

**SUBSTITUTE FOR
HOUSE BILL NO. 4252**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 602c, 732, and 907 (MCL 257.602c, 257.732, and
257.907), section 602c as added by 2012 PA 592, section 732 as
amended by 2017 PA 160, and section 907 as amended by 2020 PA 382.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 602c. (1) Except as provided in this section, **and in**
2 **addition to the requirements of section 602b**, an individual issued
3 a level 1 or level 2 graduated license under section 310e shall not
4 use a cellular telephone while operating a motor vehicle upon a
5 highway or street. For purposes of this subsection, "use" means to
6 initiate a ~~call~~; **call**, answer a ~~call~~; **call**, or listen to or engage
7 in verbal communication through the cellular telephone.



1 (2) Subsection (1) does not apply to an individual who is
2 using a cellular telephone to do any of the following:

3 (a) Report a traffic accident, medical emergency, or serious
4 road hazard.

5 (b) Report a situation in which the ~~person~~**individual** believes
6 ~~his or her~~**the individual's** personal safety is in jeopardy.

7 (c) Report or avert the perpetration or potential perpetration
8 of a criminal act against the individual or another
9 ~~person~~**individual**.

10 ~~(3) Subsection (1) does not apply to an individual using a~~
11 ~~voice-operated system that is integrated into the motor vehicle.~~

12 **(3)** ~~(4)~~An individual who violates this section is responsible
13 for a civil infraction.

14 **(4)** ~~(5)~~This section supersedes all local ordinances
15 regulating the use of a cellular telephone by an individual issued
16 a level 1 or level 2 graduated license while operating a motor
17 vehicle in motion on a highway or street, except that a unit of
18 local government may adopt an ordinance or enforce an existing
19 ordinance substantially corresponding to this section.

20 **(5)** **Forty-two months after the effective date of the**
21 **amendatory act that added this subsection, the department of state**
22 **police shall submit a report, using available data, to the senate**
23 **majority leader, speaker of the house of representatives, and**
24 **governor that includes all of the following information related to**
25 **violations of this section and section 602b:**

26 (a) The number of citations given.

27 (b) The race and ethnicity of the individuals given citations.

28 (c) The number of each of the following caused by violations
29 of this section or section 602b:



1 (i) **Vehicle crashes.**

2 (ii) **Serious injuries.**

3 (iii) **Deaths.**

4 (6) This section ~~shall be known and may be cited~~**known** as
5 "Kelsey's ~~Law~~**law**".

6 Sec. 732. (1) Each municipal judge and each clerk of a court
7 of record shall keep a full record of every case in which ~~a person~~
8 **an individual** is charged with or cited for a violation of this act
9 or a local ordinance substantially corresponding to this act
10 regulating the operation of vehicles on highways and with those
11 offenses pertaining to the operation of ORVs or snowmobiles for
12 which points are assessed under section 320a(1)(c) or (i). Except
13 as provided in subsection (16), the municipal judge or clerk of the
14 court of record shall prepare and forward to the secretary of state
15 an abstract of the court record as follows:

16 (a) Not more than 5 days after a conviction, forfeiture of
17 bail, or entry of a civil infraction determination or default
18 judgment upon a charge of or citation for violating or attempting
19 to violate this act or a local ordinance substantially
20 corresponding to this act regulating the operation of vehicles on
21 highways.

22 (b) Immediately for each case charging a violation of section
23 625(1), (3), (4), (5), (6), (7), or (8) or section 625m or a local
24 ordinance substantially corresponding to section 625(1), (3), (6),
25 or (8) or section 625m in which the charge is dismissed or the
26 defendant is acquitted.

27 (c) Immediately for each case charging a violation of section
28 82127(1) or (3) or 81134 of the natural resources and environmental
29 protection act, 1994 PA 451, MCL 324.82127 and 324.81134, or a



1 local ordinance substantially corresponding to those sections.

2 (2) If a city or village department, bureau, or person is
3 authorized to accept a payment of money as a settlement for a
4 violation of a local ordinance substantially corresponding to this
5 act, the city or village department, bureau, or person shall send a
6 full report of each case in which ~~a person~~**an individual** pays any
7 amount of money to the city or village department, bureau, or
8 person to the secretary of state upon a form prescribed by the
9 secretary of state.

