

SENATE BILL No. 1063

September 16, 2014, Introduced by Senators SMITH and JONES and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 320a, 727c, 741, 907, and 909 (MCL 257.320a, 257.727c, 257.741, 257.907, and 257.909), section 320a as amended by 2012 PA 592, section 727c as amended by 1999 PA 73, section 741 as amended by 2006 PA 298, section 907 as amended by 2013 PA 35, and section 909 as amended by 2000 PA 94, and by adding sections 630, 630a, 630b, 630c, 630d, 630e, 630f, 630g, and 630h; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 320a. (1) Within 5 days after receipt of a properly
2 prepared abstract from a court of this state or another state,
3 the secretary of state shall record the date of conviction, civil
4 infraction determination, or probate court disposition, and the

1 number of points for each, based on the following formula, except
2 as otherwise provided in this section and section 629c:

3 (a) Manslaughter, negligent homicide, or a
4 felony resulting from the operation of a motor
5 vehicle, ORV, or snowmobile.....6 points

6 (b) A violation of section 601b(2) or (3),
7 601c(1) or (2), or 653a(3) or (4) or, beginning
8 October 31, 2010, a violation of section 601d.....6 points

9 (c) A violation of section 625(1), (4), (5),
10 (7), or (8), section 81134 or 82127(1) of the
11 natural resources and environmental protection act,
12 1994 PA 451, MCL 324.81134 and 324.82127, or a law or
13 ordinance substantially corresponding to section
14 625(1), (4), (5), (7), or (8), or section 81134
15 or 82127(1) of the natural resources and
16 environmental protection act, 1994 PA 451,
17 MCL 324.81134 and 324.82127.....6 points

18 (d) Failing to stop and disclose identity
19 at the scene of an accident when required by law.....6 points

20 (e) Operating a motor vehicle in violation
21 of section 626.....6 points

22 (f) Fleeing or eluding an officer.....6 points

23 (g) A violation of section 627(9) pertaining
24 to speed in a work zone described in that section
25 by exceeding the lawful maximum by more than
26 15 miles per hour.....5 points

27 (h) A violation of any law other than the
28 law described in subdivision (g) or ordinance
29 pertaining to speed by exceeding the lawful
30 maximum by more than 15 miles per hour.....4 points

1 (i) A violation of section 625(3) or (6),
 2 section 81135 or 82127(3) of the natural
 3 resources and environmental protection act,
 4 1994 PA 451, MCL 324.81135 and 324.82127,
 5 or a law or ordinance substantially corresponding
 6 to section 625(3) or (6) or section 81135
 7 or 82127(3) of the natural resources and
 8 environmental protection act, 1994 PA 451,
 9 MCL 324.81135 and 324.82127.....4 points

10 (j) A violation of section 626a or a law
 11 or ordinance substantially corresponding to
 12 section 626a.....4 points

13 (k) A violation of section 653a(2).....4 points

14 (l) A violation of section 627(9) pertaining
 15 to speed in a work zone described in that section
 16 by exceeding the lawful maximum by more than 10
 17 but not more than 15 miles per hour.....4 points

18 (m) Beginning October 31, 2010, a
 19 moving violation resulting in an at-fault
 20 collision with another vehicle, a person,
 21 or any other object.....4 points

22 (n) A violation of any law other than the
 23 law described in subdivision (l) or ordinance
 24 pertaining to speed by exceeding the lawful
 25 maximum by more than 10 but not more than 15
 26 miles per hour or careless driving in violation
 27 of section 626b or a law or ordinance substantially
 28 corresponding to section 626b.....3 points

29 (o) A violation of section 627(9) pertaining
 30 to speed in a work zone described in that section
 31 by exceeding the lawful maximum by 10 miles per

1 hour or less.....3 points

2 (p) A violation of any law other than the law
3 described in subdivision (o) or ordinance
4 pertaining to speed by exceeding the lawful maximum
5 by 10 miles per hour or less.....2 points

6 (q) Disobeying a traffic signal or stop sign,
7 or improper passing.....3 points

8 (r) A violation of section 624a, 624b, or
9 a law or ordinance substantially corresponding to
10 section 624a or 624b.....2 points

11 (s) A violation of section 310e(4) or (6) or
12 a law or ordinance substantially corresponding to
13 section 310e(4) or (6).....2 points

14 (t) All other moving violations pertaining to
15 the operation of motor vehicles reported under
16 this section.....2 points

17 (u) A refusal by a person less than 21 years of
18 age to submit to a preliminary breath test required
19 by a peace officer under section 625a.....2 points

20 (2) Points shall not be entered for a violation of section
21 310e(14), 311, 602b(1), 602c, 625m, **630A**, 658, 710d, 717, 719,
22 719a, or 723.

23 (3) Points shall not be entered for bond forfeitures.

24 (4) Points shall not be entered for overweight loads or for
25 defective equipment.

26 (5) If more than 1 conviction, civil infraction
27 determination, or probate court disposition results from the same
28 incident, points shall be entered only for the violation that
29 receives the highest number of points under this section.

1 (6) If a person has accumulated 9 points as provided in this
2 section, the secretary of state may call the person in for an
3 interview as to the person's driving ability and record after due
4 notice as to time and place of the interview. If the person fails
5 to appear as provided in this subsection, the secretary of state
6 shall add 3 points to the person's record.

7 (7) If a person violates a speed restriction established by
8 an executive order issued during a state of energy emergency as
9 provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of
10 state shall enter points for the violation pursuant to subsection
11 (1).

12 (8) The secretary of state shall enter 6 points upon the
13 record of a person whose license is suspended or denied pursuant
14 to section 625f. However, if a conviction, civil infraction
15 determination, or probate court disposition results from the same
16 incident, additional points for that offense shall not be
17 entered.

18 (9) If a Michigan driver commits a violation in another
19 state that would be a civil infraction if committed in Michigan,
20 and a conviction results solely because of the failure of the
21 Michigan driver to appear in that state to contest the violation,
22 upon receipt of the abstract of conviction by the secretary of
23 state, the violation shall be noted on the driver's record, but
24 no points shall be assessed against his or her driver's license.

