

**SUBSTITUTE FOR
HOUSE BILL NO. 5453**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 719, 724, 907, and 909 (MCL 257.719, 257.724,
257.907, and 257.909), section 719 as amended by 2012 PA 282,
section 724 as amended by 2012 PA 498, section 907 as amended by
2013 PA 35, and section 909 as amended by 2000 PA 94.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 719. (1) A vehicle unloaded or with load shall not exceed
2 a height of 13 feet 6 inches. The owner of a vehicle that collides
3 with a lawfully established bridge or viaduct is liable for all
4 damage and injury resulting from a collision caused by the height
5 of the vehicle, whether the clearance of the bridge or viaduct is
6 posted or not.



1 (2) Lengths described in this subsection shall be known as the
2 normal length maximum. Except as provided in subsection (3), the
3 following vehicles and combinations of vehicles shall not be
4 operated on a highway in this state in excess of these lengths:

5 (a) Subject to subsection (8), any single vehicle: 40 feet; a
6 crib vehicle on which logs are loaded lengthwise of the vehicle:
7 42.5 feet; any single bus or motor home: 45 feet.

8 (b) Articulated buses: 65 feet.

9 (c) Notwithstanding any other provision of this section, a
10 combination of a truck and semitrailer or trailer, or a truck
11 tractor, semitrailer, and trailer, or truck tractor and semitrailer
12 or trailer, designed and used exclusively to transport assembled
13 motor vehicles or bodies, recreational vehicles, or boats: 65 feet.
14 A combination of a truck and semitrailer or trailer, or a truck
15 tractor, semitrailer, and trailer, or a truck tractor and
16 semitrailer or trailer designed and used to transport boats from
17 the manufacturer, or a stinger-steered combination: 75 feet. The
18 load on the combinations of vehicles described in this subdivision
19 may extend an additional 3 feet beyond the front and 4 feet beyond
20 the rear of the combinations of vehicles. Retractable extensions
21 used to support and secure the load that do not extend beyond the
22 allowable overhang for the front and rear shall not be included in
23 determining length of a loaded vehicle or vehicle combination.

24 (d) Truck tractor and semitrailer combinations: no overall
25 length, the semitrailer: 50 feet.

26 (e) Truck and semitrailer or trailer: 59 feet.

27 (f) Except as provided in subdivision (g), truck tractor,



1 semitrailer, and trailer, or truck tractor and 2 semitrailers: 59
2 feet.

3 (g) A truck tractor, semitrailer, and trailer, or a truck
4 tractor and 2 semitrailers, in which no semitrailer or trailer is
5 more than 28-1/2 feet long: 65 feet. This subdivision only applies
6 while the vehicle is being used for a business purpose reasonably
7 related to picking up or delivering a load and only if each
8 semitrailer or trailer is equipped with a device or system capable
9 of mechanically dumping construction materials or dumping
10 construction materials by force of gravity.

11 (h) More than 1 motor vehicle, wholly or partially assembled,
12 in combination, utilizing 1 tow bar or 3 saddle mounts with full
13 mount mechanisms and utilizing the motive power of 1 of the
14 vehicles in combination: 55 feet.

15 (i) A recreational vehicle that has its own motive power, in
16 combination with a trailer: 65 feet or, if the operator of the
17 recreational vehicle has a group commercial motor vehicle
18 designation on his or her operator's or chauffeur's license, 75
19 feet.

20 (3) Notwithstanding subsection (2), the following vehicles and
21 combinations of vehicles shall not be operated on a designated
22 highway of this state in excess of these lengths:

23 (a) Truck tractor and semitrailer combinations: no overall
24 length limit, the semitrailer 53 feet. All semitrailers longer than
25 50 feet shall have a wheelbase of 37.5 to 40.5 feet plus or minus
26 0.5 feet, measured from the kingpin coupling to the center of the
27 rear axle or the center of the rear axle assembly. City, village,



1 or county authorities may prohibit stops of vehicles with a
2 semitrailer longer than 50 feet within their jurisdiction unless
3 the stop occurs along appropriately designated routes, or is
4 necessary for emergency purposes or to reach shippers, receivers,
5 warehouses, and terminals along designated routes.