10 (3) The abstract or report required under this section ~~shall~~
11 **must** be made upon a form furnished by the secretary of state. An
12 abstract ~~shall~~**must** be certified by signature, stamp, or facsimile
13 signature of the ~~person~~**individual** required to prepare the abstract
14 as correct. An abstract or report ~~shall~~**must** include all of the
15 following:

16 (a) The name, address, and date of birth of the ~~person~~
17 **individual** charged or cited.

18 (b) The number of the ~~person's~~**individual's** operator's or
19 chauffeur's license, if any.

20 (c) The date and nature of the violation.

21 (d) The type of vehicle driven at the time of the violation
22 and, if the vehicle is a commercial motor vehicle, that vehicle's
23 group designation.

24 (e) The date of the conviction, finding, forfeiture, judgment,
25 or civil infraction determination.

26 (f) Whether bail was forfeited.

27 (g) Any license restriction, suspension, or denial ordered by
28 the court as provided by law.

29 (h) The vehicle identification number and registration plate



1 number of all vehicles that are ordered immobilized or forfeited.

2 (i) Other information considered necessary to the secretary of
3 state.

4 (4) The clerk of the court also shall forward an abstract of
5 the court record to the secretary of state upon ~~a person's~~ **an**
6 **individual's** conviction or, for the purposes of subdivision (d), a
7 finding or admission of responsibility, involving any of the
8 following:

9 (a) A violation of section 413, 414, or 479a of the Michigan
10 penal code, 1931 PA 328, MCL 750.413, 750.414, and 750.479a.

11 (b) A violation of section 1 of former 1931 PA 214.

12 (c) Negligent homicide, manslaughter, or murder resulting from
13 the operation of a vehicle.

14 (d) A violation of sections 701(1) and 703 of the Michigan
15 liquor control code of 1998, 1998 PA 58, MCL 436.1701 and 436.1703,
16 or a local ordinance substantially corresponding to those sections.

17 (e) A violation of section 411a(2) of the Michigan penal code,
18 1931 PA 328, MCL 750.411a.

19 (f) A violation of motor carrier safety regulations 49 CFR
20 392.10 or 392.11 as adopted by section 1a of the motor carrier
21 safety act of 1963, 1963 PA 181, MCL 480.11a.

22 (g) A violation of section 57 of the pupil transportation act,
23 1990 PA 187, MCL 257.1857.

24 (h) An attempt to violate, a conspiracy to violate, or a
25 violation of part 74 of the public health code, 1978 PA 368, MCL
26 333.7401 to 333.7461, or a local ordinance that prohibits conduct
27 prohibited under part 74 of the public health code, 1978 PA 368,
28 MCL 333.7401 to 333.7461, unless the convicted ~~person~~ **individual** is
29 sentenced to life imprisonment or a minimum term of imprisonment



1 that exceeds 1 year for the offense.

2 (i) An attempt to commit an offense described in subdivisions
3 (a) to (g).

4 (j) A violation of chapter LXXXIII-A of the Michigan penal
5 code, 1931 PA 328, MCL 750.543a to 750.543z.

6 (k) A violation of section 3101, 3102(1), or 3103 of the
7 insurance code of 1956, 1956 PA 218, MCL 500.3101, 500.3102, and
8 500.3103.

9 (l) A violation listed as a disqualifying offense under 49 CFR
10 383.51.

11 (5) The clerk of the court shall also forward an abstract of
12 the court record to the secretary of state if ~~a person~~
13 **individual** has pled guilty to, or offered a plea of admission in a
14 juvenile proceeding for, a violation of section 703 of the Michigan
15 liquor control code of 1998, 1998 PA 58, MCL 436.1703, or a local
16 ordinance substantially corresponding to that section, and has had
17 further proceedings deferred under that section. If the ~~person~~
18 **individual** is sentenced to a term of probation and terms and
19 conditions of probation are fulfilled and the court discharges the
20 individual and dismisses the proceedings, the court shall also
21 report the dismissal to the secretary of state.

