

HOUSE BILL NO. 4147

February 04, 2021, Introduced by Reps. Manoogian and Filler and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 306 and 907 (MCL 257.306 and 257.907), section
306 as amended by 2020 PA 304 and section 907 as amended by 2015 PA
126.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 306. (1) The secretary of state, on receiving an
2 application for a temporary instruction permit from an individual
3 who is 18 years of age or older, may issue that permit that

1 entitles the applicant, while carrying the permit, to drive a motor
2 vehicle other than a motor vehicle requiring an indorsement under
3 section 312a or a vehicle group designation under section 312e on
4 the highways for a period of 180 days when accompanied by a
5 licensed adult operator or chauffeur who is actually occupying a
6 seat beside the driver. A temporary instruction permit issued under
7 this subsection that expires on or after March 1, 2020 is valid
8 until March 31, 2021.

9 (2) The secretary of state may issue an original operator's
10 license and designate level 1, 2, or 3 graduated licensing
11 provisions to an individual who is less than 18 years of age, has
12 been licensed in another state or country, and has satisfied the
13 applicable requirements of section 310e. An original operator's
14 license with a designated level 1, 2, or 3 graduated licensing
15 provision issued under this subsection that expires on or after
16 March 1, 2020 is valid until March 31, 2021.

17 (3) A student enrolled in a driver education course as that
18 term is defined in section 3 of the driver education provider and
19 instructor act, 2006 PA 384, MCL 256.623, or a motorcycle safety
20 course approved by the department of state may operate a motor
21 vehicle that does not require a group designation under section
22 312e without holding an operator's license or permit while under
23 the direct supervision of the program instructor.

24 (4) A student enrolled in a driver education course as that
25 term is defined in section 3 of the driver education provider and
26 instructor act, 2006 PA 384, MCL 256.623, and who has successfully
27 completed 10 hours of classroom instruction and the equivalent of 2
28 hours of behind-the-wheel training may be issued a temporary driver
29 education certificate furnished by the department of state that

1 authorizes a student to drive a motor vehicle, other than a motor
2 vehicle that requires an indorsement under section 312a or a
3 vehicle group designation under section 312e, when accompanied by a
4 licensed parent or guardian, or when accompanied by a nonlicensed
5 parent or guardian and a licensed adult for the purpose of
6 receiving additional instruction until the end of the student's
7 driver education course. A temporary driver education certificate
8 issued under this subsection that expires on or after March 1, 2020
9 is valid until March 31, 2021.

10 (5) Beginning January 1, 2015, the secretary of state, on
11 receiving proper application from an individual 16 or 17 years of
12 age who is enrolled in or has successfully completed an approved
13 motorcycle safety course under section 811a, or an individual who
14 is 18 years of age or older and who holds a valid operator's or
15 chauffeur's license, may issue a motorcycle temporary instruction
16 permit that entitles the applicant, while carrying the permit, to
17 operate a motorcycle on the public streets and highways for a
18 period of 180 days under the following conditions:

19 (a) The applicant shall operate the motorcycle under the
20 constant visual supervision of a licensed motorcycle operator who
21 is at least 18 years of age.

22 (b) The applicant shall not operate the motorcycle at night.

23 (c) The applicant shall not operate the motorcycle with a
24 passenger.

25 (d) The applicant shall not be eligible for more than 2
26 motorcycle temporary instruction permits in a 10-year period.

27 (6) A motorcycle temporary instruction permit issued under
28 subsection (5) that expires on or after March 1, 2020 is valid
29 until March 31, 2021.

1 (7) A person who violates subsection (3) is responsible for a
2 civil infraction and shall be ordered to pay a civil fine of not
3 more than \$150.00.