25 **SEC. 630. AS USED IN THIS SECTION THROUGH SECTION 630H:**

26 **(A) "AGENT" MEANS A PERSON OR ENTITY THAT IS AUTHORIZED BY A**
27 **LOCAL UNIT OF GOVERNMENT TO ADMINISTER THE PROCEDURES DESCRIBED**

1 IN THIS SECTION THROUGH SECTION 630H THAT DOES ALL OF THE
2 FOLLOWING:

3 (i) PROVIDES SERVICES TO A LOCAL UNIT OF GOVERNMENT.

4 (ii) OPERATES, MAINTAINS, LEASES, OR LICENSES AN AUTOMATED
5 TRAFFIC ENFORCEMENT SAFETY DEVICE.

6 (iii) IS AUTHORIZED TO REVIEW AND ASSEMBLE THE RECORDED IMAGES
7 CAPTURED BY THE AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICE FOR
8 REVIEW BY A POLICE OFFICER.

9 (B) "AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICE" MEANS A
10 DEVICE THAT SATISFIES ALL OF THE FOLLOWING REQUIREMENTS:

11 (i) IT IS CAPABLE OF PRODUCING A PHOTOGRAPHICALLY RECORDED
12 STILL OR VIDEO IMAGE OF THE REAR OF A MOTOR VEHICLE, OR THE REAR
13 OF A MOTOR VEHICLE BEING TOWED BY ANOTHER MOTOR VEHICLE,
14 INCLUDING AN IMAGE OF THE MOTOR VEHICLE'S REAR REGISTRATION
15 PLATE.

16 (ii) IT INDICATES ON 1 OR MORE OF THE IMAGES PRODUCED THE
17 DATE, TIME, AND LOCATION OF THE MOTOR VEHICLE TRAVELING AT SPEEDS
18 ABOVE THE POSTED SPEED LIMIT WITHIN 2,500 FEET OF THE PERIMETER
19 OF A SCHOOL OR INSTITUTION OF HIGHER EDUCATION.

20 (iii) IT IS CAPABLE OF MONITORING MOTOR VEHICLE SPEED.

21 (iv) IT INDICATES ON 1 OR MORE OF THE IMAGES PRODUCED THE
22 DATE, TIME, AND LOCATION OF THE VIOLATION.

23 (C) "LOCAL UNIT OF GOVERNMENT" MEANS ANY OF THE FOLLOWING:

24 (i) A COUNTY WITH A POPULATION OF MORE THAN 100,000.

25 (ii) A CITY, VILLAGE, OR TOWNSHIP LOCATED IN A COUNTY
26 DESCRIBED IN SUBDIVISION (i).

27 (D) "OWNER" MEANS A PERSON IN WHOSE NAME A MOTOR VEHICLE IS

1 REGISTERED IN THIS STATE, ANOTHER STATE, OR ANOTHER COUNTRY, OR
2 WITH THE FEDERAL GOVERNMENT, EXCEPT AS FOLLOWS:

3 (i) A MOTOR VEHICLE RENTAL OR LEASING COMPANY WHEN A MOTOR
4 VEHICLE REGISTERED BY THAT COMPANY IS BEING OPERATED BY ANOTHER
5 PERSON UNDER A RENTAL OR LEASE AGREEMENT WITH THE COMPANY, IN
6 WHICH EVENT OWNER MEANS THE PERSON TO WHOM THE VEHICLE IS RENTED
7 OR LEASED.

8 (ii) A MOTOR VEHICLE DISPLAYING A DEALER REGISTRATION PLATE,
9 IN WHICH EVENT OWNER MEANS THE PERSON TO WHOM THE MOTOR VEHICLE
10 IS ASSIGNED FOR USE.

11 (iii) A MOTOR VEHICLE THAT WAS REPORTED STOLEN TO A LAW
12 ENFORCEMENT AGENCY BEFORE THE TIME OF THE VIOLATION, IN WHICH
13 EVENT OWNER MEANS THE PERSON WHO IS FOUND GUILTY OF STEALING THE
14 MOTOR VEHICLE.

15 SEC. 630A. (1) A LOCAL UNIT OF GOVERNMENT MAY OPERATE AN
16 AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICE PROGRAM AND MAY
17 PROSECUTE VIOLATIONS DETECTED BY AN AUTOMATED TRAFFIC ENFORCEMENT
18 SAFETY DEVICE UPON ENACTING AN ORDINANCE OR ADOPTING A RESOLUTION
19 AUTHORIZING THE INSTALLATION AND OPERATION OF AUTOMATED TRAFFIC
20 ENFORCEMENT SAFETY DEVICES AFTER CONSULTATION WITH THE GOVERNING
21 BOARD OF SCHOOLS WITHIN THAT LOCAL UNIT OF GOVERNMENT. A PROGRAM
22 UNDER THIS SUBSECTION SHALL EXPIRE 5 YEARS AFTER THE DATE THE
23 ORDINANCE IS ENACTED OR A RESOLUTION IS ADOPTED AUTHORIZING THE
24 PROGRAM.

25 (2) A LOCAL UNIT OF GOVERNMENT MAY APPOINT AN AGENT TO
26 ADMINISTER AN AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICE PROGRAM
27 AND MAY ENTER INTO AN AGREEMENT WITH AN AGENT FOR THE

1 INSTALLATION, OPERATION, NOTICE PROCESSING, AND ADMINISTRATION
2 AND MAINTENANCE OF AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICES.

3 (3) A LOCAL UNIT OF GOVERNMENT MAY CONTRACT FOR THE
4 OPERATION OF AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICES
5 AUTHORIZED UNDER THIS SECTION THROUGH AN INTERGOVERNMENTAL
6 AGREEMENT WITH ANOTHER LOCAL UNIT OF GOVERNMENT.

