

**SUBSTITUTE FOR
HOUSE BILL NO. 4308**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 328, 732, 732a, and 907 (MCL 257.328,
257.732, 257.732a, and 257.907), section 328 as amended by 1995
PA 287, section 732 as amended by 2002 PA 534, section 732a as
added by 2003 PA 165, and section 907 as amended by 2003 PA 73.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 328. (1) The owner of a motor vehicle who operates or
2 permits the operation of the motor vehicle upon the highways of
3 this state or the operator of the motor vehicle shall produce,
4 pursuant to subsection (2), upon the request of a police officer,
5 evidence that the motor vehicle is insured under chapter 31 of
6 the insurance code of 1956, ~~Act No. 218 of the Public Acts of~~
7 ~~1956, being sections 500.3101 to 500.3179 of the Michigan~~
8 ~~Compiled Laws~~ **1956 PA 218, MCL 500.3101 to 500.3179.** ~~An~~

1 **Subject to section 907(16), an** owner or operator of a motor
2 vehicle who fails to produce evidence of insurance under this
3 subsection when requested to produce that evidence or who fails
4 to have motor vehicle insurance for the vehicle as required under
5 chapter 31 of ~~Act No. 218 of the Public Acts of 1956~~ **the**
6 **insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179,** is
7 responsible for a civil infraction.

8 (2) A certificate of insurance, ~~if~~ issued by an insurance
9 company, ~~which certificate states~~ **that certifies** that **the**
10 security ~~which~~ **that** meets the requirements of sections 3101 and
11 3102 of ~~Act No. 218 of the Public Acts of 1956, being sections~~
12 ~~500.3101 and 500.3102 of the Michigan Compiled Laws~~ **the**
13 **insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102,**
14 is in force shall be accepted as prima facie evidence that
15 insurance is in force for the motor vehicle described in the
16 certificate of insurance until the expiration date shown on the
17 certificate. The certificate, in addition to describing the
18 motor vehicles for which insurance is in effect, shall state the
19 name of each person named on the policy, policy declaration, or a
20 declaration certificate whose operation of the vehicle would
21 cause the liability coverage of that insurance to become void.

22 (3) **If, before the appearance date on the citation, the**
23 **person submits proof to the court that the motor vehicle had**
24 **insurance meeting the requirements of sections 3101 and 3102 of**
25 **the insurance code of 1956, 1956 PA 218, MCL 500.3101 and**
26 **500.3102, at the time the violation of subsection (1) occurred,**
27 **all of the following apply:**

1 (a) The court shall not assess a fine or costs.

2 (b) The court shall not cause an abstract of the court record
3 to be forwarded to the secretary of state.

4 (c) The court may assess a fee of \$25.00, which shall be paid
5 to the court funding unit.

6 (4) ~~—(3)—~~ If an owner or operator of a motor vehicle is
7 determined to be responsible for a violation of subsection (1),
8 the court in which the civil infraction determination is entered
9 may require the person to surrender his or her operator's or
10 chauffeur's license unless proof that the vehicle has insurance
11 meeting the requirements of sections 3101 and 3102 of ~~Act~~
12 ~~No. 218 of the Public Acts of 1956~~ **the insurance code of 1956,**
13 **1956 PA 218, MCL 500.3101 and 500.3102,** is submitted to the
14 court. ~~If the person submits proof to the court that the~~
15 ~~vehicle has insurance meeting the requirements of sections 3101~~
16 ~~and 3102 of Act No. 218 of the Public Acts of 1956, in addition~~
17 ~~to the civil fine and costs provided by section 907, the court~~
18 ~~shall assess a fee of \$25.00.—~~ If the court requires the license
19 to be surrendered, the court shall order the secretary of state
20 to suspend the person's license. The court shall immediately
21 destroy the license and shall forward to the secretary of state
22 an abstract of the court record as required by section 732. Upon
23 receipt of the abstract, the secretary of state shall suspend the
24 person's license beginning with the date on which a person is
25 determined to be responsible for the civil infraction for a
26 period of 30 days or until proof of insurance ~~—which meets~~
27 **meeting** the requirements of sections 3101 and 3102 of ~~Act~~

1 ~~No. 218 of the Public Acts of 1956~~ **the insurance code of 1956,**
2 **1956 PA 218, MCL 500.3101 and 500.3102,** is submitted to the
3 secretary of state, whichever occurs later. A person who submits
4 proof of insurance to the secretary of state under this
5 subsection shall pay a service fee of \$25.00 to the secretary of
6 state. The person shall not be required to be examined as set
7 forth in section 320c and shall not be required to pay a
8 replacement license fee.