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

8 (2) If a person is determined under sections 741 to 750 to be
9 responsible or responsible "with explanation" for a civil
10 infraction under this act or a local ordinance ~~that~~ substantially
11 ~~corresponding~~**corresponds** to a provision of this act, the judge or
12 district court magistrate may order the person to pay a civil fine
13 of not more than \$100.00 and costs as provided in subsection (4).
14 However, if the civil infraction was a moving violation that
15 resulted in an at-fault collision with another vehicle, a person,
16 or any other object, the civil fine ordered under this section
17 ~~shall~~**must** be increased by \$25.00 but the total civil fine ~~shall~~
18 **must** not exceed \$100.00. However, for a violation of section 602b,
19 the person ~~shall~~**must** be ordered to pay costs as provided in
20 subsection (4) and a civil fine of \$100.00 for a first offense and
21 \$200.00 for a second or subsequent offense. For a violation of
22 section 674(1)(s) or a local ordinance ~~that~~ substantially
23 ~~corresponding~~**corresponds** to section 674(1)(s), the person ~~shall~~
24 **must** be ordered to pay costs as provided in subsection (4) and a
25 civil fine of not less than \$100.00 or more than \$250.00. For a
26 violation of section 676c, the person ~~shall~~**must** be ordered to pay
27 costs as provided in subsection (4) and a civil fine of \$1,000.00.
28 **For a violation of section 306, the civil fine ordered under this**
29 **subsection must be not more than \$150.00.** For a violation of

1 section 328, the civil fine ordered under this subsection ~~shall~~
2 **must** be not more than \$50.00. For a violation of section 710d, the
3 civil fine ordered under this subsection ~~shall~~**must** not exceed
4 \$10.00, subject to subsection (12). For a violation of section
5 710e, the civil fine and court costs ordered under this subsection
6 ~~shall~~**must** be \$25.00. For a violation of section 682 or a local
7 ordinance **that** substantially ~~corresponding~~**corresponds** to section
8 682, the person ~~shall~~**must** be ordered to pay costs as provided in
9 subsection (4) and a civil fine of not less than \$100.00 or more
10 than \$500.00. For a violation of section 240, the civil fine
11 ordered under this subsection ~~shall~~**must** be \$15.00. For a violation
12 of section 252a(1), the civil fine ordered under this subsection
13 ~~shall~~**must** be \$50.00. For a violation of section 676a(3), the civil
14 fine ordered under this section ~~shall~~**must** be not more than \$10.00.
15 For a first violation of section 319f(1), the civil fine ordered
16 under this section ~~shall~~**must** be not less than \$2,500.00 or more
17 than \$2,750.00; for a second or subsequent violation, the civil
18 fine ~~shall~~**must** be not less than \$5,000.00 or more than \$5,500.00.
19 For a violation of section 319g(1)(a), the civil fine ordered under
20 this section ~~shall~~**must** be not more than \$10,000.00. For a
21 violation of section 319g(1)(g), the civil fine ordered under this
22 section ~~shall~~**must** be not less than \$2,750.00 or more than
23 \$25,000.00. Permission may be granted for payment of a civil fine
24 and costs to be made within a specified period of time or in
25 specified installments, but unless permission is included in the
26 order or judgment, the civil fine and costs ~~shall~~**must** be payable
27 immediately.

28 (3) Except as **otherwise** provided in this subsection, if a
29 person is determined to be responsible or responsible "with

1 explanation" for a civil infraction under this act or a local
2 ordinance **that** substantially ~~corresponding~~**corresponds** to a
3 provision of this act while driving a commercial motor vehicle, ~~he~~
4 ~~or she~~**the person** shall be ordered to pay costs as provided in
5 subsection (4) and a civil fine of not more than \$250.00.

6 (4) If a civil fine is ordered under subsection (2) or (3),
7 the judge or district court magistrate shall summarily tax and
8 determine the costs of the action ~~, which~~**that** are not limited to
9 the costs taxable in ordinary civil actions, and may include all
10 expenses, direct and indirect, to which the plaintiff has been put
11 in connection with the civil infraction, up to the entry of
12 judgment. Costs ~~shall~~**must** not be ordered in excess of \$100.00. A
13 civil fine ordered under subsection (2) or (3) ~~shall~~**must** not be
14 waived unless costs ordered under this subsection are waived.
15 Except as otherwise provided by law, costs are payable to the
16 general fund of the plaintiff.