7 (4) AN ORDINANCE ENACTED OR RESOLUTION ADOPTED UNDER THIS
8 SECTION SHALL SPECIFY ALL OF THE FOLLOWING:

9 (A) THAT THE OWNER OF A MOTOR VEHICLE COMMITS A VIOLATION OF
10 THE ORDINANCE OR RESOLUTION IF THE AUTOMATED TRAFFIC ENFORCEMENT
11 SAFETY DEVICE PRODUCES A RECORDED IMAGE OR VIDEO OF A MOTOR
12 VEHICLE BEING OPERATED SO AS TO COMMIT A CIVIL INFRACTION UNDER
13 SECTIONS 627 TO 633 OR A LOCAL ORDINANCE SUBSTANTIALLY SIMILAR TO
14 A CIVIL INFRACTION UNDER SECTIONS 627 TO 633.

15 (B) THAT THE OWNER OF A MOTOR VEHICLE ESTABLISHES A DEFENSE
16 IF THE PERSON IDENTIFIED AS HAVING THE CARE, CUSTODY, OR CONTROL
17 OF THE MOTOR VEHICLE, OR IDENTIFIED AS THE OPERATOR OF THE MOTOR
18 VEHICLE AT THE TIME OF THE VIOLATION OF AN ORDINANCE ENACTED OR
19 RESOLUTION ADOPTED UNDER THIS SECTION, IS NOT THE OWNER.

20 (C) THAT PAYMENT OF A PENALTY AND ASSOCIATED COSTS AND FEES
21 IMPOSED FOR A VIOLATION OF AN ORDINANCE ENACTED OR RESOLUTION
22 ADOPTED UNDER THIS SECTION MAY BE MADE BY ELECTRONIC MEANS.

23 (D) THAT A POLICE OFFICER SHALL REVIEW AND APPROVE THE
24 RECORDED IMAGE OR IMAGES BEFORE THE NOTICE DESCRIBED IN
25 SUBSECTION (6) IS MAILED TO THE OWNER OF THE MOTOR VEHICLE.

26 (E) THAT FOR A PERIOD OF AT LEAST 30 DAYS AFTER THE FIRST
27 AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICE IS PLACED IN THE

1 LOCAL UNIT OF GOVERNMENT, A VIOLATION RECORDED BY AN AUTOMATED
2 TRAFFIC ENFORCEMENT SAFETY DEVICE MAY BE ENFORCED ONLY BY THE
3 ISSUANCE OF A WARNING.

4 (5) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (4), ALL
5 OF THE FOLLOWING APPLY TO AN ORDINANCE ENACTED OR RESOLUTION
6 ADOPTED UNDER THIS SECTION:

7 (A) IT SHALL PROVIDE FOR THE SAME PENALTY AS THE PENALTY
8 PRESCRIBED IN SECTIONS 627 TO 633 OR SECTION 907, AS APPLICABLE.

9 (B) IT MAY IMPOSE FEES ASSOCIATED WITH THE ELECTRONIC
10 PROCESSING OF THE PAYMENT OF THE FINE IMPOSED FOR A VIOLATION OF
11 THE ORDINANCE OR RESOLUTION AND RELATED ADMINISTRATIVE FEES.

12 (C) IT SHALL PROVIDE THAT THE FINE IMPOSED FOR A VIOLATION
13 OF THE ORDINANCE OR RESOLUTION WILL BE APPLIED TO REIMBURSE THE
14 LOCAL UNIT OF GOVERNMENT FOR THE COSTS OF THE INSTALLATION,
15 OPERATION, AND MAINTENANCE OF THE AUTOMATED TRAFFIC ENFORCEMENT
16 SAFETY DEVICE PROGRAM, AND THAT THE REMAINING MONEY SHALL BE
17 DISTRIBUTED AS FOLLOWS:

18 (i) SEVENTY PERCENT SHALL BE DEPOSITED IN THE GENERAL FUND OF
19 THE LOCAL UNIT OF GOVERNMENT, OF WHICH 20% SHALL BE DISTRIBUTED
20 TO THE GOVERNING BOARD OF SCHOOLS WITHIN THAT LOCAL UNIT OF
21 GOVERNMENT FOR SCHOOL SAFETY PROGRAMS.

22 (ii) THIRTY PERCENT SHALL BE ALLOCATED FOR LIBRARY PURPOSES
23 AS PROVIDED BY LAW.

24 (6) ALL OF THE FOLLOWING APPLY TO AUTOMATIC TRAFFIC
25 ENFORCEMENT SAFETY DEVICES:

26 (A) THE DEVICE SHALL ONLY BE PLACED WITHIN 2,500 FEET OF THE
27 PERIMETER OF AN INSTITUTION OF HIGHER EDUCATION, OR WITHIN 2,500

1 FEET OR THE GROUNDS OF THE PERIMETER OF A BUILDING OR PROPERTY
2 USED BY A SCHOOL OR INSTITUTION OF HIGHER EDUCATION WHERE
3 GENERALLY ACCEPTED TRAFFIC AND ENGINEERING PRACTICES INDICATE
4 THAT MOTOR VEHICLE, PEDESTRIAN, OR BICYCLE TRAFFIC IS
5 SUBSTANTIALLY GENERATED OR INFLUENCED BY THE SCHOOL OR
6 INSTITUTION OF HIGHER EDUCATION.

7 (B) THE DEVICE SHALL COMPLY WITH GENERALLY ACCEPTED
8 PROCEDURES FOR OPERATING AN AUTOMATED TRAFFIC ENFORCEMENT SAFETY
9 DEVICE. ITS OPERATOR SHALL MAINTAIN A MONTHLY LOG THAT STATES
10 WHETHER THE OPERATOR SUCCESSFULLY PERFORMED THE MANUFACTURER-
11 SPECIFIED SELF-TEST OF THE DEVICE. THIS LOG SHALL BE ADMISSIBLE
12 AS EVIDENCE IN ANY COURT PROCEEDING FOR A VIOLATION OF THE SPEED
13 LIMIT LAWS.

14 (C) THE DEVICE SHALL UNDERGO AN ANNUAL CALIBRATION CHECK,
15 WHICH SHALL BE KEPT ON FILE BY THE LOCAL UNIT OF GOVERNMENT WHERE
16 THE DEVICE IS LOCATED. THIS CALIBRATION CHECK SHALL BE ADMISSIBLE
17 AS PRIMA FACIE EVIDENCE OF THE DEVICE'S CALIBRATION IN ANY COURT
18 PROCEEDING FOR A VIOLATION OF THE SPEED LIMIT LAWS.