6 (b) Truck and semitrailer or trailer combinations: 65 feet,
7 except that a person may operate a truck and semitrailer or trailer
8 designed and used to transport saw logs, pulpwood, and tree length
9 poles that does not exceed an overall length of 70 feet or a crib
10 vehicle and semitrailer or trailer designed and used to transport
11 saw logs that does not exceed an overall length of 75 feet. A crib
12 vehicle and semitrailer or trailer designed to and used to
13 transport saw logs shall not exceed a gross vehicle weight of
14 164,000 pounds. A person may operate a truck tractor and
15 semitrailer designed and used to transport saw logs, pulpwood, and
16 tree length wooden poles with a load overhang to the rear of the
17 semitrailer which does not exceed 6 feet if the semitrailer does
18 not exceed 50 feet in length.

19 (c) Notwithstanding subsection (4)(d), a truck tractor with a
20 log slasher unit and a log saw unit: no overall limit if the length
21 of each unit does not exceed 28-1/2 feet, or the overall length of
22 the log slasher unit and the log saw unit, as measured from the
23 front of the first towed unit to the rear of the second towed unit
24 while the units are coupled together, does not exceed 58 feet. The
25 coupling devices of the truck tractor and units set forth in this
26 subdivision shall meet the requirements established under the motor
27 carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25.



1 (d) Truck tractor and 2 semitrailers, or truck tractor,
2 semitrailer, and trailer combinations: no overall length limit, if
3 the length of each semitrailer or trailer does not exceed 28-1/2
4 feet each, or the overall length of the semitrailer and trailer, or
5 2 semitrailers as measured from the front of the first towed unit
6 to the rear of the second towed unit while the units are coupled
7 together does not exceed 58 feet.

8 (e) More than 1 motor vehicle, wholly or partially assembled,
9 in combination, utilizing 1 tow bar or 3 saddle mounts with full
10 mount mechanisms and utilizing the motive power of 1 of the
11 vehicles in combination: 75 feet.

12 (f) Truck tractor and lowboy semitrailer combinations: no
13 maximum overall length, if the lowboy semitrailer does not exceed
14 59 feet, except as otherwise permitted under this subdivision. A
15 lowboy semitrailer wheelbase shall not exceed 55 feet as measured
16 from the kingpin coupling to the center of the rear axle. A lowboy
17 semitrailer more than 59 feet in length shall not operate with more
18 than any combination of 4 axles on the lowboy unless an oversized
19 load permit is issued by the state transportation department or a
20 local authority with respect to highways under its jurisdiction. As
21 used in this subdivision, "lowboy semitrailer" means a flatbed
22 semitrailer with a depressed section that has the specific purpose
23 of being lowered and raised for loading and unloading.

24 (4) The following combinations and movements are prohibited:

25 (a) A truck shall not haul more than 1 trailer or semitrailer,
26 and a truck tractor shall not haul more than 2 semitrailers or 1
27 semitrailer and 1 trailer in combination at any 1 time, except that



1 a farm tractor may haul 2 wagons or trailers, or garbage and refuse
2 haulers may, during daylight hours, haul up to 4 trailers for
3 garbage and refuse collection purposes, not exceeding in any
4 combination a total length of 55 feet and at a speed limit not to
5 exceed 15 miles per hour.

6 (b) A combination of vehicles or a vehicle shall not have more
7 than 11 axles, except when operating under a valid permit issued by
8 the state transportation department or a local authority with
9 respect to a highway under its jurisdiction.

10 (c) Any combination of vehicles not specifically authorized
11 under this section is prohibited.

12 (d) Except as provided in subsection (3)(c), a combination of
13 2 semitrailers pulled by a truck tractor, unless each semitrailer
14 uses a fifth wheel connecting assembly that conforms to the
15 requirements of the motor carrier safety act of 1963, 1963 PA 181,
16 MCL 480.11 to 480.25.