17 (5) In addition to a civil fine and costs ordered under
18 subsection (2) or (3) and subsection (4) and the justice system
19 assessment ordered under subsection (13), the judge or district
20 court magistrate may order the person to attend and complete a
21 ~~program of treatment, education, or rehabilitation~~ **program**.

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

26 (7) Each district of the district court and each municipal
27 court may establish a schedule of civil fines, costs, and
28 assessments to be imposed for civil infractions that occur within
29 the respective district or city. If a schedule is established, it

1 ~~shall~~**must** be prominently posted and readily available for public
2 inspection. A schedule need not include all violations that are
3 designated by law or ordinance as civil infractions. A schedule may
4 exclude cases on the basis of a defendant's prior record of civil
5 infractions or traffic offenses, or a combination of civil
6 infractions and traffic offenses.

7 (8) The state court administrator shall annually publish and
8 distribute to each district and court a recommended range of civil
9 fines and costs for first-time civil infractions. This
10 recommendation is not binding ~~upon~~**on** the courts ~~having~~**that have**
11 jurisdiction over civil infractions but is intended to act as a
12 normative guide for judges and district court magistrates and a
13 basis for public evaluation of disparities in the imposition of
14 civil fines and costs throughout the 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, costs, and assessments ~~upon~~**on**
18 receipt of certification by a law enforcement agency that repair of
19 the defective equipment was made before the appearance date on the
20 citation.

21 (10) A default in the payment of a civil fine or costs ordered
22 under subsection (2), (3), or (4) or a justice system assessment
23 ordered under subsection (13), or an installment of the fine,
24 costs, or assessment, may be collected by a means authorized for
25 the enforcement of a judgment under chapter 40 of the revised
26 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or
27 under chapter 60 of the revised judicature act of 1961, 1961 PA
28 236, MCL 600.6001 to 600.6098.

29 (11) If a person fails to comply with an order or judgment

1 issued under this section within the time prescribed by the court,
2 the ~~driver's-driver~~ license of that person ~~shall-must~~ be suspended
3 under section 321a until full compliance with that order or
4 judgment occurs. In addition to this suspension, the court may also
5 proceed under section 908.

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

12 (13) In addition to any civil fines or costs ordered to be
13 paid under this section, the judge or district court magistrate
14 shall order the defendant to pay a justice system assessment of
15 \$40.00 for each civil infraction determination, except for a
16 parking violation or a violation for which the total fine and costs
17 imposed are \$10.00 or less. ~~Upon-On~~ payment of the assessment, the
18 clerk of the court shall transmit the assessment collected to the
19 state treasury to be deposited into the justice system fund created
20 in section 181 of the revised judicature act of 1961, 1961 PA 236,
21 MCL 600.181. An assessment levied under this subsection is not a
22 civil fine 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 civil fine, costs, and
25 assessment, ~~upon-on~~ receipt of certification by a law enforcement
26 agency that the person, before the appearance date on the citation,
27 produced a valid registration certificate that was valid on the
28 date the violation of section 223 occurred.

29 (15) If a person has received a citation for a violation of

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

11 (16) If a person is determined to be responsible or
12 responsible "with explanation" for a civil infraction under this
13 act or a local ordinance **that** substantially ~~corresponding~~
14 **corresponds** to a provision of this act and the civil infraction
15 arises out of the ownership or operation of a commercial
16 quadricycle, ~~he or she~~**the person** shall be ordered to pay costs as
17 provided in subsection (4) and a civil fine of not more than
18 \$500.00.

19 (17) As used in this section, "moving violation" means an act
20 or omission prohibited under this act or a local ordinance **that**
21 substantially ~~corresponding~~**corresponds** to this act that involves
22 the operation of a motor vehicle and for which a fine may be
23 assessed.