9 **(5) —(4)—** If an owner or operator of a motor vehicle is
10 determined to be responsible for a violation of subsection (1),
11 the court in which the civil infraction determination is entered
12 shall notify the secretary of state of the vehicle registration
13 number and the year and make of the motor vehicle being operated
14 at the time of the violation. This notification shall be made on
15 the abstract or on a form approved by the supreme court
16 administrator. Upon receipt, the secretary of state shall
17 immediately enter this information in the records of the
18 department. The secretary of state shall not renew, transfer, or
19 replace the registration plate of the vehicle involved in the
20 violation or allow the purchase of a new registration plate for
21 the vehicle involved in the violation until the owner meets the
22 requirements of section 227a or unless the vehicle involved in
23 the violation is transferred or sold to a person other than the
24 owner's spouse, mother, father, sister, brother, or child.

25 **(6) —(5)—** An owner or operator of a motor vehicle who
26 knowingly produces false evidence under this section is guilty of
27 a misdemeanor, punishable by imprisonment for not more than 1

1 year, or a fine of not more than \$1,000.00, or both.

2 (7) ~~-(6)-~~ Points shall not be entered on a driver's record
3 pursuant to section 320a for a violation of this section.

4 (8) ~~-(7)-~~ This section does not apply to the owner or
5 operator of a motor vehicle that is registered in a state other
6 than this state or a foreign country or province.

7 Sec. 732. (1) Each municipal judge and each clerk of a
8 court of record shall keep a full record of every case in which a
9 person is charged with or cited for a violation of this act or a
10 local ordinance substantially corresponding to this act
11 regulating the operation of vehicles on highways and with those
12 offenses pertaining to the operation of ORVs or snowmobiles for
13 which points are assessed under section 320a(1)(c) or (h).

14 Except as provided in subsection (15), the municipal judge or
15 clerk of the court of record shall prepare and forward to the
16 secretary of state an abstract of the court record as follows:

17 (a) Within 14 days after a conviction, forfeiture of bail, or
18 entry of a civil infraction determination or default judgment
19 upon a charge of or citation for violating or attempting to
20 violate this act or a local ordinance substantially corresponding
21 to this act regulating the operation of vehicles on highways.

22 (b) Immediately for each case charging a violation of
23 section 625(1), (3), (4), (5), (6), or (7) or section 625m or a
24 local ordinance substantially corresponding to section 625(1),
25 (3), or (6) or section 625m in which the charge is dismissed or
26 the defendant is acquitted.

27 (c) Immediately for each case charging a violation of section

1 82127(1) or (3), 81134, or 81135 of the natural resources and
2 environmental protection act, 1994 PA 451, MCL 324.82127,
3 324.81134, and 324.81135, or a local ordinance substantially
4 corresponding to those sections.

5 (2) If a city or village department, bureau, or person is
6 authorized to accept a payment of money as a settlement for a
7 violation of a local ordinance substantially corresponding to
8 this act, the city or village department, bureau, or person shall
9 send a full report of each case in which a person pays any amount
10 of money to the city or village department, bureau, or person to
11 the secretary of state upon a form prescribed by the secretary of
12 state.

13 (3) The abstract or report required under this section shall
14 be made upon a form furnished by the secretary of state. An
15 abstract shall be certified by signature, stamp, or facsimile
16 signature of the person required to prepare the abstract as
17 correct. An abstract or report shall include all of the
18 following:

19 (a) The name, address, and date of birth of the person
20 charged or cited.

21 (b) The number of the person's operator's or chauffeur's
22 license, if any.

23 (c) The date and nature of the violation.

24 (d) The type of vehicle driven at the time of the violation
25 and, if the vehicle is a commercial motor vehicle, that vehicle's
26 group designation and indorsement classification.

27 (e) The date of the conviction, finding, forfeiture,

1 judgment, or civil infraction determination.

2 (f) Whether bail was forfeited.

3 (g) Any license restriction, suspension, or denial ordered by
4 the court as provided by law.