22 (6) As used in subsections (7) to (9), "felony in which a
23 motor vehicle was used" means a felony during the commission of
24 which the ~~person~~**individual** operated a motor vehicle and while
25 operating the vehicle presented real or potential harm to ~~persons~~
26 **individuals** or property and 1 or more of the following
27 circumstances existed:

28 (a) The vehicle was used as an instrument of the felony.

29 (b) The vehicle was used to transport a victim of the felony.



1 (c) The vehicle was used to flee the scene of the felony.

2 (d) The vehicle was necessary for the commission of the
3 felony.

4 (7) If a ~~person~~**an individual** is charged with a felony in
5 which a motor vehicle was used, other than a felony specified in
6 subsection (4) or section 319, the prosecuting attorney shall
7 include the following statement on the complaint and information
8 filed in district or circuit court:

9 "You are charged with the commission of a felony in which a
10 motor vehicle was used. If you are convicted and the judge finds
11 that the conviction is for a felony in which a motor vehicle was
12 used, as defined in section 319 of the Michigan vehicle code, 1949
13 PA 300, MCL 257.319, your driver's license shall be suspended by
14 the secretary of state."

15 (8) If a juvenile is accused of an act, the nature of which
16 constitutes a felony in which a motor vehicle was used, other than
17 a felony specified in subsection (4) or section 319, the
18 prosecuting attorney or family division of circuit court shall
19 include the following statement on the petition filed in the court:

20 "You are accused of an act the nature of which constitutes a
21 felony in which a motor vehicle was used. If the accusation is
22 found to be true and the judge or referee finds that the nature of
23 the act constitutes a felony in which a motor vehicle was used, as
24 defined in section 319 of the Michigan vehicle code, 1949 PA 300,
25 MCL 257.319, your driver's license shall be suspended by the
26 secretary of state."

27 (9) If the court determines as part of the sentence or
28 disposition that the felony for which the ~~person~~**individual** was
29 convicted or adjudicated and with respect to which notice was given



1 under subsection (7) or (8) is a felony in which a motor vehicle
2 was used, the clerk of the court shall forward an abstract of the
3 court record of that conviction to the secretary of state.

4 (10) As used in subsections (11) and (12), "felony in which a
5 commercial motor vehicle was used" means a felony during the
6 commission of which the ~~person~~**individual** operated a commercial
7 motor vehicle and while the ~~person~~**individual** was operating the
8 vehicle 1 or more of the following circumstances existed:

9 (a) The vehicle was used as an instrument of the felony.

10 (b) The vehicle was used to transport a victim of the felony.

11 (c) The vehicle was used to flee the scene of the felony.

12 (d) The vehicle was necessary for the commission of the
13 felony.

14 (11) If a ~~person~~**an individual** is charged with a felony in
15 which a commercial motor vehicle was used and for which a vehicle
16 group designation on a license is subject to suspension or
17 revocation under section 319b(1)(c) *(iii)*, 319b(1)(d), 319b(1)(e) *(iii)*,
18 or 319b(1)(f) *(i)*, the prosecuting attorney shall include the
19 following statement on the complaint and information filed in
20 district or circuit court:

21 "You are charged with the commission of a felony in which a
22 commercial motor vehicle was used. If you are convicted and the
23 judge finds that the conviction is for a felony in which a
24 commercial motor vehicle was used, as defined in section 319b of
25 the Michigan vehicle code, 1949 PA 300, MCL 257.319b, all vehicle
26 group designations on your driver's license shall be suspended or
27 revoked by the secretary of state."

28 (12) If the judge determines as part of the sentence that the
29 felony for which the defendant was convicted and with respect to



1 which notice was given under subsection (11) is a felony in which a
 2 commercial motor vehicle was used, the clerk of the court shall
 3 forward an abstract of the court record of that conviction to the
 4 secretary of state.

5 (13) Every ~~person~~**individual** required to forward abstracts to
 6 the secretary of state under this section shall certify for the
 7 period from January 1 through June 30 and for the period from July
 8 1 through December 31 that all abstracts required to be forwarded
 9 during the period have been forwarded. The certification ~~shall~~**must**
 10 be filed with the secretary of state not later than 28 days after
 11 the end of the period covered by the certification. The
 12 certification ~~shall~~**must** be made upon a form furnished by the
 13 secretary of state and ~~shall~~**must** include all of the following:

14 (a) The name and title of the ~~person~~**individual** required to
 15 forward abstracts.

