall transmit that money to its funding unit. On the last day of each month, the clerk of the court shall transmit the assessments or portions of assessments collected under this section as follows:

(a) Twenty-five percent to the county sheriff or other investigating law enforcement agency that collected the DNA sample as designated by the court to defray the costs of collecting DNA samples.

(b) Until October 1, 2003, 65% to the department of treasury for the department of state police forensic science division to defray the costs associated with the requirements of DNA profiling and DNA retention prescribed under the DNA identification profiling system act, 1990 PA 250, MCL 28.171 to 28.176.

(c) Beginning October 1, 2003, 65% to the state treasurer for deposit in the justice system fund created in section 181 of the revised judicature act of 1961, 1961 PA 236, MCL 600.181.

(8) Beginning December 31, 2002, the director of the department of state police shall report by December 31 of each year concerning the rate of DNA sample collection, DNA identification profiling, retention and compilation of DNA identification profiles, and the collection of assessments required under subsection (4) to all of the following:

(a) The standing committees of the senate and house of representatives concerned with DNA sample collection and retention.

(b) The house of representatives appropriations subcommittee on state police and military affairs.

(c) The senate appropriations subcommittee on state police.

(9) The family independence agency or a county juvenile agency, investigating law enforcement agency, prosecuting agency, or court that has in its possession a DNA

identification profile obtained from a sample of an individual convicted of or found responsible for an offense described in subsection (1) shall forward the DNA identification profile to the department of state police at or before the time the court imposes sentence or enters an order of disposition upon that conviction or finding of responsibility unless the department of state police already has a DNA identification profile of the individual.

(10) The DNA profiles of DNA samples received under this section shall only be disclosed as follows:

(a) To a criminal justice agency for law enforcement identification purposes.

(b) In a judicial proceeding as authorized or required by a court.

(c) To a defendant in a criminal case if the DNA profile is used in conjunction with a charge against the defendant.

(d) For an academic, research, statistical analysis, or protocol developmental purpose only if personal identifications are removed.

(11) As used in this section:

(a) “DNA identification profile” and “DNA identification profiling” mean those terms as defined in section 2 of the DNA identification profiling system act, 1990 PA 250, MCL 28.172.

(b) “Felony” means a violation of a penal law of this state for which the offender may be punished by imprisonment for more than 1 year or an offense expressly designated by law to be a felony.

(c) “Investigating law enforcement agency” means the law enforcement agency responsible for the investigation of the offense for which the individual is convicted or found responsible. Investigating law enforcement agency does not include a probation officer employed by the department of corrections.

(d) “Sample” means a portion of an individual’s blood, saliva, or tissue collected from the individual.

**Effective date.**

Enacting section 1. This amendatory act takes effect October 1, 2003.

This act is ordered to take immediate effect.

Approved July 21, 2003.

Filed with Secretary of State July 22, 2003.

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**[No. 78]**

**(HB 4749)**

AN ACT to amend 1961 PA 236, entitled “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; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” (MCL 600.101 to 600.9948) by adding section 175.

*The People of the State of Michigan enact:*

**600.175 Judicial technology improvement fund; creation; use; disposition; investment; administration; expenditure; reimbursement to state court administrative office.**

Sec. 175. (1) The judicial technology improvement fund is created in the state treasury. The money in the fund shall be used as provided in this section.

(2) The state treasurer shall credit to the judicial technology improvement fund deposits of proceeds from the collection of revenue from court fees as provided in this act and shall credit all income from investment credited to the fund by the state treasurer. The state treasurer may invest money in the fund in any manner authorized by law for the investment of state money. However, an investment shall not interfere with any apportionment, allocation, or payment of money as required by this section. The state treasurer shall credit to the fund all income earned as a result of an investment of money in the fund. The unencumbered balance remaining in the fund at the end of a fiscal year shall remain in the fund and shall not revert to the general fund.

(3) The state court administrative office shall administer the judicial technology improvement fund. Money from the fund shall be expended for the development and ongoing support of a statewide judicial information system. The supreme court and the state court administrative office, working with the departments of state police, corrections, information technology, and secretary of state and with the prosecuting attorneys association of Michigan, will develop a statewide telecommunications infrastructure to integrate criminal justice information systems. The judicial technology improvement fund shall also be used to pursue technology innovations that will result in enhanced public service and access to local trial courts. These innovations will include, but not be limited to, electronic filing, on-line payments of fines and fees, data warehousing, and web-based instructions for completion of court documents.

(4) The state court administrative office shall be reimbursed annually from the judicial technology improvement fund for all reasonable costs associated with the administration of this section, including judicial and staff training, on-site management assistance, and software development and conversion.

**Effective date.**

Enacting section 1. This amendatory act takes effect October 1, 2003.

This act is ordered to take immediate effect.

Approved July 21, 2003.

Filed with Secretary of State July 22, 2003.

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**[No. 79]**

**(HB 4750)**

AN ACT to amend 1988 PA 260, entitled “An act to create the community dispute resolution program; to create the community dispute resolution fund; to establish criteria

for funding and participation in the program; to provide for the administration of the program; to authorize pilot projects; to require the reporting of certain statistical data; and to repeal certain parts of this act on specific dates,” by amending section 10 (MCL 691.1560), as amended by 1993 PA 286.