5 (h) The vehicle identification number and registration plate
6 number of all vehicles that are ordered immobilized or
7 forfeited.

8 (i) Other information considered necessary to the secretary
9 of state.

10 (4) The clerk of the court also shall forward an abstract of
11 the court record to the secretary of state upon a person's
12 conviction involving any of the following:

13 (a) A violation of section 413, 414, or 479a of the Michigan
14 penal code, 1931 PA 328, MCL 750.413, 750.414, and 750.479a.

15 (b) A violation of section 1 of former 1931 PA 214.

16 (c) Negligent homicide, manslaughter, or murder resulting
17 from the operation of a vehicle.

18 (d) A violation of section 703 of the Michigan liquor control
19 code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance
20 substantially corresponding to that section.

21 (e) A violation of section 411a(2) of the Michigan penal
22 code, 1931 PA 328, MCL 750.411a.

23 (f) A violation of motor carrier safety regulations, 49
24 ~~C.F.R.~~ **CFR** 392.10 or 392.11, as adopted by section 1a of the
25 motor carrier safety act of 1963, 1963 PA 181, MCL 480.11a.

26 (g) A violation of section 57 of the pupil transportation
27 act, 1990 PA 187, MCL 257.1857.

1 (h) A violation of motor carrier safety regulations, 49
2 ~~C.F.R.~~ **CFR** 392.10 or 392.11, as adopted by section 31 of the
3 motor bus transportation act, 1982 PA 432, MCL 474.131.

4 (i) An attempt to violate, a conspiracy to violate, or a
5 violation of part 74 of the public health code, 1978 PA 368,
6 MCL 333.7401 to 333.7461, or a local ordinance that prohibits
7 conduct prohibited under part 74 of the public health code, 1978
8 PA 368, MCL 333.7401 to 333.7461, unless the convicted person is
9 sentenced to life imprisonment or a minimum term of imprisonment
10 that exceeds 1 year for the offense.

11 (j) An attempt to commit an offense described in subdivisions
12 (a) to (h).

13 (k) A violation of chapter LXXXIII-A of the Michigan penal
14 code, 1931 PA 328, MCL 750.543a to 750.543z.

15 **(l) A violation of section [3101, 3102(1), or 3103 of the insurance**
16 **code of 1956, 1956 PA 218, MCL 500.3101, 500.3102, and 500.3103.]**

17 (5) As used in subsections (6) to (8), "felony in which a
18 motor vehicle was used" means a felony during the commission of
19 which the person operated a motor vehicle and while operating the
20 vehicle presented real or potential harm to persons or property
21 and 1 or more of the following circumstances existed:

22 (a) The vehicle was used as an instrument of the felony.

23 (b) The vehicle was used to transport a victim of the
24 felony.

25 (c) The vehicle was used to flee the scene of the felony.

26 (d) The vehicle was necessary for the commission of the
27 felony.

1 (6) If a person is charged with a felony in which a motor
2 vehicle was used, other than a felony specified in subsection (4)
3 or section 319, the prosecuting attorney shall include the
4 following statement on the complaint and information filed in
5 district or circuit court:

6 "You are charged with the commission of a felony in which a
7 motor vehicle was used. If you are convicted and the judge finds
8 that the conviction is for a felony in which a motor vehicle was
9 used, as defined in section 319 of the Michigan vehicle code,
10 1949 PA 300, MCL 257.319, your driver's license shall be
11 suspended by the secretary of state."

12 (7) If a juvenile is accused of an act, the nature of which
13 constitutes a felony in which a motor vehicle was used, other
14 than a felony specified in subsection (4) or section 319, the
15 prosecuting attorney or family division of circuit court shall
16 include the following statement on the petition filed in the
17 court:

18 "You are accused of an act the nature of which constitutes a
19 felony in which a motor vehicle was used. If the accusation is
20 found to be true and the judge or referee finds that the nature
21 of the act constitutes a felony in which a motor vehicle was
22 used, as defined in section 319 of the Michigan vehicle code,
23 1949 PA 300, MCL 257.319, your driver's license shall be
24 suspended by the secretary of state."

25 (8) If the court determines as part of the sentence or
26 disposition that the felony for which the person was convicted or
27 adjudicated and with respect to which notice was given under

1 subsection (6) or (7) is a felony in which a motor vehicle was
2 used, the clerk of the court shall forward an abstract of the
3 court record of that conviction to the secretary of state.