17 (e) A vehicle or a combination of vehicles shall not carry a
18 load extending more than 3 feet beyond the front of the lead
19 vehicle.

20 (f) A vehicle described in subsections (2)(e) and (3)(e)
21 employing triple saddle mounts unless all wheels that are in
22 contact with the roadway have operating brakes.

23 (5) All combinations of vehicles under this section shall
24 employ connecting assemblies and lighting devices that are in
25 compliance with the motor carrier safety act of 1963, 1963 PA 181,
26 MCL 480.11 to 480.25.

27 (6) The total gross weight of a truck tractor, semitrailer,



1 and trailer combination or a truck tractor and 2 semitrailers
2 combination that exceeds 59 feet in length shall not exceed a ratio
3 of 400 pounds per engine net horsepower delivered to clutch or its
4 equivalent specified in the handbook published by the society of
5 automotive engineers, inc. (SAE), 1977 edition.

6 (7) A person who violates this section is responsible for a
7 civil infraction **AND SHALL PAY A CIVIL FINE OF NOT MORE THAN**
8 **\$500.00**. The owner of the vehicle may be charged with a violation
9 of this section.

10 (8) The provisions in subsections (2)(a) and (3)(b)
11 prescribing the length of a crib vehicle on which logs are loaded
12 lengthwise do not apply unless 23 USC 127(d) is amended to allow
13 crib vehicles carrying logs to be loaded as described in this
14 section.

15 (9) As used in this section:

16 (a) "Designated highway" means a highway approved by the state
17 transportation department or a local authority with respect to a
18 highway under its jurisdiction.

19 (b) "Length" means the total length of a vehicle, or
20 combination of vehicles, including any load the vehicle is
21 carrying. Length does not include devices described in 23 CFR
22 658.16 and 23 CFR part 658, appendix d, 23 CFR 658.16 and 23 CFR
23 part 658, appendix d, as on file with the secretary of state are
24 adopted by reference. A safety or energy conservation device shall
25 be excluded from a determination of length only if it is not
26 designed or used for the carrying of cargo, freight, or equipment.
27 Semitrailers and trailers shall be measured from the front vertical



1 plane of the foremost transverse load supporting structure to the
2 rearmost transverse load supporting structure. Vehicle components
3 not excluded by law shall be included in the measurement of the
4 length, height, and width of the vehicle.

5 (c) "Stinger-steered combinations" means a truck tractor and
6 semitrailer combination in which the fifth wheel is located on a
7 drop frame located behind and below the rearmost axle of the power
8 unit.

9 Sec. 724. (1) A police officer, a peace officer, or an
10 authorized agent of the state transportation department or a county
11 road commission having reason to believe that the weight of a
12 vehicle and load is unlawful may require the driver to stop and
13 submit to a weighing of the vehicle by either portable or
14 stationary scales approved and sealed as a legal weighing device by
15 a qualified person using testing equipment certified or approved by
16 the department of agriculture and rural development as a legal
17 weighing device and may require that the vehicle be driven to the
18 nearest weigh station of the state transportation department for
19 the purpose of allowing a police officer, peace officer, or agent
20 of the state transportation department or county road commission to
21 determine whether the vehicle is loaded in conformity with this
22 chapter.

23 (2) When the officer or agent, upon weighing a vehicle and
24 load, determines that the weight is unlawful, the officer or agent
25 may require the driver to stop the vehicle in a suitable place and
26 remain standing until that portion of the load is shifted or
27 removed as necessary to reduce the gross axle load weight of the