*The People of the State of Michigan enact:*

**691.1560 Selection of grant recipients; contents of grant applications submitted for funding; allocations; matching amount; “civil filing fee fund” defined.**

Sec. 10. (1) Grant recipients shall be selected from applications submitted to the state court administrator. The grant applications submitted for funding shall include all of the following:

(a) The budget for the proposed center including the proposed compensation and qualifications of the employees.

(b) A description of the proposed geographical area of service and an estimate of the number of participants to be served.

(c) A description of current dispute resolution services, if any, available within the proposed geographical area.

(d) A narrative of the applicant’s proposed program that includes the support of civic groups, social services agencies, local courts, and criminal justice agencies to accept and make referrals; the present availability of resources; and the applicant’s administrative capacity.

(e) A description of the fee structure, if any, that will be applied to participants seeking dispute resolution.

(f) Such additional information as is determined to be needed by the state court administrator.

(2) If 1 or more applicants meet the eligibility requirements of section 9 and guidelines established under section 9, the state court administrator shall award a grant or grants from money distributed to the fund from the civil filing fee fund. Grants shall be allocated as follows:

(a) 65% of the money received from the civil filing fee fund shall be made available for disbursement on the basis of the annual civil court filings reported by courts. An eligible applicant shall receive a pro rata share of the available grant funds on the basis of the annual civil court filings reported by courts located in the counties serviced by the applicant.

(b) 35% of the money received from the civil filing fee fund and any money in the fund derived from other sources shall be made available for disbursement on the basis of performance measures and threshold funding levels established by the state court administrative office.

(3) Nothing in subsection (2) requires a grant award that exceeds the proposed center’s approved budget.

(4) Each grant recipient shall provide a matching amount equal to at least 35% of the awarded grant amount.

(5) As used in this section, “civil filing fee fund” means that fund as created in section 171 of the revised judicature act of 1961, 1961 PA 236, MCL 600.171.

**Effective date.**

Enacting section 1. This amendatory act takes effect October 1, 2003.

This act is ordered to take immediate effect.

Approved July 21, 2003.

Filed with Secretary of State July 22, 2003.

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**[No. 80]****(SB 230)**

AN ACT to amend 1917 PA 167, entitled “An act to promote the health, safety and welfare of the people by regulating the maintenance, alteration, health, safety, and improvement of dwellings; to define the classes of dwellings affected by the act, and to establish administrative requirements; to prescribe procedures for the maintenance, improvement, or demolition of certain commercial buildings; to establish remedies; to provide for enforcement; to provide for the demolition of certain dwellings; and to fix penalties for the violation of this act,” by amending section 134 (MCL 125.534).

*The People of the State of Michigan enact:*

**125.534 Noncompliance with notice of violation; actions; parties; motion for temporary relief; service of complaint and summons; filing notice of pendency of action; orders and determinations; repair or removal of structure; exception; costs; order approving expenses; lien; authority of municipality; “urban core cities” defined.**

Sec. 134. (1) If the owner or occupant fails to comply with the order contained in the notice of violation, the enforcing agency may bring an action to enforce this act and to abate or enjoin the violation.

(2) An owner or occupant of the premises upon which a violation exists may bring an action to enforce this act in his or her own name. Upon application by the enforcing agency, or upon motion of the party filing the complaint, the local enforcing agency may be substituted for, or joined with, the complainant in the discretion of the court.

(3) If the violation is uncorrected and creates an imminent danger to the health and safety of the occupants of the premises, or if there are no occupants and the violation creates an imminent danger to the health and safety of the public, the enforcing agency shall file a motion for a preliminary injunction or other temporary relief appropriate to remove the danger during the pendency of the action.

(4) Owners and lienholders of record or owners and lienholders ascertained by the complainant with the exercise of reasonable diligence shall be served with a copy of the complaint and a summons. The complainant shall also file a notice of the pendency of the action with the appropriate county register of deeds office where the premises are located.

(5) The court of jurisdiction shall make orders and determinations consistent with the objectives of this act. The court may enjoin the maintenance of unsafe, unhealthy, or unsanitary conditions, or violations of this act, and may order the defendant to make repairs or corrections necessary to abate the conditions. The court may authorize the enforcing agency to repair or to remove the building or structure. If an occupant is not the cause of an unsafe, unhealthy, or unsanitary condition, or a violation of this act, and is the

complainant, the court may authorize the occupant to correct the violation and deduct the cost from the rent upon terms the court determines just. If the court finds that the occupant is the cause of an unsafe, unhealthy, or unsanitary condition, or a violation of this act, the court may authorize the owner to correct the violation and assess the cost against the occupant or the occupant's security deposit.

(6) A building or structure shall not be removed unless the cost of repair of the building or structure will be greater than the state equalized value of the building or structure except in urban core cities or local units of government that are adjacent to or contiguous to an urban core city that have adopted stricter standards to expedite the rehabilitation or removal of a boarded or abandoned building or structure that remains either vacant or boarded, or both, and a significant attempt has not been made to rehabilitate the building or structure for a period of 24 consecutive months.

