

HOUSE BILL NO. 4617

May 21, 2019, Introduced by Reps. Brenda Carter, Robinson, Haadsma, Coleman, Manoogian, Hood, Kennedy, Kuppa, Lasinski and Jones and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 907 (MCL 257.907), as amended by 2015 PA 126.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 907. (1) A violation of this act, or a local ordinance
2 substantially corresponding to a provision of this act, that is
3 designated a civil infraction ~~shall~~**must** not be considered a lesser
4 included offense of a criminal offense.



1 (2) If a person is determined under sections 741 to 750 to be
2 responsible or responsible "with explanation" for a civil
3 infraction under this act or a local ordinance substantially
4 corresponding to a provision of this act, the judge or district
5 court magistrate may order the person to pay a civil fine of not
6 more than \$100.00 and costs as provided in subsection (4). However,
7 if the civil infraction was a moving violation that resulted in an
8 at-fault collision with another vehicle, a person, or any other
9 object, the civil fine ordered under this section ~~shall~~**must** be
10 increased by \$25.00 but the total civil fine ~~shall~~**must** not exceed
11 \$100.00. However, for a violation of section 602b, the person ~~shall~~
12 **must** be ordered to pay costs as provided in subsection (4) and a
13 civil fine of \$100.00 for a first offense and \$200.00 for a second
14 or subsequent offense. For a violation of section 674(1)(s) or a
15 local ordinance substantially corresponding to section 674(1)(s),
16 the person ~~shall~~**must** 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 \$250.00. For a violation of section 676c, the person ~~shall~~
19 **must** be ordered to pay costs as provided in subsection (4) and a
20 civil fine of \$1,000.00. For a violation of section 328, the civil
21 fine ordered under this subsection ~~shall~~**must** be not more than
22 \$50.00. For a violation of section 710d, the civil fine ordered
23 under this subsection ~~shall~~**must** not exceed \$10.00, subject to
24 subsection (12). For a violation of section 710e, the civil fine
25 and court costs ordered under this subsection ~~shall~~**must** be \$25.00.
26 For a violation of section 682 or a local ordinance substantially
27 corresponding to section 682, the person ~~shall~~**must** be ordered to
28 pay costs as provided in subsection (4) and a civil fine of not
29 less than \$100.00 or more than \$500.00. For a violation of section



1 240, the civil fine ordered under this subsection ~~shall~~**must** be
 2 \$15.00. For a violation of section 252a(1), the civil fine ordered
 3 under this subsection ~~shall~~**must** be \$50.00. For a violation of
 4 section 676a(3), the civil fine ordered under this section ~~shall~~
 5 **must** be not more than \$10.00. For a first violation of section
 6 319f(1), the civil fine ordered under this section ~~shall~~**must** be
 7 not less than \$2,500.00 or more than \$2,750.00; for a second or
 8 subsequent violation, the civil fine ~~shall~~**must** be not less than
 9 \$5,000.00 or more than \$5,500.00. For a violation of section
 10 319g(1)(a), the civil fine ordered under this section ~~shall~~**must** be
 11 not more than \$10,000.00. For a violation of section 319g(1)(g),
 12 the civil fine ordered under this section ~~shall~~**must** be not less
 13 than \$2,750.00 or more than \$25,000.00. Permission may be granted
 14 for payment of a civil fine and costs to be made within a specified
 15 period of time or in specified installments, but unless permission
 16 is included in the order or judgment, the civil fine and costs
 17 ~~shall be~~**are** payable immediately.

18 (3) Except as provided in this subsection, if a person is
 19 determined to be responsible or responsible "with explanation" for
 20 a civil infraction under this act or a local ordinance
 21 substantially corresponding to a provision of this act while
 22 driving a commercial motor vehicle, he or she ~~shall~~**must** be ordered
 23 to pay costs as provided in subsection (4) and a civil fine of not
 24 more than \$250.00.

25 (4) If a civil fine is ordered under subsection (2) or (3),
 26 the judge or district court magistrate shall summarily tax and
 27 determine the costs of the action, which are not limited to the
 28 costs taxable in ordinary civil actions, and may include all
 29 expenses, direct and indirect, to which the plaintiff has been put



1 in connection with the civil infraction, up to the entry of
2 judgment. Costs ~~shall~~**must** not be ordered in excess of \$100.00. A
3 civil fine ordered under subsection (2) or (3) ~~shall~~**must** not be
4 waived unless costs ordered under this subsection are waived.
5 Except as otherwise provided by law, costs are payable to the
6 general fund of the plaintiff.

