

SENATE BILL NO. 241

March 23, 2023, Introduced by Senators HERTEL, WOJNO, MCMORROW, CAMILLERI, POLEHANKI and CHANG and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 602c, 732, and 907 (MCL 257.602c, 257.732, and 257.907), section 602c as added by 2012 PA 592, section 732 as amended by 2017 PA 160, and section 907 as amended by 2020 PA 382.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 602c. (1) Except as provided in this section, **and in**
2 addition to the requirements of section 602b, an individual issued

1 a level 1 or level 2 graduated license under section 310e shall not
2 use a cellular telephone while operating a motor vehicle upon a
3 highway or street. For purposes of this subsection, "use" means to
4 initiate a ~~eall;~~**call**, answer a ~~eall;~~**call**, or listen to or engage
5 in verbal communication through the cellular telephone.

6 (2) Subsection (1) does not apply to an individual who is
7 using a cellular telephone to do any of the following:

8 (a) Report a traffic accident, medical emergency, or serious
9 road hazard.

10 (b) Report a situation in which the ~~person~~**individual** believes
11 ~~his or her~~**the individual's** personal safety is in jeopardy.

12 (c) Report or avert the perpetration or potential perpetration
13 of a criminal act against the individual or another
14 ~~person~~**individual**.

15 ~~(3) Subsection (1) does not apply to an individual using a~~
16 ~~voice-operated system that is integrated into the motor vehicle.~~

17 **(3)** ~~(4)~~An individual who violates this section is responsible
18 for a civil infraction.

19 **(4)** ~~(5)~~This section supersedes all local ordinances
20 regulating the use of a cellular telephone by an individual issued
21 a level 1 or level 2 graduated license while operating a motor
22 vehicle in motion on a highway or street, except that a unit of
23 local government may adopt an ordinance or enforce an existing
24 ordinance substantially corresponding to this section.

25 **(5) Forty-two months after the effective date of the**
26 **amendatory act that added this subsection, the department of state**
27 **police shall submit a report, using available data, to the senate**
28 **majority leader, speaker of the house of representatives, and**
29 **governor that includes all of the following information related to**

1 violations of this section and section 602b:

2 (a) The number of citations given.

3 (b) The race and ethnicity of the individuals given citations.

4 (c) The number of each of the following caused by violations

5 of this section or section 602b:

6 (i) Vehicle crashes.

7 (ii) Serious injuries.

8 (iii) Deaths.

9 (6) This section ~~shall be known and may be cited~~ known as the
10 "Kelsey's ~~Law~~ law".

11 Sec. 732. (1) Each municipal judge and each clerk of a court
12 of record shall keep a full record of every case in which ~~a person~~
13 **an individual** is charged with or cited for a violation of this act
14 or a local ordinance substantially corresponding to this act
15 regulating the operation of vehicles on highways and with those
16 offenses pertaining to the operation of ORVs or snowmobiles for
17 which points are assessed under section 320a(1)(c) or (i). Except
18 as provided in subsection (16), the municipal judge or clerk of the
19 court of record shall prepare and forward to the secretary of state
20 an abstract of the court record as follows:

21 (a) Not more than 5 days after a conviction, forfeiture of
22 bail, or entry of a civil infraction determination or default
23 judgment upon a charge of or citation for violating or attempting
24 to violate this act or a local ordinance substantially
25 corresponding to this act regulating the operation of vehicles on
26 highways.

27 (b) Immediately for each case charging a violation of section
28 625(1), (3), (4), (5), (6), (7), or (8) or section 625m or a local
29 ordinance substantially corresponding to section 625(1), (3), (6),

1 or (8) or section 625m in which the charge is dismissed or the
2 defendant is acquitted.

3 (c) Immediately for each case charging a violation of section
4 82127(1) or (3) or 81134 of the natural resources and environmental
5 protection act, 1994 PA 451, MCL 324.82127 and 324.81134, or a
6 local ordinance substantially corresponding to those sections.

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

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

21 (a) The name, address, and date of birth of the ~~person~~
22 **individual** charged or cited.

23 (b) The number of the ~~person's~~ **individual's** operator's or
24 chauffeur's license, if any.

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

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

29 (e) The date of the conviction, finding, forfeiture, judgment,

1 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 forfeited.

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

9 (4) The clerk of the court also shall forward an abstract of
10 the court record to the secretary of state upon ~~a person's~~ **an**
11 **individual's** conviction or, for the purposes of subdivision (d), a
12 finding or admission of responsibility, involving any of the
13 following:

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

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

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

19 (d) A violation of sections 701(1) and 703 of the Michigan
20 liquor control code of 1998, 1998 PA 58, MCL 436.1701 and 436.1703,
21 or a local ordinance substantially corresponding to those sections.