(7) If the expense of repair or removal is not provided for, the court may enter an order approving the expense and placing a lien on the real property for the payment of the expense. The order may establish and provide for the priority of the lien as a senior lien, except as to tax and assessment liens, and except as to a recorded mortgage of first priority, recorded prior to all other liens of record if, at the time of recording of that mortgage or at a time subsequent, a certificate of compliance as provided for in this act is in effect on the subject property. The order may also specify the time and manner for foreclosure of the lien if the lien is not satisfied. A true copy of the order shall be filed with the appropriate county register of deeds office where the real property is located within 10 days after entry of the order to perfect the lien granted in the order.

(8) This act does not preempt, preclude, or interfere with the authority of a municipality to protect the health, safety, and general welfare of the public through ordinance, charter, or other means.

(9) As used in this section, "urban core cities" means qualified local governmental units as that term is defined in section 2 of the obsolete property rehabilitation act, 2000 PA 146, MCL 125.2782.

This act is ordered to take immediate effect.

Approved July 21, 2003.

Filed with Secretary of State July 23, 2003.

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**[No. 81]**

**(SB 359)**

AN ACT to amend 1993 PA 23, entitled "An act to provide for the organization and regulation of limited liability companies; to prescribe their duties, rights, powers, immunities, and liabilities; to prescribe the powers and duties of certain state departments and agencies; and to provide for penalties and remedies," by amending section 1101 (MCL 450.5101), as amended by 2002 PA 686.

*The People of the State of Michigan enact:*

**450.5101 Filing fees; use; charges for certifying or copying files or records; dishonored checks; payment by credit card.**

Sec. 1101. (1) The fees to be paid to the administrator when the documents described in this subsection are delivered to him or her for filing are as follows:

(a) Certificate of correction, \$25.00.

- (b) Articles of organization, \$50.00.
  - (c) Amendment to the articles of organization, \$25.00.
  - (d) Restated articles of organization, \$50.00.
  - (e) Application for reservation of name, \$25.00.
  - (f) Certificate of assumed name or a certificate of termination of assumed name, \$25.00.
  - (g) Annual statement of resident agent and registered office, \$15.00 if paid through September 30, 2003 and after September 30, 2007. Beginning October 1, 2003 through September 30, 2007, the fee is \$25.00.
  - (h) Certificate of restoration of good standing, \$50.00.
  - (i) Notice of resignation of resident agent, or statement of change of registered office or resident agent, \$5.00.
  - (j) Certificate of merger as provided in article 7, \$100.00.
  - (k) Certificate of abandonment, \$10.00.
  - (l) Certificate of conversion, \$25.00.
  - (m) Certificate of dissolution, \$10.00.
  - (n) Application of a foreign limited liability company for a certificate of authority to transact business in this state, \$50.00.
  - (o) Certificate correcting statement contained in an application for a certificate of authority to transact business in this state, \$25.00.
  - (p) Certificate attesting to the occurrence of a merger of a foreign limited liability company, as provided in section 1005, \$10.00.
  - (q) Application for withdrawal and issuance of a certificate of withdrawal of a foreign limited liability company, \$10.00.
- (2) In addition to a fee required to file a document, the administrator may charge a fee of \$50.00 if the document is filed by facsimile or other electronic transmission or the administrator is requested to transmit a document by facsimile or other electronic transmission.
- (3) The administrator shall not refund all or any part of a fee described in this section. The administrator shall deposit all fees received and collected under this section in the state treasury to the credit of the administrator, who may only use the money credited pursuant to legislative appropriation and only in carrying out those duties of the department required by law.
- (4) A minimum charge of \$1.00 for each certificate and 50 cents per folio shall be paid to the administrator for certifying a part of a file or record pertaining to a domestic or foreign limited liability company if a fee is not set forth in subsection (1). The administrator may furnish copies of documents, reports, and papers required or permitted by law to be filed with the administrator, and shall charge for those copies pursuant to a schedule of fees that the administrator shall adopt with the approval of the state administrative board. The administrator shall retain the revenue collected under this subsection and use it to defray the costs of the department's copying and certifying services.
- (5) If a domestic or foreign limited liability company pays fees or penalties by check and the check is dishonored, the fee is considered unpaid and the filing of all related documents will be rescinded.

(6) The administrator may accept payment by credit card, instead of cash or check, as payment of a fee under this act. The administrator shall determine which credit cards he or she shall accept for payment of a fee.

This act is ordered to take immediate effect.

Approved July 21, 2003.

Filed with Secretary of State July 23, 2003.

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**[No. 82]**

**(SB 360)**

AN ACT to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending section 8317 (MCL 324.8317), as amended by 2002 PA 418.

*The People of the State of Michigan enact:*

**324.8317 Fees; duration; expiration; nonrefundable.**

Sec. 8317. (1) An application submitted under this part shall be accompanied by the following application fee:

(a) For a commercial applicator certification, \$75.00.

(b) For a private agricultural applicator certification, \$50.00 if paid on October 1, 2003 through September 30, 2007, and \$10.00 if paid through September 30, 2003 or after September 30, 2007.

(c) For a commercial registered applicator, \$45.00.

(d) For a private registered applicator, \$50.00 if paid on October 1, 2003 through September 30, 2007, and \$10.00 if paid through September 30, 2003 or after September 30, 2007.

(2) Certificates for commercial applicators, private agricultural applicators, and registered applicators shall be valid for a period of time of not less than 3 years to be established by rule by the director.