16 (b) The court for which the certification is filed.

17 (c) The time period covered by the certification.

18 (d) The following statement:

19 "I certify that all abstracts required by section 732 of the
 20 Michigan vehicle code, **1949 PA 300**, MCL 257.732, ~~MSA 9.2432~~, for
 21 the period _____ through _____ have been
 22 forwarded to the secretary of state."

23 (e) Other information the secretary of state considers
 24 necessary.

25 (f) The signature of the ~~person~~**individual** required to forward
 26 abstracts.

27 (14) The failure, refusal, or neglect of a ~~person~~**an**
 28 **individual** to comply with this section constitutes misconduct in
 29 office and is grounds for removal from office.



1 (15) Except as provided in subsection (16), the secretary of
 2 state shall keep all abstracts received under this section at the
 3 secretary of state's main office and the abstracts ~~shall~~**must** be
 4 open for public inspection during the office's usual business
 5 hours. Each abstract ~~shall~~**must** be entered upon the master driving
 6 record of the ~~person~~**individual** to whom it pertains.

7 (16) Except for controlled substance offenses described in
 8 subsection (4), the court shall not submit, and the secretary of
 9 state shall discard and not enter on the master driving record, an
 10 abstract for a conviction or civil infraction determination for any
 11 of the following violations:

12 (a) The parking or standing of a vehicle.

13 (b) A nonmoving violation that is not the basis for the
 14 secretary of state's suspension, revocation, or denial of an
 15 operator's or chauffeur's license.

16 (c) A violation of chapter II that is not the basis for the
 17 secretary of state's suspension, revocation, or denial of an
 18 operator's or chauffeur's license.

19 (d) A pedestrian, passenger, or bicycle violation, other than
 20 a violation of section 703(1) or (2) of the Michigan liquor control
 21 code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance
 22 substantially corresponding to section 703(1) or (2) of the
 23 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or
 24 section 624a or 624b or a local ordinance substantially
 25 corresponding to section 624a or 624b.

26 (e) A violation of section 710e or a local ordinance
 27 substantially corresponding to section 710e.

28 (f) A violation of section 328(1) if, before the appearance
 29 date on the citation, the ~~person~~**individual** submits proof to the



1 court that the motor vehicle had insurance meeting the requirements
 2 of sections 3101 and 3102 of the insurance code of 1956, 1956 PA
 3 218, MCL 500.3101 and 500.3102, at the time the citation was
 4 issued. Insurance obtained subsequent to the time of the violation
 5 does not make the violation an exception under this subsection.

6 (g) A violation described in section 319b(10) (b) (vii) if,
 7 before the court appearance date or date fines are to be paid, the
 8 ~~person~~**individual** submits proof to the court that ~~he or she~~**the**
 9 **individual** held a valid commercial driver license on the date the
 10 citation was issued.

11 (h) A violation of section 311 if the ~~person~~**individual** was
 12 driving a noncommercial vehicle and, before the court appearance
 13 date or the date fines are to be paid, the ~~person~~**individual**
 14 submits proof to the court that ~~he or she~~**the individual** held a
 15 valid driver license on the date the citation was issued.

16 ~~(i) A violation of section 602b(1) or 602c.~~

17 (17) Except as otherwise provided in this subsection, the
 18 secretary of state shall discard and not enter on the master
 19 driving record an abstract for a bond forfeiture that occurred
 20 outside this state. The secretary of state shall enter on the
 21 master driving record an abstract for a conviction as defined in
 22 section 8a(b) that occurred outside this state in connection with
 23 the operation of a commercial motor vehicle or for a conviction of
 24 ~~a person~~**an individual** licensed as a commercial motor vehicle
 25 driver.

26 (18) The secretary of state shall inform the courts of this
 27 state of the nonmoving violations and violations of chapter II that
 28 are used by the secretary of state as the basis for the suspension,
 29 restriction, revocation, or denial of an operator's or chauffeur's



1 license.