4 (9) As used in subsections (10) and (11), "felony in which a
5 commercial motor vehicle was used" means a felony during the
6 commission of which the person operated a commercial motor
7 vehicle and while the person was operating the vehicle 1 or more
8 of the following circumstances existed:

9 (a) The vehicle was used as an instrument of the felony.

10 (b) The vehicle was used to transport a victim of the
11 felony.

12 (c) The vehicle was used to flee the scene of the felony.

13 (d) The vehicle was necessary for the commission of the
14 felony.

15 (10) If a person is charged with a felony in which a
16 commercial motor vehicle was used and for which a vehicle group
17 designation on a license is subject to suspension or revocation
18 under section 319b(1)(c)(iii), 319b(1)(d), 319b(1)(e)(iii), or
19 319b(1)(f)(i), the prosecuting attorney shall include the
20 following statement on the complaint and information filed in
21 district or circuit court:

22 "You are charged with the commission of a felony in which a
23 commercial motor vehicle was used. If you are convicted and the
24 judge finds that the conviction is for a felony in which a
25 commercial motor vehicle was used, as defined in section 319b of
26 the Michigan vehicle code, 1949 PA 300, MCL 257.319b, all vehicle
27 group designations on your driver's license shall be suspended or

1 revoked by the secretary of state.".

2 (11) If the judge determines as part of the sentence that the
3 felony for which the defendant was convicted and with respect to
4 which notice was given under subsection (10) is a felony in which
5 a commercial motor vehicle was used, the clerk of the court shall
6 forward an abstract of the court record of that conviction to the
7 secretary of state.

8 (12) Every person required to forward abstracts to the
9 secretary of state under this section shall certify for the
10 period from January 1 through June 30 and for the period from
11 July 1 through December 31 that all abstracts required to be
12 forwarded during the period have been forwarded. The
13 certification shall be filed with the secretary of state not
14 later than 28 days after the end of the period covered by the
15 certification. The certification shall be made upon a form
16 furnished by the secretary of state and shall include all of the
17 following:

18 (a) The name and title of the person required to forward
19 abstracts.

20 (b) The court for which the certification is filed.

21 (c) The time period covered by the certification.

22 (d) The following statement:

23 "I certify that all abstracts required by section 732 of the
24 Michigan vehicle code, MCL 257.732; MSA 9.2432, for the period
25 _____ through _____ have been forwarded to the
26 secretary of state.".

27 (e) Other information the secretary of state considers

1 necessary.

2 (f) The signature of the person required to forward
3 abstracts.

4 (13) The failure, refusal, or neglect of a person to comply
5 with this section constitutes misconduct in office and is grounds
6 for removal from office.

7 (14) Except as provided in subsection (15), the secretary of
8 state shall keep all abstracts received under this section at the
9 secretary of state's main office and the abstracts shall be open
10 for public inspection during the office's usual business hours.
11 Each abstract shall be entered upon the master driving record of
12 the person to whom it pertains.

13 (15) Except for controlled substance offenses described in
14 subsection (4), the court shall not submit, and the secretary of
15 state shall discard and not enter on the master driving record,
16 an abstract for a conviction or civil infraction determination
17 for any of the following violations:

18 (a) The parking or standing of a vehicle.

19 (b) A nonmoving violation that is not the basis for the
20 secretary of state's suspension, revocation, or denial of an
21 operator's or chauffeur's license.

22 (c) A violation of chapter II that is not the basis for the
23 secretary of state's suspension, revocation, or denial of an
24 operator's or chauffeur's license.

25 (d) A pedestrian, passenger, or bicycle violation, other than
26 a violation of section 703(1) or (2) of the Michigan liquor
27 control code of 1998, 1998 PA 58, MCL 436.1703, or a local

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1 ordinance substantially corresponding to section 703(1) or (2) of
2 the Michigan liquor control code of 1998, 1998 PA 58,
3 MCL 436.1703, or section 624a or 624b or a local ordinance
4 substantially corresponding to section 624a or 624b.

5 (e) A violation of section 710e or a local ordinance
6 substantially corresponding to section 710e.

7 (f) A violation of section 328(1) if, before the [appearance] date
8 on the
9 citation, the person submits proof to the court that the motor
10 vehicle had insurance meeting the requirements of sections 3101
11 and 3102 of the insurance code of 1956, 1956 PA 218, MCL 500.3101
12 and 500.3102.

