

HOUSE BILL No. 4686

May 18, 1999, Introduced by Reps. Switalski, Bovin, Spade, Woodward, DeHart, Quarles, Hale, Martinez, Cherry, Jacobs, Daniels, Garcia, Bishop, Jamnick, Clark, Bisbee, Richner, Mortimer, Gielegem, Brater, Lemmons and Scranton and referred to the Committee on Criminal Law and Corrections.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 907 (MCL 257.907), as amended by 1998 PA
103.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

5 (2) If a person is determined pursuant to sections 741 to
6 750 to be responsible or responsible "with explanation" for a
7 civil infraction under this act or a local ordinance substan-
8 tially corresponding to a provision of this act, the judge,
9 district court referee, or district court magistrate may order
10 the person to pay a civil fine of not more than \$100.00 and costs

1 as provided in subsection (4). However, for a violation of
2 section 674(1)(s) or a local ordinance substantially correspond-
3 ing to section 674(1)(s), the person shall be ordered to pay
4 costs as provided in subsection (4) and a civil fine of not less
5 than ~~\$50.00 or more than \$100.00~~ \$150.00. For a violation of
6 section 328 or 710d, the civil fine ordered under this subsection
7 shall not exceed \$10.00. For a violation of section 710e, the
8 civil fine and court costs ordered under this subsection shall be
9 \$25.00. For a violation of section 682 or a local ordinance sub-
10 stantially corresponding to section 682, the person shall be
11 ordered to pay costs as provided in subsection (4) and a civil
12 fine of not less than \$100.00 or more than \$500.00. Permission
13 may be granted for payment of a civil fine and costs to be made
14 within a specified period of time or in specified installments,
15 but unless permission is included in the order or judgment, the
16 civil fine and costs shall be payable immediately.

17 (3) If a person is determined to be responsible or responsi-
18 ble "with explanation" for a civil infraction under this act or a
19 local ordinance substantially corresponding to a provision of
20 this act while driving a commercial motor vehicle, he or she
21 shall be ordered to pay costs as provided in subsection (4) and a
22 civil fine of not more than \$250.00.

23 (4) If a civil fine is ordered to be paid under
24 subsection (2) or (3), the judge, district court referee, or dis-
25 trict court magistrate shall summarily tax and determine the
26 costs of the action, which shall not be limited to the costs
27 taxable in ordinary civil actions, and may include all expenses,

1 direct and indirect, to which the plaintiff has been put in
2 connection with the civil infraction, up to the entry of
3 judgment. Except in a civil infraction for a parking violation,
4 costs of not less than \$5.00 shall be ordered. Costs shall not
5 be ordered in excess of \$100.00. Except as otherwise provided by
6 law, costs shall be payable to the general fund of the
7 plaintiff.

8 (5) In addition to a civil fine and costs ordered under
9 subsection (2) or (3) and subsection (4), the judge, district
10 court referee, or district court magistrate may order the person
11 to attend and complete a program of treatment, education, or
12 rehabilitation.

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

17 (7) Each district of the district court and each municipal
18 court may establish a schedule of civil fines and costs to be
19 imposed for civil infractions which occur within the respective
20 district or city. If a schedule is established, it shall be
21 prominently posted and readily available for public inspection.
22 A schedule need not include all violations which are designated
23 by law or ordinance as civil infractions. A schedule may exclude
24 cases on the basis of a defendant's prior record of civil infrac-
25 tions or traffic offenses, or a combination of civil infractions
26 and traffic offenses.

1 (8) The state court administrator shall annually publish and
2 distribute to each district and court a recommended range of
3 civil fines and costs for first-time civil infractions. This
4 recommendation shall not be binding upon the courts having juris-
5 diction over civil infractions but is intended to act as a norma-
6 tive guide for judges, district court referees, and district
7 court magistrates and a basis for public evaluation of dispari-
8 ties in the imposition of civil fines and costs throughout the
9 state.

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

15 (10) A default in the payment of a civil fine or costs
16 ordered under subsection (2), (3), or (4) or an installment of
17 the fine or costs may be collected by a means authorized for the
18 enforcement of a judgment under chapter 40 of the revised judica-
19 ture act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or under
20 chapter 60 of the revised judicature act of 1961, 1961 PA 236,
21 MCL 600.6001 to 600.6098.

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

1 (12) The court shall waive any civil fine or cost against a
2 person who received a civil infraction citation for a violation
3 of section 710d if the person, before the appearance date on the
4 citation, supplies the court with evidence of acquisition, pur-
5 chase, or rental of a child seating system meeting the require-
6 ments of section 710d.

7 (13) In addition to any fines and costs ordered to be paid
8 under this section, the judge, district court referee, or dis-
9 trict court magistrate shall levy an assessment of \$5.00 for each
10 civil infraction determination, except for a parking violation or
11 a violation for which the total fine and costs imposed are \$10.00
12 or less. Upon payment of the assessment, the clerk of the court
13 shall transmit the assessment levied to the state treasury to be
14 deposited into the Michigan justice training fund. An assessment
15 levied under this subsection shall not be considered a civil fine
16 for purposes of section 909.

17 (14) If a person has received a citation for a violation of
18 section 223, the court shall waive any fine and costs, upon
19 receipt of certification by a law enforcement agency that the
20 person, before the appearance date on the citation, produced a
21 valid registration certificate that was valid on the date the
22 violation of section 223 occurred.