19 (D) THE DEVICE SHALL OPERATE DAILY ONLY BETWEEN THE HOURS OF
20 6 A.M. AND 8 P.M.

21 (7) THE LOCAL UNIT OF GOVERNMENT OR ITS AGENT SHALL MAIL TO
22 THE OWNER OF A MOTOR VEHICLE ALLEGED TO HAVE COMMITTED A CIVIL
23 INFRACTION NOTICE OF THE CIVIL INFRACTION BY FIRST-CLASS MAIL
24 POSTMARKED NO LATER THAN 30 DAYS AFTER OBTAINING THE NAME AND
25 ADDRESS OF THE OWNER OF THE MOTOR VEHICLE BUT NO MORE THAN 60
26 DAYS AFTER THE DATE OF THE ALLEGED VIOLATION. IF THERE IS MORE
27 THAN 1 OWNER, THE NOTICE MAY BE ISSUED TO THE FIRST PERSON LISTED

1 ON THE TITLE OR OTHER EVIDENCE OF OWNERSHIP, OR JOINTLY TO ALL
2 LISTED OWNERS. THE NOTICE SHALL INCLUDE ALL OF THE FOLLOWING:

3 (A) THE NAME AND ADDRESS OF THE PERSON ALLEGED TO BE LIABLE
4 AS THE OWNER OF THE MOTOR VEHICLE INVOLVED IN THE CIVIL
5 INFRACTION.

6 (B) THE REGISTRATION PLATE NUMBER OF THE MOTOR VEHICLE.

7 (C) THE CIVIL INFRACTION CHARGED.

8 (D) THE LOCATION AND THE DATE AND TIME THE CIVIL INFRACTION
9 OCCURRED.

10 (E) THE PHOTOGRAPHIC IMAGES OF THE VEHICLE AND VEHICLE
11 REGISTRATION PLATE THAT WERE CAPTURED BY THE AUTOMATED TRAFFIC
12 ENFORCEMENT SAFETY DEVICE AND INFORMATION ON HOW TO VIEW, THROUGH
13 ELECTRONIC MEANS, THE RECORDED IMAGES.

14 (F) A STATEMENT OR AFFIRMATION OF A LOCAL POLICE OFFICER WHO
15 HAS REVIEWED THE RECORDED IMAGES DESCRIBED IN THIS SUBSECTION AND
16 DETERMINED THAT THE MOTOR VEHICLE VIOLATED THE ORDINANCE OR
17 RESOLUTION.

18 (G) A STATEMENT THAT RECORDED IMAGES ARE PRIMA FACIE
19 EVIDENCE OF A CIVIL INFRACTION.

20 (H) THE AMOUNT OF THE CIVIL FINE, COSTS, AND FEES IMPOSED
21 FOR THE CIVIL INFRACTION ALONG WITH THE TIME, PLACE, AND MANNER
22 OF PAYMENT.

23 (8) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION AND
24 SECTIONS 630B TO 630H, A CITATION ISSUED UNDER THIS SECTION HAS
25 THE SAME FORCE AND EFFECT AS A CITATION ISSUED UNDER SECTION 742,
26 AND THE PROCEDURES PRESCRIBED IN THIS ACT APPLICABLE TO CITATIONS
27 ISSUED UNDER SECTION 742 ALSO APPLY TO CITATIONS ISSUED UNDER

1 THIS SECTION.

2 (9) NOTWITHSTANDING ANY OTHER STATE STATUTE OR LOCAL
3 ORDINANCE OR RESOLUTION, A CHALLENGE TO THE ENACTMENT OF AN
4 ORDINANCE OR ADOPTION OF A RESOLUTION UNDER THIS SECTION SHALL BE
5 BROUGHT NO LATER THAN 30 DAYS AFTER THE PASSAGE OR ADOPTION OF
6 THE ORDINANCE OR RESOLUTION.

7 (10) PROOF OF THE REGISTRATION NUMBER OF A MOTOR VEHICLE AND
8 CORRESPONDING IDENTITY OF ITS OWNER IS PRIMA FACIE EVIDENCE
9 ESTABLISHING THE OWNERSHIP OF THE MOTOR VEHICLE.

10 (11) IT IS A REBUTTABLE PRESUMPTION THAT THE OWNER OF THE
11 MOTOR VEHICLE WAS OPERATING THE MOTOR VEHICLE AT THE TIME A CIVIL
12 INFRACTION OCCURRED.

13 (12) THE ACTIVITIES OF AN AGENT AUTHORIZED AS DESCRIBED IN
14 THIS SECTION DO NOT CONSTITUTE PROVIDING OR PARTICIPATING IN
15 PRIVATE INVESTIGATIVE SERVICES OR ACTING AS A STATUTORY AUTHORITY
16 UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO
17 15.246.

18 SEC. 630B. (1) A PERSON WHO RECEIVES A CITATION ISSUED UNDER
19 SECTION 630A MAY RAISE ANY OF THE FOLLOWING DEFENSES, IN LIEU OF
20 OR IN ADDITION TO ANY OTHER DEFENSE:

21 (A) THE OPERATOR OF THE MOTOR VEHICLE WAS COMPLYING WITH A
22 LAWFUL ORDER OR DIRECTION OF A POLICE OFFICER, AS SHOWN BY THE
23 RECORDED IMAGE.

24 (B) A CITATION WAS ISSUED TO THE OPERATOR OF THE MOTOR
25 VEHICLE FOR THE SAME CONDUCT BY A POLICE OFFICER PRESENT AT THE
26 SCENE OF THE CIVIL INFRACTION RECORDED BY THE AUTOMATED TRAFFIC
27 ENFORCEMENT SAFETY DEVICE.

