

**SUBSTITUTE FOR
HOUSE BILL NO. 4512**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 907 (MCL 257.907), as amended by 2023 PA 40.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

5 (2) Permission may be granted for payment of a civil fine and
6 costs to be made within a specified period of time or in specified
7 installments but, unless permission is included in the order or
8 judgment, the civil fine and costs must be payable immediately.
9 Except as otherwise provided, a person found responsible or



1 responsible "with explanation" for a civil infraction must pay
2 costs as provided in subsection (4) and 1 or more of the following
3 civil fines, as applicable:

4 (a) Except as otherwise provided, for a civil infraction under
5 this act or a local ordinance that substantially corresponds to a
6 provision of this act, the person ~~shall~~**must** be ordered to pay a
7 civil fine of not more than \$100.00.

8 (b) If the civil infraction was a moving violation that
9 resulted in an at-fault collision with another vehicle, an
10 individual, or any other object, the civil fine ordered under this
11 section is increased by \$25.00 but the total civil fine must not be
12 more than \$100.00.

13 (c) For a violation of section 240, the civil fine ordered
14 under this ~~subsection~~**section** is \$15.00.

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

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

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

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

26 (h) For a violation of section 602b, the civil fine ordered
27 under this section must be as follows:

28 (i) For a violation of section 602b(1), either of the
29 following:



1 (A) If the violation does not involve an accident, \$100.00 for
2 a first offense and \$250.00 for a second or subsequent offense.

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

5 (ii) For a violation of section 602b(2), either of the
6 following:

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

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

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

15 (j) For a violation of section 676a(3), the civil fine ordered
16 under this section must not be more than \$10.00.

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

19 (l) For a violation of section 682 or a local ordinance that
20 substantially corresponds to section 682, the civil fine ordered
21 under this section must not be less than \$100.00 or more than
22 \$500.00.

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

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

28 (3) Except as **otherwise** provided in this section, if an
29 individual is determined to be responsible or responsible "with



1 explanation" for a civil infraction under this act or a local
2 ordinance that substantially corresponds to a provision of this act
3 while driving a commercial motor vehicle, the individual must be
4 ordered to pay costs as provided in subsection (4) and a civil fine
5 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 are not limited to the
9 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 must not be ordered in excess of \$100.00. A civil
13 fine ordered under subsection (2) or (3) must not be waived unless
14 costs ordered under this subsection are waived. Except as otherwise
15 provided by law, costs are payable to the general fund of the
16 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 (12), the judge or district
20 court magistrate may order the individual to attend and complete a
21 program of treatment, education, or rehabilitation.

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 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 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 this 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 on receipt
18 of certification by a law enforcement agency that repair of the
19 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 (12), 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) The court may waive any civil fine, cost, or assessment



1 against an individual who received a civil infraction citation for
 2 a violation of section 710d if the individual, before the
 3 appearance date on the citation, supplies the court with evidence
 4 of acquisition ~~, purchase, or rental~~ of a child seating system
 5 ~~meeting that meets~~ the requirements of section 710d **and evidence**
 6 **that the individual has received education from a certified child**
 7 **passenger safety technician.**

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

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

25 (14) If a person has received a citation for a violation of
 26 section 328(1) for failing to produce a certificate of insurance
 27 under section 328(2), the court may waive the fee described in
 28 section 328(3)(c) and shall waive any fine, costs, and any other
 29 fee or assessment otherwise authorized under this act on receipt of



1 verification by the court that the person, before the appearance
2 date on the citation, produced valid proof of insurance that was in
3 effect ~~at the time when~~ the violation of section 328(1) occurred.
4 Insurance obtained ~~subsequent to the time of~~ **after** the violation
5 **occurred** does not make the person eligible for a waiver under this
6 subsection.

7 (15) If a person is determined to be responsible or
8 responsible "with explanation" for a civil infraction under this
9 act or a local ordinance that substantially corresponds to a
10 provision of this act and the civil infraction arises out of the
11 ownership or operation of a commercial quadricycle, the person must
12 be ordered to pay costs as provided in subsection (4) and a civil
13 fine of not more than \$500.00.

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

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

20 Enacting section 2. This amendatory act does not take effect
21 unless House Bill No. 4511 of the 102nd Legislature is enacted into
22 law.