2 (19) If a conviction or civil infraction determination is
 3 reversed upon appeal, the ~~person~~**individual** whose conviction or
 4 determination has been reversed may serve on the secretary of state
 5 a certified copy of the order of reversal. The secretary of state
 6 shall enter the order in the proper book or index in connection
 7 with the record of the conviction or civil infraction
 8 determination.

9 (20) The secretary of state may permit a city or village
 10 department, bureau, person, or court to modify the requirement as
 11 to the time and manner of reporting a conviction, civil infraction
 12 determination, or settlement to the secretary of state if the
 13 modification will increase the economy and efficiency of collecting
 14 and utilizing the records. If the permitted abstract of court
 15 record reporting a conviction, civil infraction determination, or
 16 settlement originates as a part of the written notice to appear,
 17 authorized in section 728(1) or 742(1), the form of the written
 18 notice and report ~~shall~~**must** be as prescribed by the secretary of
 19 state.

20 (21) Notwithstanding any other law of this state, a court
 21 shall not take under advisement an offense committed by a ~~person~~**an**
 22 **individual** while operating a motor vehicle for which this act
 23 requires a conviction or civil infraction determination to be
 24 reported to the secretary of state. A conviction or civil
 25 infraction determination that is the subject of this subsection
 26 ~~shall~~**must** not be masked, delayed, diverted, suspended, or
 27 suppressed by a court. Upon a conviction or civil infraction
 28 determination, the conviction or civil infraction determination
 29 ~~shall~~**must** immediately be reported to the secretary of state in



1 accordance with this section.

2 (22) Except as provided in this act and notwithstanding any
3 other provision of law, a court shall not order expunction of any
4 violation reportable to the secretary of state under this section.

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

9 (2) Permission may be granted for payment of a civil fine and
10 costs to be made within a specified period of time or in specified
11 installments but, unless permission is included in the order or
12 judgment, the civil fine and costs must be payable immediately.
13 Except as otherwise provided, a person found responsible or
14 responsible "with explanation" for a civil infraction must pay
15 costs as provided in subsection (4) and 1 or more of the following
16 civil fines, as applicable:

17 (a) Except as otherwise provided, for a civil infraction under
18 this act or a local ordinance that substantially corresponds to a
19 provision of this act, the person shall be ordered to pay a civil
20 fine of not more than \$100.00.

21 (b) If the civil infraction was a moving violation that
22 resulted in an at-fault collision with another vehicle, ~~a person,~~
23 **an individual**, or any other object, the civil fine ordered under
24 this section is increased by \$25.00 but the total civil fine must
25 not be more than \$100.00.

26 (c) For a violation of section 240, the civil fine ordered
27 under this subsection is \$15.00.

28 (d) For a violation of section 312a(4)(a), the civil fine
29 ordered under this section must not be more than \$250.00.



1 (e) For a first violation of section 319f(1), the civil fine
2 ordered under this section must not be less than \$2,500.00 or more
3 than \$2,750.00; for a second or subsequent violation, the civil
4 fine must not be less than \$5,000.00 or more than \$5,500.00.

5 (f) For a violation of section 319g(1) (a), the civil fine
6 ordered under this section must not be more than \$10,000.00.

7 (g) For a violation of section 319g(1) (g), the civil fine
8 ordered under this section must not be less than \$2,750.00 or more
9 than \$25,000.00.

10 (h) For a violation of section 602b, the civil fine ordered
11 under this section must ~~not be more than~~ **be as follows:**

12 (i) **For a violation of section 602b(1), either of the**
13 **following:**

14 (A) **If the violation does not involve an accident, \$100.00 for**
15 **a first offense and ~~\$200.00~~ \$250.00 for a second or subsequent**
16 **offense.**

17 (B) **If the violation involves an accident, \$200.00 for a first**
18 **offense and \$500.00 for a second or subsequent offense.**

19 (ii) **For a violation of section 602b(2), either of the**
20 **following:**

21 (A) **If the violation does not involve an accident, \$200.00 for**
22 **a first offense and \$500.00 for a second or subsequent offense.**

23 (B) **If the violation involves an accident, \$400.00 for a first**
24 **offense and \$1,000.00 for a second or subsequent offense.**

25 (i) For a violation of section 674(1) (s) or a local ordinance
26 that substantially corresponds to section 674(1) (s), the civil fine
27 ordered under this section must not be less than \$100.00 or more
28 than \$250.00.