1 (C) THE CIVIL INFRACTION OCCURRED DURING A PERIOD OF TIME IN
2 WHICH THE MOTOR VEHICLE OR REGISTRATION PLATE HAD BEEN REPORTED
3 AS STOLEN TO A LAW ENFORCEMENT AGENCY AND HAD NOT BEEN RECOVERED
4 PRIOR TO THE TIME OF THE CIVIL INFRACTION, IF THE PERSON PRODUCES
5 AND AUTHENTICATES A COPY OF THE REPORT OF THE THEFT.

6 (D) AT THE TIME OF THE ALLEGED CIVIL INFRACTION, THE MOTOR
7 VEHICLE WAS IN THE CARE, CUSTODY, OR CONTROL OF A PERSON OTHER
8 THAN THE OWNER, OR AN EMPLOYEE OF THE OWNER OF THE MOTOR VEHICLE,
9 OR UNDER A WRITTEN AGREEMENT FOR THE RENTAL OR LEASE OF THE MOTOR
10 VEHICLE FOR A PERIOD OF NOT MORE THAN 60 DAYS.

11 (2) IF A DEFENSE UNDER SUBSECTION (1)(D) IS INVOKED, THE
12 OWNER SHALL PROVIDE TO THE COURT OR AGENT FOR THE LOCAL UNIT OF
13 GOVERNMENT A SWORN AFFIDAVIT SIGNED UNDER PENALTY OF PERJURY
14 CONTAINING THE NAME AND ADDRESS OF THE PERSON WHO HAD CARE,
15 CUSTODY, OR CONTROL OF THE MOTOR VEHICLE, INCLUDING AN EMPLOYEE
16 OF THE OWNER, OR WHO WAS RENTING OR LEASING THE MOTOR VEHICLE AT
17 THE TIME THE ALLEGED CIVIL INFRACTION OCCURRED.

18 (3) IF THE OWNER OF A MOTOR VEHICLE MEETS THE AFFIDAVIT
19 REQUIREMENTS OF SUBSECTION (2), THE COURT OR AGENT FOR THE LOCAL
20 UNIT OF GOVERNMENT SHALL MAIL A NOTICE OF THE CITATION TO THE
21 PERSON IDENTIFIED IN THE AFFIDAVIT AS HAVING THE CARE, CUSTODY,
22 OR CONTROL OF THE MOTOR VEHICLE OR WHO WAS RENTING OR LEASING THE
23 MOTOR VEHICLE AT THE TIME THE CIVIL INFRACTION OCCURRED. THE
24 PROOF REQUIRED UNDER SUBSECTION (2) CREATES A REBUTTABLE
25 PRESUMPTION THAT THE PERSON HAVING THE CARE, CUSTODY, OR CONTROL
26 OF THE MOTOR VEHICLE OR WHO WAS RENTING OR LEASING THE MOTOR
27 VEHICLE AT THE TIME THE CIVIL INFRACTION OCCURRED WAS THE

1 OPERATOR OF THE MOTOR VEHICLE AT THE TIME THE CIVIL INFRACTION
2 OCCURRED. THE NOTICE REQUIRED UNDER THIS SUBSECTION SHALL CONTAIN
3 ALL OF THE FOLLOWING:

4 (A) THE INFORMATION DESCRIBED IN SECTION 630A(7) .

5 (B) A STATEMENT THAT THE PERSON RECEIVING THE NOTICE WAS
6 IDENTIFIED BY THE OWNER OF THE MOTOR VEHICLE AS THE PERSON HAVING
7 THE CARE, CUSTODY, OR CONTROL OF THE MOTOR VEHICLE OR WHO WAS
8 RENTING OR LEASING THE MOTOR VEHICLE AT THE TIME THE CIVIL
9 INFRACTION OCCURRED.

10 (C) A STATEMENT THAT THE PERSON RECEIVING THE NOTICE MAY
11 OFFER A DEFENSE AS DESCRIBED IN THIS SUBSECTION OR IN SUBSECTION
12 (1) . IF THE PERSON RECEIVING THE NOTICE DENIES HAVING THE CARE,
13 CUSTODY, OR CONTROL OF THE MOTOR VEHICLE OR RENTING OR LEASING
14 THE MOTOR VEHICLE AT THE TIME THE CIVIL INFRACTION OCCURRED, THE
15 RESPONSIBILITY FOR THE CIVIL INFRACTION REVERTS TO THE OWNER OF
16 THE MOTOR VEHICLE.

17 (4) AN OWNER MAY NOT ATTEMPT TO TRANSFER RESPONSIBILITY MORE
18 THAN 1 TIME USING THE PROCEDURES DESCRIBED IN SUBSECTIONS (2) AND
19 (3) .

20 (5) IN CASES IN WHICH A PERSON OTHER THAN THE OWNER OF THE
21 MOTOR VEHICLE DENIES THAT HE OR SHE WAS THE OPERATOR AND DECLINES
22 RESPONSIBILITY, THE COURT OR AGENT FOR THE LOCAL UNIT OF
23 GOVERNMENT SHALL ISSUE A NEW NOTICE TO THE OWNER STATING THAT THE
24 OTHER PERSON DECLINED RESPONSIBILITY AND GIVING THE OWNER THE
25 OPTION OF PAYING THE CIVIL FINE, COSTS, AND FEES OR CONTESTING
26 THE CIVIL INFRACTION BY A STATED DATE THAT SHALL BE NOT LESS THAN
27 20 DAYS FROM THE DATE THE NEW NOTICE WAS MAILED.

1 (6) IF THE OWNER OF THE MOTOR VEHICLE CHOOSES TO CONTEST THE
2 NOTICE OF CIVIL INFRACTION AFTER HE OR SHE HAS UNSUCCESSFULLY
3 ATTEMPTED TO TRANSFER RESPONSIBILITY UNDER SUBSECTION (2) OR (3),
4 AND THE OWNER CLAIMS IN DEFENSE THAT ANOTHER PERSON WAS THE
5 OPERATOR OF THE MOTOR VEHICLE, THE COURT MAY TAKE APPROPRIATE
6 ACTION TO CAUSE THE OWNER AND THE OTHER PERSON TO APPEAR AT THE
7 SAME HEARING TO DETERMINE RESPONSIBILITY.