13 (16) The secretary of state shall discard and not enter on
14 the master driving record an abstract for a bond forfeiture that
15 occurred outside this state. However, the secretary of state
16 shall retain and enter on the master driving record an abstract
17 of an out-of-state bond forfeiture for an offense that occurred
18 in connection with the operation of a commercial motor vehicle.

19 (17) The secretary of state shall inform the courts of this
20 state of the nonmoving violations and violations of chapter II
21 that are used by the secretary of state as the basis for the
22 suspension, restriction, revocation, or denial of an operator's
23 or chauffeur's license.

24 (18) If a conviction or civil infraction determination is
25 reversed upon appeal, the person whose conviction or
26 determination has been reversed may serve on the secretary of
27 state a certified copy of the order of reversal. The secretary
of state shall enter the order in the proper book or index in

1 connection with the record of the conviction or civil infraction
2 determination.

3 (19) The secretary of state may permit a city or village
4 department, bureau, person, or court to modify the requirement as
5 to the time and manner of reporting a conviction, civil
6 infraction determination, or settlement to the secretary of state
7 if the modification will increase the economy and efficiency of
8 collecting and utilizing the records. If the permitted abstract
9 of court record reporting a conviction, civil infraction
10 determination, or settlement originates as a part of the written
11 notice to appear, authorized in section 728(1) or 742(1), the
12 form of the written notice and report shall be as prescribed by
13 the secretary of state.

14 (20) Except as provided in this act and notwithstanding any
15 other provision of law, a court shall not order expunction of any
16 violation reportable to the secretary of state under this
17 section.

18 Sec. 732a. (1) An individual, whether licensed or not, who
19 accumulates 7 or more points on his or her driving record
20 pursuant to section 320a within a 2-year period for any violation
21 not listed under subsection (2) shall be assessed a \$100.00
22 driver responsibility fee. For each additional point accumulated
23 above 7 points not listed under subsection (2), an additional fee
24 of \$50.00 shall be assessed. The secretary of state shall
25 collect the fees described in this subsection once each year that
26 the point total on an individual driving record is 7 points or
27 more.

1 (2) An individual, whether licensed or not, who violates any
2 of the following sections or another law or local ordinance that
3 substantially corresponds to those sections shall be assessed a
4 driver responsibility fee as follows:

5 (a) Upon posting of an abstract that an individual has been
6 found guilty for a violation listed in this subdivision, the
7 secretary of state shall assess a \$1,000.00 driver responsibility
8 fee each year for 2 consecutive years for any of the following
9 offenses:

10 (i) Manslaughter, negligent homicide, or a felony resulting
11 from the operation of a motor vehicle, ORV, or snowmobile.

12 (ii) A violation of section 601b(2) or (3), 601c(1) or (2),
13 or 653a(3) or (4).

14 (iii) A violation of section 625(1), (4), or (5), section
15 625m, or section 81134 of the natural resources and environmental
16 protection act, 1994 PA 451, MCL 324.81134, or a law or ordinance
17 substantially corresponding to section 625(1), (4), or (5),
18 section 625m, or section 81134 of the natural resources and
19 environmental protection act, 1994 PA 451, MCL 324.81134.

20 (iv) Failing to stop and disclose identity at the scene of an
21 accident when required by law.

22 (v) Fleeing or eluding an officer.

23 (b) Upon posting of an abstract that an individual has been
24 found guilty for a violation listed in this subdivision, the
25 secretary of state shall assess a \$500.00 driver responsibility
26 fee each year for 2 consecutive years for any of the following
27 offenses:

1 (i) Section 625(3), (6), (7), or (8).

2 (ii) Section 626.

3 (iii) Section 904.

4 (iv) Section 3101, **3102(1)**, or 3103 of the insurance code of
5 1956, 1956 PA 218, MCL 500.3101, **500.3102**, and 500.3103.

6 (c) Upon posting of an abstract that an individual has been
7 found guilty for a violation ~~listed in this subdivision of~~
8 **section 301**, the secretary of state shall assess a \$150.00 driver
9 responsibility fee each year for 2 consecutive years. ~~for any of~~
10 ~~the following offenses:~~

11 ~~—— (i) Section 301.~~

12 ~~—— (ii) Section 328.~~

13 (d) Upon posting of an abstract that an individual has been
14 found guilty or determined responsible for a violation listed in
15 **section 328**, the secretary of state shall assess a \$300.00 driver
16 responsibility fee each year for 2 consecutive years.

