

**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 section 676c.

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**

1 CONDITIONS APPLY:

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

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

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

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

1 602b, the person shall be ordered to pay costs as provided in
2 subsection (4) and a civil fine of \$100.00 for a first offense and
3 \$200.00 for a second or subsequent offense. For a violation of
4 section 674(1)(s) or a local ordinance substantially corresponding
5 to section 674(1)(s), the person shall be ordered to pay costs as
6 provided in subsection (4) and a civil fine of not less than
7 \$100.00 or more than \$250.00. **FOR A VIOLATION OF 676C, THE PERSON**
8 **SHALL BE ORDERED TO PAY COSTS AS PROVIDED IN SUBSECTION (4) AND A**
9 **CIVIL FINE OF \$1,000.00.** For a violation of section 328, the civil
10 fine ordered under this subsection shall be not more than \$50.00.
11 For a violation of section 710d, the civil fine ordered under this
12 subsection shall not exceed \$10.00, **SUBJECT TO SUBSECTION (12).** For
13 a violation of section 710e, the civil fine and court costs ordered
14 under this subsection shall be \$25.00. For a violation of section
15 682 or a local ordinance substantially corresponding to section
16 682, the person shall be ordered to pay costs as provided in
17 subsection (4) and a civil fine of not less than \$100.00 or more
18 than \$500.00. For a violation of section 240, the civil fine
19 ordered under this subsection shall be \$15.00. For a violation of
20 section 252a(1), the civil fine ordered under this subsection shall
21 be \$50.00. For a violation of section 676a(3), the civil fine
22 ordered under this section shall be not more than \$10.00. For a
23 first violation of section 319f(1), the civil fine ordered under
24 this section shall be not less than \$2,500.00 or more than
25 \$2,750.00; for a second or subsequent violation, the civil fine
26 shall be not less than \$5,000.00 or more than \$5,500.00. For a
27 violation of section 319g(1)(a), the civil fine ordered under this

1 section shall be not more than \$10,000.00. For a violation of
2 section 319g(1)(g), the civil fine ordered under this section shall
3 be not less than \$2,750.00 or more than \$25,000.00. Permission may
4 be granted for payment of a civil fine and costs to be made within
5 a specified period of time or in specified installments, but unless
6 permission is included in the order or judgment, the civil fine and
7 costs shall be payable immediately.

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

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

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

1 assessment ordered under subsection (13), the judge or district
2 court magistrate may order the person to attend and complete a
3 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 shall 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 upon 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 the state.

26 (9) If a person has received a civil infraction citation for
27 defective safety equipment on a vehicle under section 683, the

1 court shall waive a civil fine, costs, and assessments upon receipt
2 of certification by a law enforcement agency that repair of the
3 defective equipment was made before the appearance date on the
4 citation.

5 (10) A default in the payment of a civil fine or costs ordered
6 under subsection (2), (3), or (4) or a justice system assessment
7 ordered under subsection (13), or an installment of the fine,
8 costs, or assessment, may be collected by a means authorized for
9 the enforcement of a judgment under chapter 40 of the revised
10 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or
11 under chapter 60 of the revised judicature act of 1961, 1961 PA
12 236, MCL 600.6001 to 600.6098.

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

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

25 (13) In addition to any civil fines or costs ordered to be
26 paid under this section, the judge or district court magistrate
27 shall order the defendant to pay a justice system assessment of

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

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

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

25 (16) As used in this section, "moving violation" means an act
26 or omission prohibited under this act or a local ordinance
27 substantially corresponding to this act that involves the operation

1 of a motor vehicle and for which a fine may be assessed.