22 (e) A violation of section 411a(2) of the Michigan penal code,
23 1931 PA 328, MCL 750.411a.

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

27 (g) A violation of section 57 of the pupil transportation act,
28 1990 PA 187, MCL 257.1857.

29 (h) An attempt to violate, a conspiracy to violate, or a

1 violation of part 74 of the public health code, 1978 PA 368, MCL
2 333.7401 to 333.7461, or a local ordinance that prohibits conduct
3 prohibited under part 74 of the public health code, 1978 PA 368,
4 MCL 333.7401 to 333.7461, unless the convicted ~~person~~**individual** is
5 sentenced to life imprisonment or a minimum term of imprisonment
6 that exceeds 1 year for the offense.

7 (i) An attempt to commit an offense described in subdivisions
8 (a) to (g).

9 (j) A violation of chapter LXXXIII-A of the Michigan penal
10 code, 1931 PA 328, MCL 750.543a to 750.543z.

11 (k) A violation of section 3101, 3102(1), or 3103 of the
12 insurance code of 1956, 1956 PA 218, MCL 500.3101, 500.3102, and
13 500.3103.

14 (l) A violation listed as a disqualifying offense under 49 CFR
15 383.51.

16 (5) The clerk of the court shall also forward an abstract of
17 the court record to the secretary of state if a ~~person~~**an**
18 **individual** has pled guilty to, or offered a plea of admission in a
19 juvenile proceeding for, a violation of section 703 of the Michigan
20 liquor control code of 1998, 1998 PA 58, MCL 436.1703, or a local
21 ordinance substantially corresponding to that section, and has had
22 further proceedings deferred under that section. If the ~~person~~
23 **individual** is sentenced to a term of probation and terms and
24 conditions of probation are fulfilled and the court discharges the
25 individual and dismisses the proceedings, the court shall also
26 report the dismissal to the secretary of state.

27 (6) As used in subsections (7) to (9), "felony in which a
28 motor vehicle was used" means a felony during the commission of
29 which the ~~person~~**individual** operated a motor vehicle and while

1 operating the vehicle presented real or potential harm to ~~persons~~
2 **individuals** or property and 1 or more of the following
3 circumstances existed:

- 4 (a) The vehicle was used as an instrument of the felony.
5 (b) The vehicle was used to transport a victim of the felony.
6 (c) The vehicle was used to flee the scene of the felony.
7 (d) The vehicle was necessary for the commission of the
8 felony.

9 (7) If a ~~person~~**an individual** is charged with a felony in
10 which a motor vehicle was used, other than a felony specified in
11 subsection (4) or section 319, the prosecuting attorney shall
12 include the following statement on the complaint and information
13 filed in district or circuit court:

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

20 (8) If a juvenile is accused of an act, the nature of which
21 constitutes a felony in which a motor vehicle was used, other than
22 a felony specified in subsection (4) or section 319, the
23 prosecuting attorney or family division of circuit court shall
24 include the following statement on the petition filed in the court:

25 "You are accused of an act the nature of which constitutes a
26 felony in which a motor vehicle was used. If the accusation is
27 found to be true and the judge or referee finds that the nature of
28 the act constitutes a felony in which a motor vehicle was used, as
29 defined in section 319 of the Michigan vehicle code, 1949 PA 300,

1 MCL 257.319, your driver's license shall be suspended by the
2 secretary of state."

3 (9) If the court determines as part of the sentence or
4 disposition that the felony for which the ~~person~~**individual** was
5 convicted or adjudicated and with respect to which notice was given
6 under subsection (7) or (8) is a felony in which a motor vehicle
7 was used, the clerk of the court shall forward an abstract of the
8 court record of that conviction to the secretary of state.

9 (10) As used in subsections (11) and (12), "felony in which a
10 commercial motor vehicle was used" means a felony during the
11 commission of which the ~~person~~**individual** operated a commercial
12 motor vehicle and while the ~~person~~**individual** was operating the
13 vehicle 1 or more of the following circumstances existed:

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

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

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

17 (d) The vehicle was necessary for the commission of the
18 felony.

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

26 "You are charged with the commission of a felony in which a
27 commercial motor vehicle was used. If you are convicted and the
28 judge finds that the conviction is for a felony in which a
29 commercial motor vehicle was used, as defined in section 319b of

1 the Michigan vehicle code, 1949 PA 300, MCL 257.319b, all vehicle
2 group designations on your driver's license shall be suspended or
3 revoked by the secretary of state."