17 (3) The secretary of state shall send a notice of the driver
18 responsibility assessment, as prescribed under subsection (1) or
19 (2), to the individual by regular mail to the address on the
20 records of the secretary of state. If payment is not received
21 within 30 days after the notice is mailed, the secretary of state
22 shall send a second notice that indicates that if payment is not
23 received within the next 30 days, the driver's driving privileges
24 will be suspended.

25 (4) The secretary of state may authorize payment by
26 installment for an amount of \$500.00 or more for a period not to
27 exceed 12 months.

1 (5) If payment is not received or an installment plan is not
2 established after the time limit required by the second notice
3 prescribed under subsection (3) expires, the secretary of state
4 shall suspend the driving privileges until the assessment and any
5 other fees prescribed under this act are paid.

6 (6) A fee shall not be assessed under this section for 7
7 points or more on a driving record on the effective date of the
8 amendatory act that added this section. Points assigned after
9 that date shall be assessed as prescribed under subsections (1)
10 and (2).

11 (7) The fire protection fund is created within the state
12 treasury. The state treasurer may receive money or other assets
13 from any source for deposit into the fund. The state treasurer
14 shall direct the investment of the fund. The state treasurer
15 shall credit to the fund interest and earnings from fund
16 investments. Money in the fund at the close of the fiscal year
17 shall remain in the fund and shall not lapse to the general
18 fund. The department of consumer and industry services shall
19 expend money from the fund, upon appropriation, only for fire
20 protection grants to cities, villages, and townships with state
21 owned facilities for fire services, as provided in 1977 PA 289,
22 MCL 141.951 to 141.956.

23 (8) The secretary of state shall transmit the fees collected
24 under this section to the state treasurer. The state treasurer
25 shall credit fee money received under this section in each fiscal
26 year as follows:

27 (a) The first \$65,000,000.00 shall be credited to the general

1 fund.

2 (b) If more than \$65,000,000.00 is collected under this
3 section, the next amount collected in excess of \$65,000,000.00 up
4 to \$68,500,000.00 shall be credited to the fire protection fund
5 created in this section.

6 (c) If more than \$100,000,000.00 is collected under this
7 section, the next amount collected in excess of \$100,000,000.00
8 up to \$105,000,000.00 shall be credited to the fire protection
9 fund created in this section.

10 (d) Any amount collected after crediting the amounts under
11 subdivisions (a), (b), and (c) shall be credited to the general
12 fund.

13 (9) For fiscal year 2003-2004, \$3,500,000.00 is appropriated
14 from the fire protection fund described in subsection (7) to the
15 department of consumer and industry services for the purposes
16 described under subsection (7).

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

21 (2) If a person is determined pursuant to sections 741 to 750
22 to be responsible or responsible "with explanation" for a civil
23 infraction under this act or a local ordinance substantially
24 corresponding to a provision of this act, the judge or district
25 court magistrate may order the person to pay a civil fine of not
26 more than \$100.00 and costs as provided in subsection (4).
27 However, for a violation of section 674(1)(s) or a local

1 ordinance substantially corresponding to section 674(1)(s), the
2 person shall be ordered to pay costs as provided in subsection
3 (4) and a civil fine of not less than \$100.00 or more than
4 \$250.00. For a violation of section ~~328 or~~ 710d, the civil
5 fine ordered under this subsection shall not exceed \$10.00. For
6 a violation of section 710e, the civil fine and court costs
7 ordered under this subsection shall be \$25.00. For a violation
8 of section 682 or a local ordinance substantially corresponding
9 to section 682, the person shall be ordered to pay costs as
10 provided in subsection (4) and a civil fine of not less than
11 \$100.00 or more than \$500.00. Permission may be granted for
12 payment of a civil fine and costs to be made within a specified
13 period of time or in specified installments, but unless
14 permission is included in the order or judgment, the civil fine
15 and costs shall be payable immediately.