8 SEC. 630C. A PERSON RECEIVING A CITATION ISSUED UNDER
9 SECTION 630A IS RESPONSIBLE FOR THE PAYMENT OF THE ASSOCIATED
10 CIVIL FINE, COSTS, AND FEES UNLESS HE OR SHE DOES EITHER OF THE
11 FOLLOWING:

12 (A) TIMELY RETURNS A SIGNED STATEMENT ON A FORM PROVIDED
13 WITH THE CIVIL INFRACTION NOTICE THAT HE OR SHE WAS NOT THE
14 OPERATOR OF THE MOTOR VEHICLE AND DECLINING RESPONSIBILITY, IN
15 WHICH CASE RESPONSIBILITY FOR THE CIVIL INFRACTION REVERTS TO THE
16 OWNER OF THE MOTOR VEHICLE.

17 (B) ADMITS TO BEING THE OPERATOR OF THE MOTOR VEHICLE BUT
18 DENIES COMMITTING A CIVIL INFRACTION, IN WHICH CASE HE OR SHE MAY
19 CONTEST THE CIVIL INFRACTION IN THE SAME MANNER AS THE OWNER OF
20 THE MOTOR VEHICLE MAY CONTEST THE CIVIL INFRACTION.

21 SEC. 630D. A DESIGNATED AGENT, POLICE OFFICER, OR DESIGNATED
22 EMPLOYEE OF A LOCAL UNIT OF GOVERNMENT IS NOT LIABLE FOR ANY LOSS
23 THAT OCCURS WHILE HE OR SHE IS ACTING WITHIN THE SCOPE OF HIS OR
24 HER EMPLOYMENT OR CONTRACTUAL ENGAGEMENT TO IMPLEMENT OR ENFORCE
25 A VIOLATION OF AN ORDINANCE ENACTED OR RESOLUTION ADOPTED UNDER
26 SECTION 630A.

27 SEC. 630E. THE FOLLOWING PROCEDURES APPLY TO PROCEEDINGS TO

1 CONTEST A CITATION ISSUED UNDER SECTION 630A:

2 (A) THE CITATION, ANY EVIDENCE OF THE CIVIL INFRACTION
3 PRODUCED BY AN AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICE, AND
4 EVIDENCE OF OWNERSHIP OF A VEHICLE AS SHOWN BY COPIES OR
5 SUMMARIES OF OFFICIAL RECORDS ARE ADMISSIBLE INTO EVIDENCE AS
6 OFFICIAL RECORDS OR BUSINESS RECORDS WITHOUT THE NEED FOR
7 ADDITIONAL FOUNDATION.

8 (B) THE COURT MAY ASSESS A FINE AS PROVIDED IN SECTIONS 627
9 TO 633 OR SECTION 907, AS APPLICABLE, AND ASSESS COSTS OF NOT
10 MORE THAN \$100.00, WHICH SHALL BE DISBURSED AS PROVIDED IN
11 SECTION 630A. THE LOCAL UNIT OF GOVERNMENT IN WHICH THE CITATION
12 WAS ISSUED SHALL RETAIN THE COURT COSTS.

13 SEC. 630F. (1) A FEE OF \$10.00 SHALL BE COLLECTED BY THE
14 COURT IN CONNECTION WITH A CITATION ISSUED UNDER SECTION 630A TO
15 BE PAID TO THE LOCAL UNIT OF GOVERNMENT IN WHICH THE CITATION WAS
16 ISSUED AS COMPENSATION FOR RECORD KEEPING AND TRANSACTION
17 PROCESSING WITH RESPECT TO CITATIONS ISSUED UNDER SECTION 630A.

18 (2) NO PERSON SHALL BE RESPONSIBLE FOR PAYMENT OF A CIVIL
19 FINE, COSTS, OR FEES FOR A CITATION ISSUED UNDER SECTION 630A IF
20 THE OPERATOR OF THE MOTOR VEHICLE THAT IS THE SUBJECT OF THE
21 CITATION IS ADJUDICATED TO HAVE NOT COMMITTED A CIVIL INFRACTION
22 OR THERE IS OTHERWISE A LAWFUL DETERMINATION THAT NO CIVIL FINE,
23 COSTS, OR FEES MAY BE IMPOSED.

24 (3) A PERSON SHALL NOT BE ARRESTED OR IMPRISONED FOR
25 NONPAYMENT OF A CIVIL FINE, COSTS, OR FEES IMPOSED UNDER SECTION
26 630A OR THIS SECTION.

27 (4) THE RECORDED IMAGES AND VIDEOS PRODUCED BY AN AUTOMATED

1 TRAFFIC ENFORCEMENT SAFETY DEVICE SHALL BE DESTROYED WITHIN 90
2 DAYS AFTER THE FINAL DISPOSITION OF THE CASE TO WHICH THEY
3 PERTAIN, INCLUDING ANY APPEALS, UNLESS OTHERWISE ORDERED BY A
4 COURT OF COMPETENT JURISDICTION.

5 (5) ALL RECORDED IMAGES AND VIDEOS PRODUCED BY AN AUTOMATED
6 TRAFFIC ENFORCEMENT SAFETY DEVICE THAT DO NOT IDENTIFY A CIVIL
7 INFRACTION SHALL BE DESTROYED BY THE LOCAL UNIT OF GOVERNMENT OR
8 AN AGENT WITHIN 90 DAYS AFTER THE DATE THE IMAGE WAS RECORDED,
9 UNLESS OTHERWISE ORDERED BY A COURT OF COMPETENT JURISDICTION.

10 (6) THE IMAGES AND VIDEOS DESCRIBED IN THIS SECTION AND
11 SECTION 630A SHALL NOT CONTAIN IMAGES OF THE FACE OF THE OPERATOR
12 OR PASSENGERS IN THE MOTOR VEHICLE.

13 SEC. 630G. NOT LATER THAN 1 YEAR AFTER THE DATE A LOCAL UNIT
14 OF GOVERNMENT IMPLEMENTS AN AUTOMATED TRAFFIC ENFORCEMENT SAFETY
15 DEVICE PROGRAM, AND EACH YEAR AFTER THAT, THE LOCAL UNIT OF
16 GOVERNMENT SHALL POST A REPORT ON ITS WEBSITE THAT INCLUDES A
17 COMPARISON AND ANALYSIS OF THE NUMBER OF CITATIONS ISSUED UNDER
18 SECTION 630A AND ANY OTHER DATA OR COMPARISONS THE LOCAL UNIT OF
19 GOVERNMENT CONSIDERS TO BE OF INTEREST OR IMPORTANCE.