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

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

19 (a) The name and title of the ~~person~~**individual** required to
20 forward abstracts.

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

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

23 (d) The following statement:

24 "I certify that all abstracts required by section 732 of the
25 Michigan vehicle code, **1949 PA 300**, MCL 257.732, ~~MSA 9.2432,~~ for
26 the period _____ through _____ have been
27 forwarded to the secretary of state."

28 (e) Other information the secretary of state considers
29 necessary.

1 (f) The signature of the ~~person~~**individual** required to forward
2 abstracts.

3 (14) The failure, refusal, or neglect of a ~~person~~**an**
4 **individual** to comply with this section constitutes misconduct in
5 office and is grounds for removal from office.

6 (15) Except as provided in subsection (16), the secretary of
7 state shall keep all abstracts received under this section at the
8 secretary of state's main office and the abstracts ~~shall~~**must** be
9 open for public inspection during the office's usual business
10 hours. Each abstract ~~shall~~**must** be entered upon the master driving
11 record of the ~~person~~**individual** to whom it pertains.

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

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

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

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

24 (d) A pedestrian, passenger, or bicycle violation, other than
25 a violation of section 703(1) or (2) of the Michigan liquor control
26 code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance
27 substantially corresponding to section 703(1) or (2) of the
28 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or
29 section 624a or 624b or a local ordinance substantially

1 corresponding to section 624a or 624b.

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

4 (f) A violation of section 328(1) if, before the appearance
5 date on the citation, the ~~person~~**individual** submits proof to the
6 court that the motor vehicle had insurance meeting the requirements
7 of sections 3101 and 3102 of the insurance code of 1956, 1956 PA
8 218, MCL 500.3101 and 500.3102, at the time the citation was
9 issued. Insurance obtained subsequent to the time of the violation
10 does not make the violation an exception under this subsection.

11 (g) A violation described in section 319b(10) (b) (vii) if,
12 before the court appearance date or date fines are to be paid, the
13 ~~person~~**individual** submits proof to the court that ~~he or she~~**the**
14 **individual** held a valid commercial driver license on the date the
15 citation was issued.

16 (h) A violation of section 311 if the ~~person~~**individual** was
17 driving a noncommercial vehicle and, before the court appearance
18 date or the date fines are to be paid, the ~~person~~**individual**
19 submits proof to the court that ~~he or she~~**the individual** held a
20 valid driver license on the date the citation was issued.

21 ~~(i) A violation of section 602b(1) or 602c.~~

22 (17) Except as otherwise provided in this subsection, the
23 secretary of state shall discard and not enter on the master
24 driving record an abstract for a bond forfeiture that occurred
25 outside this state. The secretary of state shall enter on the
26 master driving record an abstract for a conviction as defined in
27 section 8a(b) that occurred outside this state in connection with
28 the operation of a commercial motor vehicle or for a conviction of
29 ~~a person~~**an individual** licensed as a commercial motor vehicle

1 driver.

2 (18) The secretary of state shall inform the courts of this
3 state of the nonmoving violations and violations of chapter II that
4 are used by the secretary of state as the basis for the suspension,
5 restriction, revocation, or denial of an operator's or chauffeur's
6 license.

7 (19) If a conviction or civil infraction determination is
8 reversed upon appeal, the ~~person~~**individual** whose conviction or
9 determination has been reversed may serve on the secretary of state
10 a certified copy of the order of reversal. The secretary of state
11 shall enter the order in the proper book or index in connection
12 with the record of the conviction or civil infraction
13 determination.

14 (20) The secretary of state may permit a city or village
15 department, bureau, person, or court to modify the requirement as
16 to the time and manner of reporting a conviction, civil infraction
17 determination, or settlement to the secretary of state if the
18 modification will increase the economy and efficiency of collecting
19 and utilizing the records. If the permitted abstract of court
20 record reporting a conviction, civil infraction determination, or
21 settlement originates as a part of the written notice to appear,
22 authorized in section 728(1) or 742(1), the form of the written
23 notice and report ~~shall~~**must** be as prescribed by the secretary of
24 state.

25 (21) Notwithstanding any other law of this state, a court
26 shall not take under advisement an offense committed by a ~~person~~**an**
27 **individual** while operating a motor vehicle for which this act
28 requires a conviction or civil infraction determination to be
29 reported to the secretary of state. A conviction or civil

1 infraction determination that is the subject of this subsection
 2 ~~shall~~**must** not be masked, delayed, diverted, suspended, or
 3 suppressed by a court. Upon a conviction or civil infraction
 4 determination, the conviction or civil infraction determination
 5 ~~shall~~**must** immediately be reported to the secretary of state in
 6 accordance with this section.