(3) The license application fee for a commercial applicator license is \$100.00. The license shall expire on December 31 annually.

(4) The registration application fee for the registration of pesticides sold, offered, exposed for sale, or distributed is \$40.00 per product.

(5) The license application fee for a restricted use pesticide dealer’s license is \$100.00. The license shall expire annually on December 31.

(6) Application fees submitted under this section are not refundable.

This act is ordered to take immediate effect.

Approved July 21, 2003.

Filed with Secretary of State July 23, 2003.



**[No. 83]****(SB 361)**

AN ACT to amend 1969 PA 287, entitled “An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies,” by amending section 4 (MCL 287.334).

*The People of the State of Michigan enact:*

**287.334 Application for pet shop licenses; fee; expiration.**

Sec. 4. (1) Applications for pet shop licenses shall be on a form as provided or made available by the director. Beginning October 1, 2003 through September 30, 2007, the director shall issue pet shop licenses for a term of 1 year beginning January 1 of each year. Until October 1, 2003 or after September 30, 2007, the director shall issue a pet shop license upon application and payment of a license fee of \$150.00.

(2) Beginning October 1, 2003 through September 30, 2007, the department shall charge a fee of \$200.00 for an initial application for a pet shop license and a fee of \$100.00 for renewal of a pet shop license.

(3) The following apply only to licenses issued beginning October 1, 2003 through September 30, 2007:

(a) A license issued before the effective date of the amendatory act that added this subsection expires on December 31, 2003, except that a license issued in the 2003 calendar year expires on December 31, 2004.

(b) Beginning January 1, 2004 and except as otherwise provided for in this section, a pet shop license is renewable by submission of a completed renewal application provided or made available by the department and payment of the renewal fee described in subsection (2).

This act is ordered to take immediate effect.

Approved July 21, 2003.

Filed with Secretary of State July 23, 2003.

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**[No. 84]****(SB 370)**

AN ACT to amend 1936 (Ex Sess) PA 1, entitled “An act to protect the welfare of the people of this state through the establishment of an unemployment compensation fund, and to provide for the disbursement thereof; to create certain other funds; to create the Michigan employment security commission, and to prescribe its powers and duties; to provide for the protection of the people of this state from the hazards of unemployment; to levy and provide for contributions from employers; to provide for the collection of such contributions; to enter into reciprocal agreements and to cooperate with agencies of the United States and of other states charged with the administration of any unemployment insurance law; to furnish certain information to certain governmental agencies for use in

administering public benefit and child support programs and investigating and prosecuting fraud; to provide for the payment of benefits; to provide for appeals from redeterminations, decisions and notices of assessments; and for referees and a board of review to hear and decide the issues arising from redeterminations, decisions and notices of assessment; to provide for the cooperation of this state and compliance with the provisions of the social security act and the Wagner-Peyser act passed by the Congress of the United States of America; to provide for the establishment and maintenance of free public employment offices; to provide for the transfer of funds; to make appropriations for carrying out the provisions of this act; to prescribe remedies and penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 10 (MCL 421.10), as amended by 2002 PA 192.

*The People of the State of Michigan enact:*

#### **421.10 Administration fund; contingent fund.**

Sec. 10. (1) There is created in the department of treasury a special fund to be known and designated as the administration fund (Michigan employment security act). Any balances in the administration fund at the end of any fiscal year of this state shall be carried over as a part of the administration fund and shall not revert to the general fund of this state. Except as otherwise provided in subsection (3), all money deposited into the administration fund under this act shall be appropriated by the legislature to the unemployment agency to pay the expenses of the administration of this act.

(2) The administration fund shall be credited with all money appropriated to the fund by the legislature, all money received from the United States or any agency of the United States for that purpose, and all money received by this state for the fund. All money in the administration fund that is received from the federal government or any agency of the federal government or that is appropriated by this state for the purposes of this act, except money requisitioned from the account of this state in the unemployment trust fund pursuant to a specific appropriation made by the legislature in accordance with section 903(c)(2) of title IX of the social security act, 42 U.S.C. 1103, and with section 17(3)(f), shall be expended solely for the purposes and in the amounts found necessary by the appropriate agency of the United States and the legislature for the proper and efficient administration of this act.

(3) All money requisitioned from the account of this state in the unemployment trust fund pursuant to a specific appropriation made by the legislature in accordance with section 903(c)(2) of title IX of the social security act, 42 U.S.C. 1103, and with section 17(3)(f), shall be deposited in the administration fund. Any money that remains unexpended at the close of the 2-year period beginning on the date of enactment of a specific appropriation shall be immediately redeposited with the secretary of the treasury of the United States to the credit of this state's account in the unemployment trust fund; or any money that for any reason cannot be expended or is not to be expended for the purpose for which appropriated before the close of this 2-year period shall be redeposited at the earliest practicable date.

