

HOUSE BILL NO. 4984

June 10, 2021, Introduced by Reps. Clemente, Kahle, Bezotte, Allor, Aiyash, Sneller and Sowerby and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 907 (MCL 257.907), as amended by 2020 PA 382.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

5 (2) Permission may be granted for payment of a civil fine and

1 costs to be made within a specified period of time or in specified
2 installments but, unless permission is included in the order or
3 judgment, the civil fine and costs must be payable immediately.
4 Except as otherwise provided, a person found responsible or
5 responsible "with explanation" for a civil infraction must pay
6 costs as provided in subsection (4) and 1 or more of the following
7 civil fines, as applicable:

8 (a) Except as otherwise provided, for a civil infraction under
9 this act or a local ordinance that substantially corresponds to a
10 provision of this act, the person ~~shall~~**must** be ordered to pay a
11 civil fine of not more than \$100.00.

12 (b) If the civil infraction was a moving violation that
13 resulted in an at-fault collision with another vehicle, a person,
14 or any other object, the civil fine ordered under this section is
15 increased by \$25.00 but the total civil fine must not be more than
16 \$100.00.

17 (c) For a violation of section 240, the civil fine ordered
18 under this subsection is \$15.00.

19 (d) For a violation of section 312a(4) (a), the civil fine
20 ordered under this section must not be more than \$250.00.

21 (e) For a first violation of section 319f(1), the civil fine
22 ordered under this section must not be less than \$2,500.00 or more
23 than \$2,750.00; for a second or subsequent violation, the civil
24 fine must not be less than \$5,000.00 or more than \$5,500.00.

25 (f) For a violation of section 319g(1) (a), the civil fine
26 ordered under this section must not be more than \$10,000.00.

27 (g) For a violation of section 319g(1) (g), the civil fine
28 ordered under this section must not be less than \$2,750.00 or more
29 than \$25,000.00.

1 (h) For a violation of section 602b, the civil fine ordered
2 under this section ~~must not be more than~~ **is** \$100.00 for a first
3 offense and \$200.00 for a second or subsequent offense.

4 (i) For a violation of section 674(1)(s) or a local ordinance
5 that substantially corresponds to section 674(1)(s), the civil fine
6 ordered under this section must not be less than \$100.00 or more
7 than \$250.00.

8 (j) For a violation of section 676a(3), the civil fine ordered
9 under this section must not be more than \$10.00.

10 (k) For a violation of section 676c, the civil fine ordered
11 under this section is \$1,000.00.

12 (l) For a violation of section 682 or a local ordinance that
13 substantially corresponds to section 682, the civil fine ordered
14 under this section must not be less than \$100.00 or more than
15 \$500.00.

16 (m) For a violation of section 710d, the civil fine ordered
17 under this section must not be more than \$10.00, subject to
18 subsection (11).

19 (n) For a violation of section 710e, the civil fine and court
20 costs ordered under this subsection must be \$25.00.

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

28 (4) If a civil fine is ordered under subsection (2) or (3),
29 the judge or district court magistrate shall summarily tax and

1 determine the costs of the action, which are not limited to the
2 costs taxable in ordinary civil actions, and may include all
3 expenses, direct and indirect, to which the plaintiff has been put
4 in connection with the civil infraction, up to the entry of
5 judgment. Costs must not be ordered in excess of \$100.00. A civil
6 fine ordered under subsection (2) or (3) must not be waived unless
7 costs ordered under this subsection are waived. Except as otherwise
8 provided by law, costs are payable to the general fund of the
9 plaintiff.

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

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

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

29 (8) The state court administrator shall annually publish and

1 distribute to each district and court a recommended range of civil
2 fines and costs for first-time civil infractions. This
3 recommendation is not binding on the courts having jurisdiction
4 over civil infractions but is intended to act as a normative guide
5 for judges and district court magistrates and a basis for public
6 evaluation of disparities in the imposition of civil fines and
7 costs throughout this state.

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

14 (10) A default in the payment of a civil fine or costs ordered
15 under subsection (2), (3), or (4) or a justice system assessment
16 ordered under subsection (12), or an installment of the fine,
17 costs, or assessment, may be collected by a means authorized for
18 the enforcement of a judgment under chapter 40 of the revised
19 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or
20 under chapter 60 of the revised judicature act of 1961, 1961 PA
21 236, MCL 600.6001 to 600.6098.

22 (11) The court may waive any civil fine, cost, or assessment
23 against a person who received a civil infraction citation for a
24 violation of section 710d if the person, before the appearance date
25 on the citation, supplies the court with evidence of acquisition ~~7~~
26 ~~purchase, or rental~~ of a child seating system meeting the
27 requirements of section 710d **and evidence that the person has**
28 **received education from a certified child passenger safety**
29 **technician.**

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

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

18 (14) If a person has received a citation for a violation of
19 section 328(1) for failing to produce a certificate of insurance
20 under section 328(2), the court may waive the fee described in
21 section 328(3)(c) and shall waive any fine, costs, and any other
22 fee or assessment otherwise authorized under this act on receipt of
23 verification by the court that the person, before the appearance
24 date on the citation, produced valid proof of insurance that was in
25 effect at the time the violation of section 328(1) occurred.
26 Insurance obtained subsequent to the time of the violation does not
27 make the person eligible for a waiver under this subsection.

28 (15) If a person is determined to be responsible or
29 responsible "with explanation" for a civil infraction under this

1 act or a local ordinance that substantially corresponds to a
2 provision of this act and the civil infraction arises out of the
3 ownership or operation of a commercial quadricycle, he or she must
4 be ordered to pay costs as provided in subsection (4) and a civil
5 fine of not more than \$500.00.

6 (16) As used in this section, "moving violation" means an act
7 or omission prohibited under this act or a local ordinance that
8 substantially corresponds to this act that involves the operation
9 of a motor vehicle and for which a fine may be assessed.

10 Enacting section 1. This amendatory act takes effect 180 days
11 after the date it is enacted into law.

12 Enacting section 2. This amendatory act does not take effect
13 unless Senate Bill No. ____ or House Bill No. 4983 (request no.
14 02639'21) of the 101st Legislature is enacted into law.