

SUBSTITUTE FOR
HOUSE BILL NO. 4545

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 907 (MCL 257.907), as amended by 2013 PA 35,
and by adding sections 676c and 676d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 676C. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), A PERSON**
2 **SHALL NOT TRAVEL TO THE SCENE OF A MOTOR VEHICLE ACCIDENT OR A**
3 **DISABLED VEHICLE LOCATED ON PUBLIC PROPERTY, PROPERTY OPEN TO THE**
4 **PUBLIC, OR A STATE TRUNK LINE HIGHWAY AND SOLICIT BUSINESS FOR A**
5 **WRECKER, RECOVERY, OR TOWING SERVICE. A PERSON WHO VIOLATES THIS**
6 **SUBSECTION IS RESPONSIBLE FOR A CIVIL INFRACTION AND SHALL BE**
7 **ORDERED TO PAY A CIVIL FINE OF \$1,000.00.**

8 **(2) SUBSECTION (1) DOES NOT APPLY IF ANY OF THE FOLLOWING**
9 **CONDITIONS APPLY:**

1 (A) A LAW ENFORCEMENT AGENCY HAVING JURISDICTION OVER THE
2 SCENE OF THE ACCIDENT OR DISABLED VEHICLE, OR AN INDIVIDUAL
3 INVOLVED IN THAT ACCIDENT OR DISABLED VEHICLE, REQUESTS THE OWNER
4 OR OPERATOR OF A WRECKER OR TOWING SERVICE TO COME TO THE SCENE.

5 (B) A WRECKER, RECOVERY TRUCK, OR TOW TRUCK OPERATOR, WHO DOES
6 NOT TRAVEL TO THE SCENE OF A MOTOR VEHICLE ACCIDENT OR DISABLED
7 VEHICLE AS DESCRIBED IN SUBSECTION (1) FOR THE PURPOSE OF
8 SOLICITING BUSINESS FOR A WRECKER, RECOVERY, OR TOWING SERVICE,
9 OFFERS ASSISTANCE TO A STRANDED MOTORIST WITHOUT CREATING A
10 NUISANCE OR INTERFERING WITH MANAGEMENT OF A MOTOR VEHICLE ACCIDENT
11 BY LAW ENFORCEMENT.

12 (3) A LAW ENFORCEMENT AGENCY, DISPATCHING AUTHORITY, LOCAL
13 UNIT OF GOVERNMENT, OR AN ENTITY DISPATCHING TOWING, RECOVERY, AND
14 WRECKER SERVICES ON BEHALF OF A LAW ENFORCEMENT AGENCY OR A LOCAL
15 UNIT OF GOVERNMENT HAVING JURISDICTION SHALL PERMIT AN OWNER OR
16 OPERATOR OF A MOTOR VEHICLE TO REQUEST THE TOWING, WRECKER, OR
17 RECOVERY SERVICE OR ROADSIDE ASSISTANCE SERVICE OF HIS OR HER
18 CHOICE UNLESS THE VEHICLE IS INVOLVED IN A CRIMINAL ACTIVITY,
19 FATALITY, OR LAW ENFORCEMENT INVESTIGATION, OR IF THE VEHICLE IS
20 CREATING A ROAD OR SAFETY HAZARD OR IS BEING IMPOUNDED, OR IF THE
21 REQUESTED PREFERENCE WRECKER SERVICE IS UNAVAILABLE OR CANNOT
22 RESPOND WITHIN A TIMELY MANNER AS DETERMINED BY LAW ENFORCEMENT AT
23 THE SCENE, AND SHALL FOLLOW THE PROCEDURES SET FORTH IN SECTION
24 252D.

25 SEC. 676D. A LOCAL UNIT OF GOVERNMENT SHALL NOT REQUIRE AS A
26 TERM OF A CONTRACT WITH A WRECKER, RECOVERY, OR TOWING SERVICE THAT
27 THE WRECKER, RECOVERY, OR TOWING SERVICE PAY A FEE TO THAT LOCAL

1 UNIT OF GOVERNMENT FOR RESPONDING TO THE SCENE OF AN ACCIDENT,
2 DISABLED VEHICLE, OR ABANDONED VEHICLE AND PROVIDING WRECKER,
3 RECOVERY, OR TOWING SERVICES. THIS SECTION ONLY APPLIES TO A
4 CONTRACT BETWEEN A LOCAL UNIT OF GOVERNMENT AND A WRECKER,
5 RECOVERY, OR TOWING SERVICE THAT IS ENTERED INTO OR RENEWED AFTER
6 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION.

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

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

1 \$100.00 or more than \$250.00. **FOR A VIOLATION OF 676C, THE PERSON**
2 **SHALL BE ORDERED TO PAY COSTS AS PROVIDED IN SUBSECTION (4) AND A**
3 **CIVIL FINE OF \$1,000.00.** For a violation of section 328, the civil
4 fine ordered under this subsection shall be not more than \$50.00.
5 For a violation of section 710d, the civil fine ordered under this
6 subsection shall not exceed \$10.00, **SUBJECT TO SUBSECTION (12).** For
7 a violation of section 710e, the civil fine and court costs ordered
8 under this subsection shall be \$25.00. For a violation of section
9 682 or a local ordinance substantially corresponding to section
10 682, the person shall be ordered to pay costs as provided in
11 subsection (4) and a civil fine of not less than \$100.00 or more
12 than \$500.00. For a violation of section 240, the civil fine
13 ordered under this subsection shall be \$15.00. For a violation of
14 section 252a(1), the civil fine ordered under this subsection shall
15 be \$50.00. For a violation of section 676a(3), the civil fine
16 ordered under this section shall be not more than \$10.00. For a
17 first violation of section 319f(1), the civil fine ordered under
18 this section shall be not less than \$2,500.00 or more than
19 \$2,750.00; for a second or subsequent violation, the civil fine
20 shall be not less than \$5,000.00 or more than \$5,500.00. For a
21 violation of section 319g(1)(a), the civil fine ordered under this
22 section shall be not more than \$10,000.00. For a violation of
23 section 319g(1)(g), the civil fine ordered under this section shall
24 be not less than \$2,750.00 or more than \$25,000.00. Permission may
25 be granted for payment of a civil fine and costs to be made within
26 a specified period of time or in specified installments, but unless
27 permission is included in the order or judgment, the civil fine and

1 costs shall be payable immediately.

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

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

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

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

1 district court district.

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

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

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

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

1 ordered under subsection (13), or an installment of the fine,
2 costs, or assessment, may be collected by a means authorized for
3 the enforcement of a judgment under chapter 40 of the revised
4 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or
5 under chapter 60 of the revised judicature act of 1961, 1961 PA
6 236, MCL 600.6001 to 600.6098.

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

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

19 (13) In addition to any civil fines or costs ordered to be
20 paid under this section, the judge or district court magistrate
21 shall order the defendant to pay a justice system assessment of
22 \$40.00 for each civil infraction determination, except for a
23 parking violation or a violation for which the total fine and costs
24 imposed are \$10.00 or less. Upon payment of the assessment, the
25 clerk of the court shall transmit the assessment collected to the
26 state treasury to be deposited into the justice system fund created
27 in section 181 of the revised judicature act of 1961, 1961 PA 236,

1 MCL 600.181. An assessment levied under this subsection is not a
2 civil fine for purposes of section 909.

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

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

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

23 Enacting section 1. This amendatory act takes effect 90 days
24 after it is enacted into law.