7 (22) Except as provided in this act and notwithstanding any
 8 other provision of law, a court shall not order expunction of any
 9 violation reportable to the secretary of state under this section.

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

14 (2) Permission may be granted for payment of a civil fine and
 15 costs to be made within a specified period of time or in specified
 16 installments but, unless permission is included in the order or
 17 judgment, the civil fine and costs must be payable immediately.
 18 Except as otherwise provided, a person found responsible or
 19 responsible "with explanation" for a civil infraction must pay
 20 costs as provided in subsection (4) and 1 or more of the following
 21 civil fines, as applicable:

22 (a) Except as otherwise provided, for a civil infraction under
 23 this act or a local ordinance that substantially corresponds to a
 24 provision of this act, the person shall be ordered to pay a civil
 25 fine of not more than \$100.00.

26 (b) If the civil infraction was a moving violation that
 27 resulted in an at-fault collision with another vehicle, ~~a person,~~
 28 **an individual**, or any other object, the civil fine ordered under
 29 this section is increased by \$25.00 but the total civil fine must

1 not be more than \$100.00.

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

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

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

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

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

15 (h) For a violation of section 602b, the civil fine ordered
16 under this section must ~~not be more than~~ **be as follows:**

17 **(i) If the violation does not involve an accident, must be**
18 **\$100.00 for a first offense and ~~\$200.00~~ \$250.00 for a second or**
19 **subsequent offense.**

20 **(ii) If the violation involves an accident, must be \$200.00 for**
21 **a first offense and \$500.00 for a second or subsequent offense.**

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

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

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

1 (l) For a violation of section 682 or a local ordinance that
2 substantially corresponds to section 682, the civil fine ordered
3 under this section must not be less than \$100.00 or more than
4 \$500.00.

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

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

10 (3) Except as provided in this section, if ~~a person~~ **an**
11 **individual** is determined to be responsible or responsible "with
12 explanation" for a civil infraction under this act or a local
13 ordinance that substantially corresponds to a provision of this act
14 while driving a commercial motor vehicle, ~~he or she~~ **the individual**
15 must be ordered to pay costs as provided in subsection (4) and a
16 civil fine of not more than \$250.00.

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

28 (5) In addition to a civil fine and costs ordered under
29 subsection (2) or (3) and subsection (4) and the justice system

1 assessment ordered under subsection (12), the judge or district
2 court magistrate may order the ~~person~~**individual** to attend and
3 complete a program of treatment, education, or rehabilitation.

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

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

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

26 (9) If a person has received a civil infraction citation for
27 defective safety equipment on a vehicle under section 683, the
28 court shall waive a civil fine, costs, and assessments on receipt
29 of certification by a law enforcement agency that repair of the

1 defective equipment was made before the appearance date on the
2 citation.

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

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

17 (12) In addition to any civil fines or costs ordered to be
18 paid under this section, the judge or district court magistrate
19 shall order the defendant to pay a justice system assessment of
20 \$40.00 for each civil infraction determination, except for a
21 parking violation or a violation for which the total fine and costs
22 imposed are \$10.00 or less. On payment of the assessment, the clerk
23 of the court shall transmit the assessment collected to the state
24 treasury to be deposited into the justice system fund created in
25 section 181 of the revised judicature act of 1961, 1961 PA 236, MCL
26 600.181. An assessment levied under this subsection is not a civil
27 fine for purposes of section 909.

28 (13) If a person has received a citation for a violation of
29 section 223, the court shall waive any civil fine, costs, and

1 assessment, on receipt of certification by a law enforcement agency
2 that the person, before the appearance date on the citation,
3 produced a valid registration certificate that was valid on the
4 date the violation of section 223 occurred.

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

15 (15) If a person is determined to be responsible or
16 responsible "with explanation" for a civil infraction under this
17 act or a local ordinance that substantially corresponds to a
18 provision of this act and the civil infraction arises out of the
19 ownership or operation of a commercial quadricycle, ~~he or she~~ **the**
20 **person** must be ordered to pay costs as provided in subsection (4)
21 and a civil fine of not more than \$500.00.

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

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

28 Enacting section 2. This amendatory act does not take effect
29 unless all of the following bills of the 102nd Legislature are

1 enacted into law:

2 (a) Senate Bill No. 239.

3

4 (b) Senate Bill No. 240.

5