

# HOUSE BILL NO. 6201

September 15, 2020, Introduced by Rep. O'Malley and referred to the Committee on Military, Veterans and Homeland Security.

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.

5           (2) ~~If~~**Except as otherwise provided in this section, if** a  
6 person is determined under sections 741 to 750 to be responsible or



1 responsible "with explanation" for a civil infraction under this  
 2 act or a local ordinance substantially corresponding to a provision  
 3 of this act, the judge or district court magistrate may order the  
 4 person to pay a civil fine of not more than \$100.00 and costs as  
 5 provided in subsection (4). However, if the civil infraction was a  
 6 moving violation that resulted in an at-fault collision with  
 7 another vehicle, a person, or any other object, the civil fine  
 8 ordered under this section ~~shall~~**must** be increased by \$25.00 but  
 9 the total civil fine ~~shall~~**must** not exceed \$100.00. However, for a  
 10 violation of section 602b, the person ~~shall~~**must** be ordered to pay  
 11 costs as provided in subsection (4) and a civil fine of \$100.00 for  
 12 a first offense and \$200.00 for a second or subsequent offense. For  
 13 a violation of section 674(1)(s) or a local ordinance substantially  
 14 corresponding to section 674(1)(s), the person ~~shall~~**must** be  
 15 ordered to pay costs as provided in subsection (4) and a civil fine  
 16 of not less than \$100.00 or more than \$250.00. For a violation of  
 17 section 676c, the person ~~shall~~**must** be ordered to pay costs as  
 18 provided in subsection (4) and a civil fine of \$1,000.00. For a  
 19 violation of section 328, the civil fine ordered under this  
 20 subsection ~~shall~~**must** be not more than \$50.00. For a violation of  
 21 section 710d, the civil fine ordered under this subsection ~~shall~~  
 22 **must** not exceed \$10.00, subject to subsection (12). For a violation  
 23 of section 710e, the civil fine and court costs ordered under this  
 24 subsection ~~shall~~**must** be \$25.00. For a violation of section 682 or  
 25 a local ordinance substantially corresponding to section 682, the  
 26 person ~~shall~~**must** be ordered to pay costs as provided in subsection  
 27 (4) and a civil fine of ~~not less than \$100.00 or more than \$500.00~~.  
 28 For a violation of section 240, the civil fine ordered under this  
 29 subsection ~~shall~~**must** be \$15.00. For a violation of section



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

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

23 (4) If a civil fine is ordered under subsection (2) or (3),  
24 the judge or district court magistrate shall summarily tax and  
25 determine the costs of the action, which are not limited to the  
26 costs taxable in ordinary civil actions, and may include all  
27 expenses, direct and indirect, to which the plaintiff has been put  
28 in connection with the civil infraction, up to the entry of  
29 judgment. Costs ~~shall~~**must** not be ordered in excess of \$100.00. A



1 civil fine ordered under subsection (2) or (3) ~~shall~~**must** not be  
2 waived unless costs ordered under this subsection are waived.  
3 Except as otherwise provided by law, costs are payable to the  
4 general fund of the plaintiff.

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

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

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

24 (8) The state court administrator shall annually publish and  
25 distribute to each district and court a recommended range of civil  
26 fines and costs for first-time civil infractions. This  
27 recommendation is not binding upon the courts having jurisdiction  
28 over civil infractions but is intended to act as a normative guide  
29 for judges and district court magistrates and a basis for public



1 evaluation of disparities in the imposition of civil fines and  
2 costs throughout the state.

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

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

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

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

29 (13) In addition to any civil fines or costs ordered to be



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

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

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

28 (16) If a person is determined to be responsible or  
29 responsible "with explanation" for a civil infraction under this



1 act or a local ordinance substantially corresponding to a provision  
2 of this act and the civil infraction arises out of the ownership or  
3 operation of a commercial quadricycle, ~~he or she shall~~ **the person**  
4 **must** be ordered to pay costs as provided in subsection (4) and a  
5 civil fine of not more than \$500.00.

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

10 Enacting section 1. This amendatory act takes effect 90 days  
11 after the date it is enacted into law.

12 Enacting section 2. This amendatory act does not take effect  
13 unless House Bill No. 5041 of the 100th Legislature is enacted into  
14 law.

