



HOUSE BILL No. 5910

May 28, 1996, Introduced by Reps. Tesanovich, DeHart, Kelly, Baird, McBryde, Brackenridge, Kaza, Gire, Prusi, Agee, Freeman, Hammerstrom, Hood, DeMars, Cherry and Hanley and referred to the Committee on Transportation.

A bill to amend section 907 of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," as amended by Act No. 287 of the Public Acts of 1995, being section 257.907 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 907 of Act No. 300 of the Public Acts of
2 1949, as amended by Act No. 287 of the Public Acts of 1995, being
3 section 257.907 of the Michigan Compiled Laws, is amended to read
4 as follows:

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

1 (2) If a person is determined pursuant to sections 741 to
2 750 to be responsible or responsible "with explanation" for a
3 civil infraction under this act or a local ordinance substan-
4 tially corresponding to a provision of this act, the judge, dis-
5 trict court referee, or district court magistrate may order the
6 person to pay a civil fine of not more than \$100.00 and costs as
7 provided in subsection (4). However, for a violation of
8 section 674(1)(s) or a local ordinance substantially correspond-
9 ing to section 674(1)(s), the person shall be ordered to pay
10 costs as provided in subsection (4) and a civil fine of not less
11 than \$50.00 ~~nor~~ OR more than \$100.00. For a violation of sec-
12 tion 328 or 710d, the civil fine ordered under this subsection
13 shall not exceed \$10.00. For a violation of section 710e, the
14 civil fine and court costs ordered under this subsection shall be
15 \$25.00. FOR A VIOLATION OF SECTION 682 OR A LOCAL ORDINANCE SUB-
16 STANTIALLY CORRESPONDING TO SECTION 682, THE PERSON SHALL BE
17 ORDERED TO PAY COSTS AS PROVIDED IN SUBSECTION (4) AND A CIVIL
18 FINE OF NOT LESS THAN \$250.00 OR MORE THAN \$500.00. Permission
19 may be granted for payment of a civil fine and costs to be made
20 within a specified period of time or in specified installments,
21 but unless permission is included in the order or judgment, the
22 civil fine and costs shall be payable immediately.

23 (3) If a person is determined to be responsible or responsi-
24 ble "with explanation" for a civil infraction under this act or a
25 local ordinance substantially corresponding to a provision of
26 this act while driving a commercial motor vehicle, he or she

1 shall be ordered to pay costs as provided in subsection (4) and a
2 civil fine of not more than \$250.00.

3 (4) If a civil fine is ordered to be paid under
4 subsection (2) or (3), the judge, district court referee, or dis-
5 trict court magistrate shall summarily tax and determine the
6 costs of the action, which shall not be limited to the costs tax-
7 able in ordinary civil actions, and may include all expenses,
8 direct and indirect, to which the plaintiff has been put in con-
9 nection with the civil infraction, up to the entry of judgment.
10 Except in a civil infraction for a parking violation, costs of
11 not less than \$5.00 shall be ordered. Costs shall not be ordered
12 in excess of \$100.00. Except as otherwise provided by law, costs
13 shall be payable to the general fund of the plaintiff.

14 (5) In addition to a civil fine and costs ordered under
15 subsection (2) or (3) and subsection (4), the judge, district
16 court referee, or district court magistrate may order the person
17 to attend and complete a program of treatment, education, or
18 rehabilitation.

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

23 (7) Each district of the district court and each municipal
24 court may establish a schedule of civil fines and costs to be
25 imposed for civil infractions which occur within the respective
26 district or city. If a schedule is established, it shall be
27 prominently posted and readily available for public inspection.

1 A schedule need not include all violations which are designated
2 by law or ordinance as civil infractions. A schedule may exclude
3 cases on the basis of a defendant's prior record of civil infrac-
4 tions or traffic offenses, or a combination of civil infractions
5 and traffic offenses.

6 (8) The state court administrator shall annually publish and
7 distribute to each district and court a recommended range of
8 civil fines and costs for first-time civil infractions. This
9 recommendation shall not be binding upon the courts having juris-
10 diction over civil infractions but is intended to act as a norma-
11 tive guide for judges, district court referees, and district
12 court magistrates and a basis for public evaluation of dispari-
13 ties in the imposition of civil fines and costs throughout the
14 state.

15 (9) If a person has received a civil infraction citation for
16 defective safety equipment on a vehicle under section 683, the
17 court shall waive a civil fine and costs, upon receipt of certi-
18 fication by a law enforcement agency that repair of the defective
19 equipment was made before the appearance date on the citation.

20 (10) A default in the payment of a civil fine or costs
21 ordered under subsection (2), (3), or (4) or an installment of
22 the fine or costs may be collected by a means authorized for the
23 enforcement of a judgment under chapter 40 of the revised judica-
24 ture act of 1961, Act No. 236 of the Public Acts of 1961, being
25 sections 600.4001 to 600.4065 of the Michigan Compiled Laws, or
26 under chapter 60 of Act No. 236 of the Public Acts of 1961, being
27 sections 600.6001 to 600.6098 of the Michigan Compiled Laws.

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

7 (12) The court shall waive any civil fine or cost against a
8 person who received a civil infraction citation for a violation
9 of section 710d if the person, before the appearance date on the
10 citation, supplies the court with evidence of acquisition, pur-
11 chase, or rental of a child seating system meeting the require-
12 ments of section 710d.

13 (13) In addition to any fines and costs ordered to be paid
14 under this section, the judge, district court referee, or dis-
15 trict court magistrate shall levy an assessment of \$5.00 for each
16 civil infraction determination, except for a parking violation or
17 a violation for which the total fine and costs imposed are \$10.00
18 or less. Upon payment of the assessment, the clerk of the court
19 shall transmit the assessment levied to the state treasury to be
20 deposited into the Michigan justice training fund. An assessment
21 levied under this subsection shall not be considered a civil fine
22 for purposes of section 909.

23 (14) If a person has received a citation for a violation of
24 section 223, the court shall waive any fine and costs, upon
25 receipt of certification by a law enforcement agency that the
26 person, before the appearance date on the citation, produced a

1 valid registration certificate that was valid on the date the
2 violation of section 223 occurred.