20 SEC. 630H. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A
21 VIOLATION ISSUED UNDER SECTION 630A SHALL NOT CAUSE THE
22 ASSESSMENT OF POINTS AGAINST THE OPERATOR'S OR CHAUFFEUR'S
23 LICENSE OF THE PERSON FOUND TO BE IN VIOLATION.

24 Sec. 727c. (1) As used in this act, "citation" means a
25 EITHER OF THE FOLLOWING:

26 (A) A complaint or notice upon which a police officer shall
27 record an occurrence involving 1 or more vehicle law violations

1 by the person cited.

2 (B) A COMPLAINT OR NOTICE SIGNED BY HAND OR BY DIGITAL OR
3 ELECTRONIC MEANS BY A POLICE OFFICER AND ISSUED UNDER SECTION
4 630A.

5 (2) Each citation shall be numbered consecutively, be in a
6 form as determined by the secretary of state, the attorney
7 general, the state court administrator, and the director of the
8 department of state police and shall consist of the following
9 parts:

10 (a) The original, which shall be a complaint or notice to
11 appear by the officer and shall be filed with the court in which
12 the appearance is to be made.

13 (b) The first copy, which shall be retained by the local
14 traffic enforcement agency.

15 (c) The second copy, which shall be delivered to the alleged
16 violator if the violation is a misdemeanor.

17 (d) The third copy, which shall be delivered to the alleged
18 violator if the violation is a civil infraction.

19 (3) ~~(2)~~—With the prior approval of the state officials
20 enumerated in subsection ~~(1)~~, ~~(2)~~, the citation may be
21 appropriately modified as to content or number of copies to
22 accommodate law enforcement and local court procedures and
23 practices. Use of this citation for other than moving violations
24 is optional.

25 (4) ~~(3)~~—For purposes of this act, a complaint signed by a
26 police officer shall be treated as made under oath if the
27 violation alleged in the complaint is either a civil infraction

1 or a misdemeanor or ordinance violation for which the maximum
 2 permissible penalty does not exceed 93 days in jail or a fine, or
 3 both, and occurred or was committed in the signing officer's
 4 presence or under circumstances permitting the officer's issuance
 5 of a citation under section 625a or 728(8), and if the complaint
 6 contains the following statement immediately above the date and
 7 signature of the officer:

8 "I declare under the penalties of perjury that the
 9 statements above are true to the best of my information,
 10 knowledge, and belief."

11 **(5) A COMPLAINT SIGNED BY HAND OR BY DIGITAL OR ELECTRONIC**
 12 **MEANS BY A POLICE OFFICER SHALL BE TREATED AS MADE UNDER OATH IF**
 13 **THE VIOLATION ALLEGED IN THE COMPLAINT IS AN OFFENSE DESCRIBED IN**
 14 **SECTION 630A AND IF THE COMPLAINT CONTAINS THE FOLLOWING**
 15 **STATEMENT IMMEDIATELY ABOVE THE DATE AND SIGNATURE OF THE POLICE**
 16 **OFFICER:**

17 **"I DECLARE UNDER THE PENALTIES OF PERJURY THAT THE**
 18 **STATEMENTS ABOVE ARE TRUE TO THE BEST OF MY INFORMATION,**
 19 **KNOWLEDGE, AND BELIEF."**

20 Sec. 741. (1) A civil infraction action is a civil action in
 21 which the defendant is alleged to be responsible for a civil
 22 infraction. A civil infraction action is commenced upon the
 23 issuance and service of a citation as provided in section **630A OR**
 24 **742**. The plaintiff in a civil infraction action shall be either
 25 the state if the alleged civil infraction is a violation of this
 26 act, or a political subdivision if the alleged civil infraction
 27 is a violation of a local ordinance of that subdivision which

1 **THAT** substantially corresponds to a provision of this act.

2 (2) The following courts shall have jurisdiction over civil
3 infraction actions:

4 (a) The district court.

5 (b) ~~Any~~**A** municipal court.

6 (3) The time specified in a citation for appearance shall be
7 within a reasonable time after the citation is issued ~~pursuant to~~
8 **UNDER** section **630A OR** 742.

9 (4) The place specified in the citation for appearance shall
10 be the court listed in subsection (2) ~~which~~**THAT** has territorial
11 jurisdiction of the place where the civil infraction occurred.
12 Venue in the district court shall be governed by section 8312 of
13 the revised judicature act of 1961, 1961 PA 236, MCL 600.8312.

14 (5) If the person cited is a minor, that individual shall be
15 permitted to appear in court or to admit responsibility for a
16 civil infraction without the necessity of appointment of a
17 guardian or next friend. The courts listed in subsection (2)
18 shall have jurisdiction over the minor and may proceed in the
19 same manner and in all respects as if that individual were an
20 adult.

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

25 (2) If a person is determined under sections 741 to 750 to
26 be responsible or responsible "with explanation" for a civil
27 infraction under this act or a local ordinance substantially