1 vehicle to the limit permitted under this chapter. All material
2 unloaded as provided under this subsection shall be cared for by
3 the owner or operator of the vehicle at the risk of the owner or
4 operator. A judge or magistrate imposing a civil fine and costs
5 under this section that are not paid in full immediately or for
6 which a bond is not immediately posted in the amount of the civil
7 fine and costs shall order the driver or owner to move the vehicle
8 at the driver's own risk to a place of safekeeping within the
9 jurisdiction of the judge or magistrate, inform the judge or
10 magistrate in writing of the place of safekeeping, and keep the
11 vehicle until the fine and costs are paid or sufficient bond is
12 furnished or until the judge or magistrate is satisfied that the
13 fine and costs will be paid. The officer or agent who has
14 determined, after weighing a vehicle and load, that the weight is
15 unlawful, may require the driver to proceed to a judge or
16 magistrate within the county. If the judge or magistrate is
17 satisfied that the probable civil fine and costs will be paid by
18 the owner or lessee, the judge or magistrate may allow the driver
19 to proceed, after the load is made legal. If the judge or
20 magistrate is not satisfied that the owner or lessee, after a
21 notice and a right to be heard on the merits is given, will pay the
22 amount of the probable civil fine and costs, the judge or
23 magistrate may order the vehicle to be impounded until trial on the
24 merits is completed under conditions set forth in this section for
25 the impounding of vehicles after the civil fine and costs have been
26 imposed. Removal of the vehicle, and forwarding, care, or
27 preservation of the load shall be under the control of and at the



1 risk of the owner or driver. Vehicles impounded shall be subject to
2 a lien, subject to a prior valid bona fide lien of prior record, in
3 the amount of the civil fine and costs and if the civil fine and
4 costs are not paid within 90 days after the seizure, the judge or
5 magistrate shall certify the unpaid judgment to the prosecuting
6 attorney of the county in which the violation occurred, who shall
7 proceed to enforce the lien by foreclosure sale in accordance with
8 procedure authorized in the case of chattel mortgage foreclosures.
9 When the duly authorized agent of the state transportation
10 department or county road commission is performing duties under
11 this chapter, the agent has all the powers conferred upon peace
12 officers by the general laws of this state.

13 (3) Subject to subsection (4), an owner of a vehicle or a
14 lessee of the vehicle of an owner-operator, or other person, who
15 causes or allows a vehicle to be loaded and driven or moved on a
16 highway when the weight of that vehicle violates section 722 is
17 responsible for a civil infraction and shall pay a civil fine in an
18 amount equal to ~~3-6~~ cents per pound for each pound of excess load
19 over 1,000 pounds when the excess is 2,000 pounds or less; ~~6-12~~
20 cents per pound of excess load when the excess is over 2,000 pounds
21 but not over 3,000 pounds; ~~9-18~~ cents per pound for each pound of
22 excess load when the excess is over 3,000 pounds but not over 4,000
23 pounds; ~~12-24~~ cents per pound for each pound of excess load when
24 the excess is over 4,000 pounds but not over 5,000 pounds; ~~15-30~~
25 cents per pound for each pound of excess load when the excess is
26 over 5,000 pounds but not over 10,000 pounds; and ~~20-40~~ cents per
27 pound for each pound of excess load when the excess is over 10,000



1 pounds. If a person operates a vehicle in violation of increased
2 axle loading maximums provided for under section 722(13), the owner
3 or lessee of the vehicle is responsible for a civil infraction and
4 shall pay the civil fine under this subsection that applies to the
5 amount of weight by which the vehicle exceeds the original loading
6 maximum.

7 (4) ~~Beginning January 1, 2006, if~~ **IF** the court determines that
8 the motor vehicle or the combination of vehicles was operated in
9 violation of this section, the court shall impose a fine as
10 follows:

11 (a) If the court determines that the motor vehicle or the
12 combination of vehicles was operated in such a manner that the
13 gross weight of the vehicle or the combination of vehicles would
14 not be lawful by a proper distribution of the load upon all the
15 axles of the vehicle or the combination of vehicles, the court
16 shall impose a fine for the violation according to the schedule
17 provided for in subsection (3).