(4) If any money received after June 30, 1941, from the appropriate agency of the United States under title III of the social security act, chapter 531, 49 Stat. 620, 42 U.S.C. 501 to 504, or any unencumbered balances in the administration fund (Michigan employment security act) as of that date, or any money granted after that date to this state under the Wagner-Peyser act, chapter 49, 48 Stat. 113, or any money made available by this state or its political subdivisions and matched by money granted to this state under the Wagner-Peyser act,

chapter 49, 48 Stat. 113, is found by the appropriate agency of the United States, because of any action or contingency, to have been lost or been expended for purposes other than, or in amounts in excess of, those found necessary by that agency of the United States for the proper administration of this act, the money shall be replaced by money appropriated for that purpose from the general funds of this state to the administration fund (Michigan employment security act) for expenditure as provided in this act. Upon receipt of notice of such a finding by the appropriate agency of the United States, the commission shall promptly report the amount required for replacement to the governor and the governor shall, at the earliest opportunity, submit to the legislature a request for the appropriation of that amount. This subsection shall not be construed to relieve this state of its obligation with respect to funds received prior to July 1, 1941, under the provisions of title III of the social security act, chapter 531, 49 Stat. 620, 42 U.S.C. 501 to 504.

(5) If any funds expended or disbursed by the commission are found by the appropriate agency of the United States to have been lost or expended for purposes other than, or in amounts in excess of, those found necessary by that agency of the United States for the proper administration of this act, and if these funds are replaced as provided in subsection (4) by money appropriated for that purpose from the general fund of this state, then the director who approved the expenditure or disbursement of those funds for those purposes or in those amounts, shall be liable to this state in an amount equal to the sum of money appropriated to replace those funds. The director shall be required by the governor to post a proper bond in a sum not less than \$25,000.00 to cover his or her liability as prescribed in this section, the cost of the bond to be paid from the general fund of this state.

(6) There is created in the department of treasury a separate fund to be known as the contingent fund (Michigan employment security act) into which shall be deposited all solvency taxes collected under section 19a and all interest on contributions, penalties, and damages collected under this act. Except as otherwise provided in subsections (7), (8), and (9), all amounts in the contingent fund (Michigan employment security act) and all earnings on those amounts are continuously appropriated without regard to fiscal year for the administration of the unemployment agency and for the payment of interest on advances from the federal government to the unemployment compensation fund under section 1201 of title XII of the social security act, 42 U.S.C. 1321, to be expended only if authorized by the unemployment agency. Money deposited from the solvency taxes collected under section 19a shall not be used for the administration of the unemployment agency, except for the repayment of loans from the state treasury and interest on loans made under section 19a(3). However, an authorization or expenditure shall not be made as a substitution for a grant of federal funds or for any portion of a grant that, in the absence of an authorization, would be available to the commission. Immediately upon receipt of administrative grants from the appropriate agency of the United States to cover administrative costs for which the commission has authorized and made expenditures from the contingent fund, those grants shall be transferred to the contingent fund to the extent necessary to reimburse the contingent fund for the amount of those expenditures. Amounts needed to refund interest, damages, and penalties erroneously collected shall be withdrawn and expended for those purposes from the contingent fund upon order of the unemployment agency. Any amount authorized to be expended for administration under this section may be transferred to the administration fund. An amount not needed for the purpose for which authorized shall, upon order of the unemployment agency, be returned to the contingent fund. Amounts needed to refund erroneously collected solvency taxes shall be withdrawn and expended for that purpose upon order of the unemployment agency.

(7) On June 30, 2002, the unemployment agency shall authorize the withdrawal of \$79,500,000.00 from the contingent fund (Michigan employment security act) for deposit into the general fund.

(8) At the close of the state fiscal year in 2002 and each year after 2002, all funds in the contingent fund (Michigan employment security act) in excess of \$15,000,000.00 shall lapse to the unemployment trust fund.

(9) The unemployment agency shall authorize the withdrawal of \$10,000,000.00 from the contingent fund (Michigan employment security act) for deposit into the general fund for the fiscal year ending September 30, 2004.

This act is ordered to take immediate effect.

Approved July 21, 2003.

Filed with Secretary of State July 23, 2003.

**[No. 85]**

**(SB 386)**

AN ACT to amend 1937 PA 284, entitled “An act to prevent the spread of infectious and contagious diseases of livestock; to require persons, associations, partnerships and corporations engaged in the buying, receiving, selling, transporting, exchanging, negotiating, or soliciting sale, resale, exchange or transportation of livestock to be licensed and bonded by the department of agriculture; to keep a producers’ proceeds account; to provide for the refusal, suspension or revocation of such licenses; to provide for weighmasters; to provide for the inspection and disinfection of yards, premises and vehicles; and to provide penalties for the violation of this act,” by amending section 3 (MCL 287.123).

*The People of the State of Michigan enact:*

**287.123 Licensing of livestock dealer, broker, or agent; application; contents; fees; weighmasters; records; bond; license to transport required; producers’ proceeds account.**

Sec. 3. (1) A person desiring to act as a dealer, broker, or agent shall file an application with the department for a license to engage in that business. The application shall state the nature of the business, the post-office address of the applicant, and the post-office address at or from which the business is to be conducted. If the applicant desires to operate a livestock yard where livestock is kept and sold at public or private sale, the application shall so state. The application may state additional information as requested by the director.

(2) Beginning October 1, 2003 through September 30, 2007, the departments shall charge and collect the following fees for initial and renewal license applications, which shall be deposited into the general fund:

- (a) Class I (livestock auction)..... \$ 400.00.
- (b) Class II (collection point/buying station)..... \$ 250.00.
- (c) Class III (horse auction)..... \$ 150.00.
- (d) Class IV (dealer/broker/agent) ..... \$ 50.00.