29 (j) For a violation of section 676a(3), the civil fine ordered



1 under this section must not be more than \$10.00.

2 (k) For a violation of section 676c, the civil fine ordered
3 under this section is \$1,000.00.

4 (l) For a violation of section 682 or a local ordinance that
5 substantially corresponds to section 682, the civil fine ordered
6 under this section must not be less than \$100.00 or more than
7 \$500.00.

8 (m) For a violation of section 710d, the civil fine ordered
9 under this section must not be more than \$10.00, subject to
10 subsection (11).

11 (n) For a violation of section 710e, the civil fine and court
12 costs ordered under this subsection must be \$25.00.

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

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



1 plaintiff.

2 (5) In addition to a civil fine and costs ordered under
3 subsection (2) or (3) and subsection (4) and the justice system
4 assessment ordered under subsection (12), the judge or district
5 court magistrate may order the ~~person~~**individual** to attend and
6 complete a program of treatment, education, or rehabilitation.

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

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

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

29 (9) If a person has received a civil infraction citation for



1 defective safety equipment on a vehicle under section 683, the
2 court shall waive a civil fine, costs, and assessments on receipt
3 of certification by a law enforcement agency that repair of the
4 defective equipment was made before the appearance date on the
5 citation.

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

14 (11) The court may waive any civil fine, cost, or assessment
15 against ~~a person~~**an individual** who received a civil infraction
16 citation for a violation of section 710d if the ~~person,~~**individual**,
17 before the appearance date on the citation, supplies the court with
18 evidence of acquisition, purchase, or rental of a child seating
19 system meeting the requirements of section 710d.

20 (12) In addition to any civil fines or costs ordered to be
21 paid under this section, the judge or district court magistrate
22 shall order the defendant to pay a justice system assessment of
23 \$40.00 for each civil infraction determination, except for a
24 parking violation or a violation for which the total fine and costs
25 imposed are \$10.00 or less. On payment of the assessment, the clerk
26 of the court shall transmit the assessment collected to the state
27 treasury to be deposited into the justice system fund created in
28 section 181 of the revised judicature act of 1961, 1961 PA 236, MCL
29 600.181. An assessment levied under this subsection is not a civil



1 fine for purposes of section 909.

2 (13) If a person has received a citation for a violation of
 3 section 223, the court shall waive any civil fine, costs, and
 4 assessment, on receipt of certification by a law enforcement agency
 5 that the person, before the appearance date on the citation,
 6 produced a valid registration certificate that was valid on the
 7 date the violation of section 223 occurred.

8 (14) If a person has received a citation for a violation of
 9 section 328(1) for failing to produce a certificate of insurance
 10 under section 328(2), the court may waive the fee described in
 11 section 328(3)(c) and shall waive any fine, costs, and any other
 12 fee or assessment otherwise authorized under this act on receipt of
 13 verification by the court that the person, before the appearance
 14 date on the citation, produced valid proof of insurance that was in
 15 effect at the time the violation of section 328(1) occurred.
 16 Insurance obtained subsequent to the time of the violation does not
 17 make the person eligible for a waiver under this subsection.

18 (15) If a person is determined to be responsible or
 19 responsible "with explanation" for a civil infraction under this
 20 act or a local ordinance that substantially corresponds to a
 21 provision of this act and the civil infraction arises out of the
 22 ownership or operation of a commercial quadricycle, ~~he or she~~ **the**
 23 **person** must be ordered to pay costs as provided in subsection (4)
 24 and a civil fine of not more than \$500.00.

25 (16) As used in this section, "moving violation" means an act
 26 or omission prohibited under this act or a local ordinance that
 27 substantially corresponds to this act that involves the operation
 28 of a motor vehicle and for which a fine may be assessed.

29 Enacting section 1. This amendatory act does not take effect



1 unless all of the following bills of the 102nd Legislature are
2 enacted into law:

3 (a) House Bill No. 4250.

4 (b) House Bill No. 4251.