18 (b) If the court determines that the motor vehicle or the
19 combination of vehicles would be lawful by a proper distribution of
20 the load upon all of the axles of the vehicle or the combination of
21 vehicles, but that 1 or more axles of the vehicle exceeded the
22 maximum allowable axle weight by more than 1,000 pounds but less
23 than 4,000 pounds, the court ~~may~~ **SHALL** impose a misload fine of
24 \$200.00 per axle. Not more than 3 axles shall be used in
25 calculating the fine to be imposed under this subdivision. This
26 subdivision does not apply to a vehicle subject to the maximum
27 loading provisions of section 722(12) or to a vehicle for which a



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1 fine as calculated under the schedule in subsection (3) would be
2 less than the fine as calculated under this subsection.

3 (c) If the court determines that the motor vehicle or the
4 combination of vehicles would meet the loading conditions specified
5 in a special permit that was issued under section 725 by a proper
6 distribution of the load upon all of the axles of the vehicle or
7 the combination of vehicles, but that 1 or more axles of the
8 vehicle exceeded the permitted axle weight by 1,000 pounds or less,
9 the court shall impose a misload fine of \$200.00 per axle. **IF THE**
10 **COURT DETERMINES THAT THE MOTOR VEHICLE OR THE COMBINATION OF**
11 **VEHICLES WOULD MEET THE LOADING CONDITIONS SPECIFIED IN A SPECIAL**
12 **PERMIT THAT WAS ISSUED UNDER SECTION 725 BY A PROPER DISTRIBUTION**
13 **OF THE LOAD UPON ALL OF THE AXLES OF THE VEHICLE OR THE COMBINATION**
14 **OF VEHICLES, BUT THAT 1 OR MORE AXLES OF THE VEHICLE EXCEEDED THE**
15 **PERMITTED AXLE WEIGHT BY MORE THAN 1,000 POUNDS, THE COURT SHALL**
16 **IMPOSE A FINE FOR THE VIOLATION ACCORDING TO THE SCHEDULE PROVIDED**
17 **IN SUBSECTION (3) [FOR THE AMOUNT OF POUNDS EXCEEDING THE PERMITTED AXLE**
18 **WEIGHT].** Not more than 3 axles shall be used in
19 calculating the fine to be imposed under this subdivision. If the
20 court determines that the load was misloaded, the conditions of the
21 special permit remain valid. The imposition of a fine does not void
22 the special permit.

22 (d) If the court determines that the motor vehicle or the
23 combination of vehicles would be lawful by a proper distribution of
24 the load upon all of the axles of the vehicle or the combination of
25 vehicles, but that 1 or more axles of the vehicle exceeded the
26 permitted axle weight by ~~more than~~ **AT LEAST** 4,000 pounds **BUT NO**
27 **MORE THAN 8,000 POUNDS,** the court shall impose a **MISLOAD** fine ~~for~~



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1 ~~the violation according to the schedule provided in subsection (3).~~

2 **OF \$500.00 PER AXLE. [NOT MORE THAN 3 AXLES SHALL BE USED IN CALCULATING**
3 **THE FINE TO BE IMPOSED UNDER THIS SUBDIVISION.]**

3 (E) IF THE COURT DETERMINES THAT THE MOTOR VEHICLE OR THE
4 COMBINATION OF VEHICLES WOULD BE LAWFUL BY A PROPER DISTRIBUTION OF
5 THE LOAD UPON ALL OF THE AXLES OF THE VEHICLE OR THE COMBINATION OF
6 VEHICLES, BUT THAT 1 OR MORE AXLES OF THE VEHICLE EXCEEDED THE
7 PERMITTED AXLE WEIGHT BY MORE THAN 8,000 POUNDS, THE COURT SHALL
8 IMPOSE A FINE FOR THE VIOLATION ACCORDING TO THE SCHEDULE PROVIDED
9 IN SUBSECTION (3).

10 (5) A driver or owner of a commercial vehicle with other
11 vehicles or trailers in combination, a truck or truck tractor, a
12 truck or truck tractor with other vehicles in combination, or any
13 special mobile equipment who fails to stop at or bypasses any
14 scales or weighing station is guilty of a misdemeanor.

15 (6) An agent or authorized representative of the state
16 transportation department or a county road commission shall not
17 stop a truck or vehicle in movement upon a road or highway within
18 the state for any purpose, unless the agent or authorized
19 representative is driving a duly marked vehicle, clearly showing
20 and denoting the branch of government represented.