16 (3) Except as provided in this subsection, if a person is
17 determined to be responsible or responsible "with explanation"
18 for a civil infraction under this act or a local ordinance
19 substantially corresponding to a provision of this act while
20 driving a commercial motor vehicle, he or she shall be ordered to
21 pay costs as provided in subsection (4) and a civil fine of not
22 more than \$250.00. If a person is determined to be responsible
23 or responsible "with explanation" for a civil infraction under
24 section 319g or a local ordinance substantially corresponding to
25 section 319g, that person shall be ordered to pay costs as
26 provided in subsection (4) and a civil fine of not more than
27 \$10,000.00.

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

10 Except as otherwise provided by law, costs are payable to the
11 general fund of the plaintiff.

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

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

21 (7) Each district of the district court and each municipal
22 court may establish a schedule of civil fines, costs, and
23 assessments to be imposed for civil infractions which occur
24 within the respective district or city. If a schedule is
25 established, it shall be prominently posted and readily available
26 for public inspection. A schedule need not include all
27 violations which are designated by law or ordinance as civil

1 infractions. A schedule may exclude cases on the basis of a
2 defendant's prior record of civil infractions or traffic
3 offenses, or a combination of civil infractions and traffic
4 offenses.

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

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

19 (10) A default in the payment of a civil fine or costs
20 ordered under subsection (2), (3), or (4) or a justice system
21 assessment ordered under subsection (14), or an installment of
22 the fine, costs, or assessment, may be collected by a means
23 authorized for the enforcement of a judgment under chapter 40 of
24 the revised judicature act of 1961, 1961 PA 236, MCL 600.4001 to
25 600.4065, or under chapter 60 of the revised judicature act of
26 1961, 1961 PA 236, MCL 600.6001 to 600.6098.

27 (11) If a person fails to comply with an order or judgment

1 issued pursuant to this section, within the time prescribed by
2 the court, the driver's license of that person shall be suspended
3 pursuant to section 321a until full compliance with that order or
4 judgment occurs. In addition to this suspension, the court may
5 also proceed under section 908.

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

12 (13) Until October 1, 2003, in addition to any civil fines
13 and costs ordered to be paid under this section, the judge or
14 district court magistrate shall levy an assessment of \$5.00 for
15 each civil infraction determination, except for a parking
16 violation or a violation for which the total fine and costs
17 imposed are \$10.00 or less. An assessment paid before October 1,
18 2003 shall be transmitted by the clerk of the court to the state
19 treasurer to be deposited into the Michigan justice training
20 fund. An assessment ordered before October 1, 2003 but collected
21 on or after October 1, 2003 shall be transmitted by the clerk of
22 the court to the state treasurer for deposit in the justice
23 system fund created in section 181 of the revised judicature act
24 of 1961, 1961 PA 236, MCL 600.181. An assessment levied under
25 this subsection is not a civil fine for purposes of section 909.

26 (14) Effective October 1, 2003, in addition to any civil
27 fines and costs ordered to be paid under this section, the judge

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1 or district court magistrate shall order the defendant to pay a
2 justice system assessment of \$40.00 for each civil infraction
3 determination, except for a parking violation or a violation for
4 which the total fine and costs imposed are \$10.00 or less. Upon
5 payment of the assessment, the clerk of the court shall transmit
6 the assessment collected to the state treasury to be deposited
7 into the justice system fund created in section 181 of the
8 revised judicature act of 1961, 1961 PA 236, MCL 600.181. An
9 assessment levied under this subsection is not a civil fine for
10 purposes of section 909.

11 (15) If a person has received a citation for a violation of
12 section 223, the court shall waive any civil fine, costs, and
13 assessment, upon receipt of certification by a law enforcement
14 agency that the person, before the appearance date on the
15 citation, produced a valid registration certificate that was
16 valid on the date the violation of section 223 occurred.

17 (16) If a person has received a citation for a violation of
18 section 328(1) for failing to produce a certificate of insurance
19 pursuant to section 328(2), the court [may waive the fee described in
section 328(3)(c) and] shall waive any fine,

20 costs, and [

21] any other fee or assessment otherwise authorized
22 under this act upon receipt of verification by the court that the
23 person, before the appearance date on the citation, produced
24 valid proof of insurance that was in effect at the time the
25 violation of section 328(1) occurred. Insurance obtained
26 subsequent to the time of the violation does not make the person
27 eligible for a waiver under this subsection.

1 Enacting section 1. This amendatory act takes effect June
2 1, 2004.