1 corresponding to a provision of this act, the judge or district
2 court magistrate may order the person to pay a civil fine of not
3 more than \$100.00 and costs as provided in subsection (4).
4 However, beginning October 31, 2010, if the civil infraction was
5 a moving violation that resulted in an at-fault collision with
6 another vehicle, a person, or any other object, the civil fine
7 ordered under this section shall be increased by \$25.00 but the
8 total civil fine shall not exceed \$100.00. However, for a
9 violation of section 602b, the person shall be ordered to pay
10 costs as provided in subsection (4) and a civil fine of \$100.00
11 for a first offense and \$200.00 for a second or subsequent
12 offense. For a violation of section 674(1)(s) or a local
13 ordinance substantially corresponding to section 674(1)(s), the
14 person shall be ordered to pay costs as provided in subsection
15 (4) and a civil fine of not less than \$100.00 or more than
16 \$250.00. For a violation of section 328, the civil fine ordered
17 under this subsection shall be not more than \$50.00. For a
18 violation of section 710d, the civil fine ordered under this
19 subsection shall not exceed \$10.00, **SUBJECT TO SUBSECTION (12)**.
20 For a violation of section 710e, the civil fine and court costs
21 ordered under this subsection shall be \$25.00. For a violation of
22 section 682 or a local ordinance substantially corresponding to
23 section 682, the person shall be ordered to pay costs as provided
24 in subsection (4) and a civil fine of not less than \$100.00 or
25 more than \$500.00. **FOR A VIOLATION UNDER SECTION 630A, THE CIVIL**
26 **FINE ORDERED UNDER THIS SUBSECTION SHALL BE THE AMOUNT PRESCRIBED**
27 **UNDER THIS SECTION OR, IF APPLICABLE, SECTIONS 627 TO 633, AND**

1 **THE PERSON SHALL BE ORDERED TO PAY COSTS AS PROVIDED IN**
2 **SUBSECTION (4).** For a violation of section 240, the civil fine
3 ordered under this subsection shall be \$15.00. For a violation of
4 section 252a(1), the civil fine ordered under this subsection
5 shall be \$50.00. For a violation of section 676a(3), the civil
6 fine ordered under this section shall be not more than \$10.00.
7 For a first violation of section 319f(1), the civil fine ordered
8 under this section shall be not less than \$2,500.00 or more than
9 \$2,750.00; for a second or subsequent violation, the civil fine
10 shall be not less than \$5,000.00 or more than \$5,500.00. For a
11 violation of section 319g(1)(a), the civil fine ordered under
12 this section shall be not more than \$10,000.00. For a violation
13 of section 319g(1)(g), the civil fine ordered under this section
14 shall be not less than \$2,750.00 or more than \$25,000.00.
15 Permission may be granted for payment of a civil fine and costs
16 to be made within a specified period of time or in specified
17 installments, but unless permission is included in the order or
18 judgment, the civil fine and costs shall be payable immediately.
19 (3) Except as provided in this subsection, if a person is
20 determined to be responsible or responsible "with explanation"
21 for a civil infraction under this act or a local ordinance
22 substantially corresponding to a provision of this act while
23 driving a commercial motor vehicle, he or she shall be ordered to
24 pay costs as provided in subsection (4) and a civil fine of not
25 more than \$250.00.
26 (4) If a civil fine is ordered under subsection (2) or (3),
27 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
4 put in connection with the civil infraction, up to the entry of
5 judgment. Costs shall not be ordered in excess of \$100.00. A
6 civil fine ordered under subsection (2) or (3) shall not be
7 waived unless costs ordered under this subsection are waived.
8 Except as otherwise provided by law, costs are payable to the
9 general fund of the 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 (13), 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 shall 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
26 may exclude cases on the basis of a defendant's prior record of
27 civil infractions or traffic offenses, or a combination of civil

1 infractions and traffic offenses.

2 (8) The state court administrator shall annually publish and
3 distribute to each district and court a recommended range of
4 civil fines and costs for first-time civil infractions. This
5 recommendation is not binding upon the courts having jurisdiction
6 over civil infractions but is intended to act as a normative
7 guide for judges and district court magistrates and a basis for
8 public evaluation of disparities in the imposition of civil fines
9 and costs throughout the state.

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

16 (10) A default in the payment of a civil fine or costs
17 ordered under subsection (2), (3), or (4) or a justice system
18 assessment ordered under subsection (13), or an installment of
19 the fine, costs, or assessment, may be collected by a means
20 authorized for the enforcement of a judgment under chapter 40 of
21 the revised judicature act of 1961, 1961 PA 236, MCL 600.4001 to
22 600.4065, or under chapter 60 of the revised judicature act of
23 1961, 1961 PA 236, MCL 600.6001 to 600.6098.

24 (11) If a person fails to comply with an order or judgment
25 issued under this section within the time prescribed by the
26 court, the driver's license of that person shall be suspended
27 under section 321a until full compliance with that order or

1 judgment occurs. In addition to this suspension, the court may
2 also proceed under section 908.

3 (12) The court may waive any civil fine, cost, or assessment
4 against a person who received a civil infraction citation for a
5 violation of section 710d if the person, before the appearance
6 date on the citation, supplies the court with evidence of
7 acquisition, purchase, or rental of a child seating system
8 meeting the requirements of section 710d.

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

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

26 (15) If a person has received a citation for a violation of
27 section 328(1) for failing to produce a certificate of insurance

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

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

15 Sec. 909. (1) Except as provided in subsection (2) **AND**
16 **SECTION 630A**, a civil fine ~~which~~**THAT** is ordered under section
17 907 for a violation of this act or other state statute shall be
18 exclusively applied to the support of public libraries and county
19 law libraries in the same manner as ~~is~~ provided by law for penal
20 fines assessed and collected for violation of a penal law of ~~the~~
21 **THIS** state. A civil fine ordered for a violation of a code or
22 ordinance of a local authority regulating the operation of
23 commercial motor vehicles and substantially corresponding to a
24 provision of this act shall be paid to the county treasurer and
25 shall be allocated as follows:

26 (a) Seventy percent to the local authority in which the
27 citation is issued.

1 (b) Thirty percent for library purposes as provided by law.

2 (2) Subsection (1) is intended to maintain a source of
3 revenue for public libraries ~~which~~**THAT** previously received penal
4 fines for misdemeanor violations of this act ~~which~~**THAT** are now
5 civil infractions.

6 Enacting section 1. Sections 630 to 630h of the Michigan
7 vehicle code, 1949 PA 300, MCL 257.630 to 257.630h, are repealed
8 7 years after the date they are enacted into law.

9 Enacting section 2. This amendatory act takes effect on the
10 first day of the first month after it is enacted into law.

11 Enacting section 3. This amendatory act does not take effect
12 unless Senate Bill No.____ or House Bill No.____ (request no.
13 04725'14) of the 97th Legislature is enacted into law.