21 (7) A driver or owner of a vehicle who knowingly fails to stop
22 when requested or ordered to do so and submit to a weighing by a
23 police officer, a peace officer, or an authorized agent of the
24 state transportation department, or a representative or agent of a
25 county road commission, authorized to require the driver to stop
26 and submit to a weighing of the vehicle and load by means of a
27 portable scale, is guilty of a misdemeanor punishable by



1 imprisonment for not more than 90 days or a fine of not more than
2 \$100.00, or both. A driver or person who dumps his or her load when
3 ordered to submit to a weigh or who otherwise attempts to commit or
4 commits an act to avoid a vehicle weigh is in violation of this
5 section.

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

10 (2) If a person is determined under sections 741 to 750 to be
11 responsible or responsible "with explanation" for a civil
12 infraction under this act or a local ordinance substantially
13 corresponding to a provision of this act, the judge or district
14 court magistrate may order the person to pay a civil fine of not
15 more than \$100.00 and costs as provided in subsection (4). However,
16 beginning October 31, 2010, if the civil infraction was a moving
17 violation that resulted in an at-fault collision with another
18 vehicle, a person, or any other object, the civil fine ordered
19 under this section shall be increased by \$25.00 but the total civil
20 fine shall not exceed \$100.00. However, for a violation of section
21 602b, the person shall be ordered to pay costs as provided in
22 subsection (4) and a civil fine of \$100.00 for a first offense and
23 \$200.00 for a second or subsequent offense. For a violation of
24 section 674(1)(s) or a local ordinance substantially corresponding
25 to section 674(1)(s), the person shall be ordered to pay costs as
26 provided in subsection (4) and a civil fine of not less than
27 \$100.00 or more than \$250.00. For a violation of section 328, the



1 civil fine ordered under this subsection shall be not more than
2 \$50.00. For a violation of section 710d, the civil fine ordered
3 under this subsection shall not exceed \$10.00. For a violation of
4 section 710e, the civil fine and court costs ordered under this
5 subsection shall be \$25.00. For a violation of section 682 or a
6 local ordinance substantially corresponding to section 682, the
7 person shall be ordered to pay costs as provided in subsection (4)
8 and a civil fine of not less than \$100.00 or more than \$500.00. For
9 a violation of section 240, the civil fine ordered under this
10 subsection shall be \$15.00. For a violation of section 252a(1), the
11 civil fine ordered under this subsection shall be \$50.00. For a
12 violation of section 676a(3), the civil fine ordered under this
13 section shall be not more than \$10.00. For a first violation of
14 section 319f(1), the civil fine ordered under this section shall be
15 not less than \$2,500.00 or more than \$2,750.00; for a second or
16 subsequent violation, the civil fine shall be not less than
17 \$5,000.00 or more than \$5,500.00. For a violation of section
18 319g(1)(a), the civil fine ordered under this section shall be not
19 more than \$10,000.00. For a violation of section 319g(1)(g), the
20 civil fine ordered under this section shall be not less than
21 \$2,750.00 or more than \$25,000.00. **FOR A VIOLATION OF SECTION**
22 **719(7), THE CIVIL FINE ORDERED UNDER THIS SECTION SHALL BE NOT MORE**
23 **THAN \$500.00.** Permission may be granted for payment of a civil fine
24 and costs to be made within a specified period of time or in
25 specified installments, but unless permission is included in the
26 order or judgment, the civil fine and costs shall be payable
27 immediately.



1 (3) Except as provided in this subsection **AND SECTION 719(7)**,
2 if a person is determined to be responsible or responsible "with
3 explanation" for a civil infraction under this act or a local
4 ordinance substantially corresponding to a provision of this act
5 while driving a commercial motor vehicle, he or she shall be
6 ordered to pay costs as provided in subsection (4) and a civil fine
7 of not more than \$250.00.