(3) Through September 30, 2003 or after September 30, 2007, the only fee the department shall charge and collect for the issuance and renewal of licenses under this section is a fee of \$5.00 for a dealer, broker, or agent license.

(4) A licensee who buys or sells livestock by weight shall employ a registered weighmaster to do all the weighing. The duties, qualifications, and requirements for registration of weighmasters shall be established by the director under section 9.

(5) The application for that license and bond shall be submitted to the director on or before October 1 of each year. Each license issued under this section shall be for a period of 1 year commencing October 1 and ending the following September 30.

(6) Each dealer, broker, or agent operating or conducting a livestock auction shall file with his or her application for a license a surety bond effective during the period for which the license is issued. The surety bond shall be issued by a surety company registered in this state to indemnify persons from whom livestock is purchased or for whom livestock is sold or other security and in such amounts, form, and sufficiency as approved by the director. The amount of the bond shall be an amount equal to the amount of gross dollar volume of livestock business conducted during the average week of the previous licensing year by the applicant, but in no case less than \$1,500.00. If the average gross weekly livestock business conducted by the applicant during the previous licensing year was greater than \$25,000.00, the bond shall be increased above \$25,000.00, at the rate of \$1,000.00 for each \$5,000.00 or part thereof above \$25,000.00 on the average gross dollar-volume of weekly livestock business conducted during the previous year. A licensee who owns or operates more than 1 livestock yard or livestock auction may file 1 bond in an amount determined by the formula described in this subsection. Any dealer, broker, or agent operating or conducting a livestock yard or livestock auction who has filed a surety bond for the livestock yard or livestock auction and indemnifies persons from whom livestock is purchased or for whom livestock is sold in accordance with the terms of any federal act is exempt from the bonding requirements of this subsection provided the bond is equivalent in amount to that which would be required by this act. The bond shall be for a livestock dealer or broker and his or her agents in which the department is the obligee for the benefit and purpose of protecting all persons selling or consigning livestock to the licensed dealer, broker, or agent against the licensed dealer's, broker's, or agent's failure to pay amounts due on livestock purchased by or consigned to them.

(7) Each licensee shall keep records and shall furnish, upon request, information concerning his or her purchases and sales as may be required by the director for the purpose of establishing the amount of bond required under subsection (6). The director, in fixing the amount of the bond, shall take into consideration the dollar volume of livestock business and other information furnished by the livestock dealer, broker, or his or her agent. If a dealer, broker, or agent did not operate a livestock auction the previous licensing year, the bond shall be for an amount as shall be established by the director after consideration of all information available on the probable weekly gross dollar volume of business to be conducted by the dealer, broker, or agent during the licensing year.

(8) If during any licensing year the bond filed by any licensee becomes less than required by this act because of an increase in gross dollar volume of livestock sales, the director may issue an order requiring the licensee to file an additional bond to cover the increase in gross dollar volume of livestock sales. Failure to comply with the orders of the director is grounds for suspension or revocation of license. A bond shall be conditioned upon the faithful performance of the licensee's duties as a dealer and on the provisions of law relating to the purchase of livestock by the livestock dealer and for the payment by the livestock dealer of all livestock purchased by or consigned to the livestock dealer as a dealer in livestock.

(9) A license issued under this section allows the holder to conduct the business of dealer or broker at or from the place named in the application. A legal entity engaged in the business of transporting livestock or negotiating or soliciting the transportation or transfer of livestock that is not engaged in the buying, selling, reselling, exchanging, negotiating, or soliciting the sale, resale, or exchange of livestock must obtain a license under this section but is not required to comply with bonding provisions of this section.

(10) A dealer, broker, or agent shall keep adequate records of the producers' proceeds account in compliance with section 3a and of all sales and purchases for a period of 2 years in the manner required by the director. The records shall be open to reasonable inspection by the department.

(11) A dealer, broker, or agent shall notify the director of a change of address within 5 days after that change. Any change in ownership of any livestock auction or market shall be reported to the director within 5 days by the licensee. Each dealer or broker shall file with the director on January 1 of each year a sworn statement of average weekly sales and a statement showing the number and kinds of livestock purchased and sold during the previous year.

This act is ordered to take immediate effect.

Approved July 21, 2003.

Filed with Secretary of State July 23, 2003.

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**[No. 86]**

**(SB 390)**

AN ACT to amend 1974 PA 93, entitled "An act to license and regulate horse riding stables and sales barns; to prescribe the duties of the department of agriculture; and to provide a penalty," by amending section 3 (MCL 287.113).

*The People of the State of Michigan enact:*

**287.113 Application for license; qualifications of applicant; investigation and information; fee; issuance and display of license; separate license for each business location; license nontransferable; expiration and renewal of license; renewal fee.**

Sec. 3. (1) The department shall require an applicant for license to furnish information it considers necessary to determine that the applicant is of good reputation and character, adequately financed to carry out the business that it intends to pursue, and sufficiently knowledgeable in the business. The department may conduct further investigation and require further information that it considers necessary to establish the sufficiency of the application.