7 (5) In addition to a civil fine and costs ordered under
8 subsection (2) or (3) and subsection (4) and the justice system
9 assessment ordered under subsection (13), the judge or district
10 court magistrate may order the person to attend and complete a
11 program of treatment, education, or rehabilitation.

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

16 (7) Each district of the district court and each municipal
17 court may establish a schedule of civil fines, costs, and
18 assessments to be imposed for civil infractions that occur within
19 the respective district or city. If a schedule is established, it
20 ~~shall~~**must** be prominently posted and readily available for public
21 inspection. A schedule need not include all violations that are
22 designated by law or ordinance as civil infractions. A schedule may
23 exclude cases on the basis of a defendant's prior record of civil
24 infractions or traffic offenses, or a combination of civil
25 infractions and traffic offenses.

26 (8) The state court administrator shall annually publish and
27 distribute to each district and court a recommended range of civil
28 fines and costs for first-time civil infractions. This
29 recommendation is not binding upon the courts having jurisdiction



1 over civil infractions but is intended to act as a normative guide
 2 for judges and district court magistrates and a basis for public
 3 evaluation of disparities in the imposition of civil fines and
 4 costs throughout the state.

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

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

19 (11) If a person fails to comply with an order or judgment
 20 issued under this section within the time prescribed by the court,
 21 the driver's license of that person ~~shall~~**must** be suspended under
 22 section 321a until full compliance with that order or judgment
 23 occurs. In addition to this suspension, the court may also proceed
 24 under section 908.

25 (12) The court may waive any civil fine, cost, or assessment
 26 against a person who received a civil infraction citation for a
 27 violation of section 710d if the person, before the appearance date
 28 on the citation, supplies the court with evidence of acquisition ~~r~~
 29 ~~purchase, or rental~~ of a child seating system meeting the



1 requirements of section 710d **and evidence that the person has**
2 **received education from a certified child passenger safety**
3 **technician.**

4 (13) In addition to any civil fines or costs ordered to be
5 paid under this section, the judge or district court magistrate
6 shall order the defendant to pay a justice system assessment of
7 \$40.00 for each civil infraction determination, except for a
8 parking violation or a violation for which the total fine and costs
9 imposed are \$10.00 or less. Upon payment of the assessment, the
10 clerk of the court shall transmit the assessment collected to the
11 state treasury to be deposited into the justice system fund created
12 in section 181 of the revised judicature act of 1961, 1961 PA 236,
13 MCL 600.181. An assessment levied under this subsection is not a
14 civil fine for purposes of section 909.

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

21 (15) If a person has received a citation for a violation of
22 section 328(1) for failing to produce a certificate of insurance
23 under section 328(2), the court may waive the fee described in
24 section 328(3)(c) and shall waive any fine, costs, and any other
25 fee or assessment otherwise authorized under this act upon receipt
26 of verification by the court that the person, before the appearance
27 date on the citation, produced valid proof of insurance that was in
28 effect ~~at the time~~ **when** the violation of section 328(1) occurred.
29 Insurance obtained ~~subsequent to the time of~~ **after** the violation



1 **occurred** does not make the person eligible for a waiver under this
2 subsection.

3 (16) If a person is determined to be responsible or
4 responsible "with explanation" for a civil infraction under this
5 act or a local ordinance substantially corresponding to a provision
6 of this act and the civil infraction arises out of the ownership or
7 operation of a commercial quadricycle, ~~he or she shall~~ **the person**
8 **must** be ordered to pay costs as provided in subsection (4) and a
9 civil fine of not more than \$500.00.

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

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

16 Enacting section 2. This amendatory act does not take effect
17 unless all of the following bills of the 100th Legislature are
18 enacted into law:

19 (a) Senate Bill No. ____ or House Bill No. 4618 (request no.
20 02193'19).

21 (b) Senate Bill No. ____ or House Bill No. 4619 (request no.
22 03311'19).