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

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

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



1 (7) Each district of the district court and each municipal
2 court may establish a schedule of civil fines, costs, and
3 assessments to be imposed for civil infractions that occur within
4 the respective district or city. If a schedule is established, it
5 shall be prominently posted and readily available for public
6 inspection. A schedule need not include all violations that are
7 designated by law or ordinance as civil infractions. A schedule may
8 exclude cases on the basis of a defendant's prior record of civil
9 infractions or traffic offenses, or a combination of civil
10 infractions and traffic offenses.

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

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

25 (10) A default in the payment of a civil fine or costs ordered
26 under subsection (2), (3), or (4) or a justice system assessment
27 ordered under subsection (13), or an installment of the fine,



1 costs, or assessment, may be collected by a means authorized for
2 the enforcement of a judgment under chapter 40 of the revised
3 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or
4 under chapter 60 of the revised judicature act of 1961, 1961 PA
5 236, MCL 600.6001 to 600.6098.

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

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

18 (13) In addition to any civil fines or costs ordered to be
19 paid under this section, the judge or district court magistrate
20 shall order the defendant to pay a justice system assessment of
21 \$40.00 for each civil infraction determination, except for a
22 parking violation or a violation for which the total fine and costs
23 imposed are \$10.00 or less. Upon payment of the assessment, the
24 clerk of the court shall transmit the assessment collected to the
25 state treasury to be deposited into the justice system fund created
26 in section 181 of the revised judicature act of 1961, 1961 PA 236,
27 MCL 600.181. An assessment levied under this subsection is not a



1 civil fine for purposes of section 909.

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

8 (15) If a person has received a citation for a violation of
9 section 328(1) for failing to produce a certificate of insurance
10 under section 328(2), the court may waive the fee described in
11 section 328(3)(c) and shall waive any fine, costs, and any other
12 fee or assessment otherwise authorized under this act upon receipt
13 of verification by the court that the person, before the appearance
14 date on the citation, produced valid proof of insurance that was in
15 effect at the time the violation of section 328(1) occurred.
16 Insurance obtained subsequent to the time of the violation does not
17 make the person eligible for a waiver under this subsection.

18 (16) As used in this section, "moving violation" means an act
19 or omission prohibited under this act or a local ordinance
20 substantially corresponding to this act that involves the operation
21 of a motor vehicle and for which a fine may be assessed.

22 Sec. 909. (1) Except as provided in ~~subsection~~ **SUBSECTIONS** (2)
23 **AND (3)**, a civil fine ~~which~~ **THAT** is ordered under section 907 for a
24 violation of this act or other state statute shall be exclusively
25 applied to the support of public libraries and county law libraries
26 in the same manner as ~~is~~ provided by law for penal fines assessed
27 and collected for violation of a penal law of ~~the~~ **THIS** state. A



1 civil fine ordered for a violation of a code or ordinance of a
2 local authority regulating the operation of commercial motor
3 vehicles and substantially corresponding to a provision of this act
4 shall be paid to the county treasurer and ~~shall be allocated~~ as
5 follows:

6 (a) Seventy percent to the local authority in which the
7 citation is issued.

8 (b) Thirty percent for library purposes as provided by law.

9 (2) Subsection (1) is intended to maintain a source of revenue
10 for public libraries ~~which~~**THAT** previously received penal fines for
11 misdemeanor violations of this act ~~which~~**THAT** are now civil
12 infractions.

13 (3) **FIFTY PERCENT OF A CIVIL FINE ORDERED UNDER SECTION 719(7)**
14 **OR 724(3) SHALL BE DISTRIBUTED TO THE STATE TRUNK LINE FUND, COUNTY**
15 **ROAD COMMISSIONS, AND THE CITIES AND VILLAGES OF THIS STATE, IN THE**
16 **SAME PERCENTAGES DESCRIBED IN SECTION 10(1)(J) OF 1951 PA 51, MCL**
17 **247.660, AND SHALL BE USED FOR THE PURPOSES PROVIDED IN 1951 PA 51,**
18 **MCL 247.651 TO 247.675.**