(2) Before October 1, 2003 or after September 30, 2007 and upon filing an application, the applicant shall pay a fee of \$25.00 for each license. Beginning October 1, 2003 through September 30, 2007, the applicant shall pay a fee of \$100.00 for each license. The revenue shall be deposited in the general fund.

(3) The license shall be displayed prominently in the licensee's place of business. An applicant shall obtain a separate license for each business location. Licenses are not transferable and expire on the following January 1.

(4) Before October 1, 2003 or after September 30, 2007, a licensee may renew his or her license upon paying a renewal fee of \$25.00. Beginning October 1, 2003 through September 30, 2007, the renewal fee is \$50.00. The revenue shall be deposited in the general fund.

This act is ordered to take immediate effect.

Approved July 21, 2003.

Filed with Secretary of State July 23, 2003.

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**[No. 87]**

**(SB 431)**

AN ACT to amend 1979 PA 152, entitled "An act to provide for the establishment and collection of fees for the regulation of certain occupations and professions, and for certain agencies and businesses; to create certain funds; and to prescribe certain powers and duties of certain state agencies and departments," by amending sections 11, 13, 15, 17, 21, 23, 25, 27, 29, 31, 37, 38, 39, 43, 49, and 62 (MCL 338.2211, 338.2213, 338.2215, 338.2217, 338.2221, 338.2223, 338.2225, 338.2227, 338.2229, 338.2231, 338.2237, 338.2238, 338.2239, 338.2243, 338.2249, and 338.2262), sections 11, 13, 15, 17, 21, 23, 29, 31, 39, 43, 49, and 62 as amended by 1988 PA 461, section 25 as amended by 1997 PA 98, section 27 as amended by 1992 PA 252, section 37 as amended by 2002 PA 623, and section 38 as amended by 1999 PA 171.

*The People of the State of Michigan enact:*

**338.2211 Public accountant; fees.**

Sec. 11. Fees for a person certified, registered, or licensed or seeking certification, registration, or licensure to engage in the practice of public accounting, under article 7 of the occupational code, MCL 339.720 to 339.736, are as follows:

(a) Application processing fee .....	\$ 35.00
(b) License to practice and registration of certificate, per year as follows:	
(i) If paid through September 30, 2003 or after September 30, 2007 .....	25.00
(ii) Beginning October 1, 2003 through September 30, 2007.....	40.00
(c) Registration:	
(i) Individual's registration of certificate, per year as follows:	
(A) If paid through September 30, 2003 or after September 30, 2007 .....	10.00
(B) Beginning October 1, 2003 through September 30, 2007.....	15.00
(ii) Firm or corporation, per year as follows:	
(A) If paid through September 30, 2003 or after September 30, 2007 .....	25.00
(B) Beginning October 1, 2003 through September 30, 2007.....	35.00
(iii) Each branch office, per year.....	25.00
(d) Permit for temporary practice.....	15.00

**338.2213 Architect, professional engineer, or land surveyor; fees.**

Sec. 13. (1) Fees for a person licensed or seeking licensure as an architect under article 20 of the occupational code, MCL 339.2001 to 339.2014, are as follows:

- (a) Application processing ..... \$ 30.00
- (b) Supplemental application processing ..... 20.00
- (c) License fee, per year ..... 35.00

(2) Fees for a person licensed or seeking licensure as a professional engineer under article 20 of the occupational code, MCL 339.2001 to 339.2014, are as follows:

- (a) Application processing fee as follows:
  - (i) If paid through September 30, 2003 or after September 30, 2007 ..... \$ 30.00
  - (ii) Beginning October 1, 2003 through September 30, 2007 ..... 35.00
- (b) Supplemental application processing fee ..... 20.00
- (c) License fee, per year as follows:
  - (i) If paid through September 30, 2003 or after September 30, 2007 ..... 20.00
  - (ii) Beginning October 1, 2003 through September 30, 2007 ..... 40.00

(3) Fees for a person licensed or seeking licensure as a land surveyor under article 20 of the occupational code, MCL 339.2001 to 339.2014, are as follows:

- (a) Application processing fee as follows:
  - (i) If paid through September 30, 2003 or after September 30, 2007 ..... \$ 30.00
  - (ii) Beginning October 1, 2003 through September 30, 2007 ..... 35.00
- (b) Supplemental application processing fee ..... 20.00
- (c) Examination fees:
  - (i) Complete examination ..... 110.00
  - (ii) Part 1 of the examination (fundamentals) ..... 55.00
  - (iii) Part 2a of the examination (principles and practice) ..... 45.00
  - (iv) Part 2b of the examination (Michigan practice) ..... 40.00
- (d) Examination review ..... 20.00
- (e) License fee, per year ..... 50.00

**338.2215 Landscape architect; fees.**

Sec. 15. Fees for a person registered or seeking registration as a landscape architect under article 22 of the occupational code, MCL 339.2201 to 339.2211, are as follows:

- (a) Application processing fee as follows:
  - (i) If paid through September 30, 2003 or after September 30, 2007 ..... \$ 30.00
  - (ii) Beginning October 1, 2003 through September 30, 2007 ..... 35.00
- (b) Supplemental application processing fee ..... 20.00
- (c) Examination fees:
  - (i) Complete examination ..... 265.00
  - (ii) Section 1 of the examination ..... 25.00
  - (iii) Section 2 of the examination ..... 35.00
  - (iv) Section 3 of the examination ..... 100.00



(v) Section 4 of the examination .....	125.00
(d) Examination review .....	25.00
(e) Registration fee, per year .....	40.00

**338.2217 Barber, student barber, student instructor, barber instructor, person operating barbershop or barber college, or person seeking permit for demonstration or demonstrator's permit; fees.**

Sec. 17. (1) Fees for a person licensed or seeking licensure as a barber, student barber, student instructor, or barber instructor, for a person licensed or seeking licensure to operate a barbershop or barber college, or for a person seeking a permit for a demonstration or a demonstrator's permit under article 11 of the occupational code, MCL 339.1101 to 339.1118, are as follows:

(a) Application processing fees:	
(i) Student barber as follows:	
(A) If paid through September 30, 2003 or after September 30, 2007 .....	\$ 15.00
(B) Beginning October 1, 2003 through September 30, 2007.....	20.00
(ii) Barber as follows:	
(A) If paid through September 30, 2003 or after September 30, 2007 .....	15.00
(B) Beginning October 1, 2003 through September 30, 2007.....	20.00
(iii) Student instructor as follows:	
(A) If paid through September 30, 2003 or after September 30, 2007 .....	15.00
(B) Beginning October 1, 2003 through September 30, 2007.....	20.00
(iv) Barber instructor as follows:	
(A) If paid through September 30, 2003 or after September 30, 2007 .....	15.00
(B) Beginning October 1, 2003 through September 30, 2007.....	20.00
(v) Barbershop as follows:	
(A) If paid through September 30, 2003 or after September 30, 2007 .....	40.00
(B) Beginning October 1, 2003 through September 30, 2007.....	50.00
(vi) Barber college as follows:	
(A) If paid through September 30, 2003 or after September 30, 2007 .....	50.00
(B) Beginning October 1, 2003 through September 30, 2007.....	75.00
(b) Examination fees:	
(i) Complete barber examination.....	75.00
(A) Written portion only .....	35.00
(B) Practical portion only .....	45.00
(ii) Complete instructor examination .....	75.00
(A) Written portion only .....	35.00
(B) Practical portion only .....	45.00
(c) Examination review .....	20.00
(d) License fees, per year:	
(i) Student barber as follows:	
(A) If paid through September 30, 2003 or after September 30, 2007 .....	15.00
(B) Beginning October 1, 2003 through September 30, 2007.....	30.00

<i>(ii)</i> Barber as follows:	
(A) If paid through September 30, 2003 or after September 30, 2007 .....	15.00
(B) Beginning October 1, 2003 through September 30, 2007.....	30.00
<i>(iii)</i> Student instructor as follows:	
(A) If paid through September 30, 2003 or after September 30, 2007 .....	15.00
(B) Beginning October 1, 2003 through September 30, 2007.....	30.00
<i>(iv)</i> Barber instructor as follows:	
(A) If paid through September 30, 2003 or after September 30, 2007 .....	25.00
(B) Beginning October 1, 2003 through September 30, 2007.....	40.00
<i>(v)</i> Barbershop as follows:	
(A) If paid through September 30, 2003 or after September 30, 2007 .....	30.00
(B) Beginning October 1, 2003 through September 30, 2007.....	40.00
<i>(vi)</i> Barber college.....	150.00
<i>(e)</i> Demonstrator’s temporary permit as follows:	
<i>(i)</i> If paid through September 30, 2003 or after September 30, 2007.....	10.00
<i>(ii)</i> Beginning October 1, 2003 through September 30, 2007.....	15.00
<i>(f)</i> Demonstration temporary permit as follows:	
<i>(i)</i> If paid through September 30, 2003 or after September 30, 2007.....	10.00
<i>(ii)</i> Beginning October 1, 2003 through September 30, 2007.....	15.00

**338.2221 Collection agency or collection agency manager; fees.**

Sec. 21. Fees for a person licensed or seeking licensure to operate a collection agency or to be a collection agency manager under article 9 of the occupational code, MCL 339.901 to 339.920, are as follows:

<i>(a)</i> Application processing fees:	
<i>(i)</i> Agency nonowner manager as follows:	
(A) If paid through September 30, 2003 or after September 30, 2007 .....	\$ 25.00
(B) Beginning October 1, 2003 through September 30, 2007.....	35.00
<i>(ii)</i> Agency .....	100.00
<i>(b)</i> Examination fee.....	50.00
<i>(c)</i> Examination review fee.....	20.00
<i>(d)</i> License fee, per year:	
<i>(i)</i> Agency nonowner manager.....	50.00
<i>(ii)</i> Agency .....	125.00

**338.2223 Professional community planner; fees.**

Sec. 23. Fees for a person registered or seeking registration as a professional community planner under article 23 of the occupational code, MCL 339.2301 to 339.2310, are as follows:

<i>(a)</i> Application processing fee as follows:	
<i>(i)</i> If paid through September 30, 2003 or after September 30, 2007 .....	\$ 30.00
<i>(ii)</i> Beginning October 1, 2003 through September 30, 2007.....	35.00
<i>(b)</i> Supplemental application processing fee.....	20.00