

Act No. 85
Public Acts of 1989
Approved by the Governor
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**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1989**

Introduced by Senators Cruce, Dillingham, Dingell, Sederburg and O'Brien

ENROLLED SENATE BILL No. 115

AN ACT to amend sections 19a, 252d, 321a, 675, 742, and 907 of Act No. 300 of the Public Acts of 1949, entitled as amended "An act to provide for the registration, titling, sale, transfer, and regulation of vehicles operated upon the public highways of this state or any other place open to the general public and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," section 252d as amended by Act No. 104 of the Public Acts of 1981, sections 321a and 907 as amended by Act No. 346 of the Public Acts of 1988, section 675 as amended by Act No. 150 of the Public Acts of 1988, and section 742 as amended by Act No. 74 of the Public Acts of 1984, being sections 257.19a, 257.252d, 257.321a, 257.675, 257.742, and 257.907 of the Michigan Compiled Laws; and to add section 675d.

The People of the State of Michigan enact:

Section 1. Sections 19a, 252d, 321a, 675, 742, and 907 of Act No. 300 of the Public Acts of 1949, section 252d as amended by Act No. 104 of the Public Acts of 1981, sections 321a and 907 as amended by Act No. 346 of the Public Acts of 1988, section 675 as amended by Act No. 150 of the Public Acts of 1988, and section 742 as amended by Act No. 74 of the Public Acts of 1984, being sections 257.19a, 257.252d, 257.321a, 257.675, 257.742, and 257.907 of the Michigan Compiled Laws, are amended and section 675d is added to read as follows:

Sec. 19a. "Handicapper" means a person who has 1 or more of the following physical characteristics:

- (a) Blindness.
- (b) Inability to ambulate more than 200 feet without having to stop and rest during any time of the year.
- (c) Loss of use of 1 or both legs or feet.
- (d) Inability to ambulate without the prolonged use of a wheelchair, walker, crutches, braces, or other device required to aid mobility.
- (e) A lung disease from which the person's expiratory volume for 1 second, when measured by spirometry, is less than 1 liter, or from which the person's arterial oxygen tension is less than 60 mm/hg of room air at rest.

(f) A cardiovascular disease from which the person measures between 3 and 4 on the New York heart classification scale, or from which a marked limitation of physical activity causes fatigue, palpitation, dyspnea, or anginal pain.

(g) Other diagnosed disease or disorder including, but not limited to, severe arthritis or a neurological or orthopedic impairment that creates a severe mobility limitation.

Sec. 252d. (1) A police agency or a governmental agency designated by the police agency may provide for the immediate removal of a vehicle from public or private property to a place of safekeeping at the expense of the registered owner of the vehicle in any of the following circumstances:

(a) If the vehicle is in such a condition that the continued operation of the vehicle upon the highway would constitute an immediate hazard to the public.

(b) If the vehicle is parked or standing upon the highway in such a manner as to create an immediate public hazard or an obstruction of traffic.

(c) If a vehicle is parked in a posted tow away zone.

(d) If there is reasonable cause to believe that the vehicle or any part of the vehicle is stolen.

(e) If the vehicle must be seized to preserve evidence of a crime, or when there is reasonable cause to believe that the vehicle was used in the commission of a crime.

(f) If removal is necessary in the interest of public safety because of fire, flood, storm, snow, natural or man-made disaster, or other emergency.

(g) If the vehicle is hampering the use of private property by the owner or person in charge of that property or is parked in a manner which impedes the movement of another vehicle.

(h) If the vehicle is stopped, standing, or parked in a space designated for handicapper parking and is not permitted by law to be stopped, standing, or parked in a space designated for handicapper parking.

(2) A police agency which authorizes the removal of a vehicle under subsection (1) shall do all of the following:

(a) Check to determine if the vehicle has been reported stolen.

(b) Within 24 hours after removing the vehicle, enter the vehicle into the law enforcement information network if the vehicle has not been redeemed. This subdivision does not apply to a vehicle that is removed from the scene of a motor vehicle traffic accident.

(c) If the vehicle has not been redeemed within 10 days after moving the vehicle, send to the registered owner and the secured party as shown by the records of the secretary of state, by first-class mail or personal service, a notice that the vehicle has been removed; however, if the police agency informs the owner or operator of the vehicle of the removal and the location of the vehicle within 24 hours after the removal, and if the vehicle has not been redeemed within 30 days and upon complaint from the towing service, the police agency shall send the notice within 30 days after the removal. The notice shall be by a form furnished by the secretary of state. The notice form shall contain the following information:

(i) The year, make, and vehicle identification number of the vehicle.

(ii) The location from which the vehicle was taken into custody.

(iii) The date on which the vehicle was taken into custody.

(iv) The name and address of the police agency which had the vehicle taken into custody.

(v) The location where the vehicle is being held.

(vi) The procedure to redeem the vehicle.

(vii) The procedure to contest the fact that the vehicle was properly removed or the reasonableness of the towing and daily storage fees.

(viii) A form petition which the owner may file in person or by mail with the specified court which requests a hearing on the police agency's action.

(ix) A warning that the failure to redeem the vehicle or to request a hearing within 20 days after the date of the notice may result in the sale of the vehicle and the termination of all rights of the owner and the secured party to the vehicle or the proceeds of the sale or to both the vehicle and the proceeds.

(3) The registered owner may contest the fact that the vehicle was properly removed or the reasonableness of the towing fees and daily storage fees by requesting a hearing. A request for a hearing shall be made by filing a petition with the court specified in the notice within 20 days after the date of the notice. If the owner requests a hearing, the matter shall be resolved after a hearing conducted pursuant to sections 252e and 252f. An owner who requests a hearing may obtain release of the vehicle by posting a towing and storage bond with the court in an amount equal to the accrued towing and storage fees. The owner of a vehicle who requests a hearing may

obtain release of the vehicle by paying the towing and storage fees instead of posting the towing and storage bond. If the court finds that the vehicle was not properly removed, the police agency shall reimburse the owner of the vehicle for the accrued towing and storage fees.

(4) If the owner does not request a hearing, he or she may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle.

(5) If the owner does not redeem the vehicle or request a hearing within 20 days, the secured party may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle prior to the date of the sale.

(6) Not less than 20 days after the disposition of the hearing described in subsection (3), or if a hearing is not requested, not less than 20 days after the date of the notice described in subsection (2)(c), the police agency shall offer the vehicle for sale at a public sale unless the vehicle is redeemed. The public sale shall be held pursuant to section 252g.

(7) If the ownership of a vehicle which has been removed under this section cannot be determined either because of the condition of the vehicle identification numbers or because a check with the records of the secretary of state does not reveal ownership, the police agency may sell the vehicle at public sale pursuant to section 252g, not less than 30 days after public notice of the sale has been published.

Sec. 321a. (1) A person who fails to answer a citation, or notice to appear in court for violating this act or an ordinance substantially corresponding to this act, or for any matter pending, or who fails to comply with an order or judgment issued pursuant to section 907 is guilty of a misdemeanor, which shall not be considered a violation for any purpose under section 320a. Twenty-eight days or more after the date of noncompliance with an order or judgment, the court shall give notice by mail at the last known address of the person that if the person fails to appear within 14 days after the notice the secretary of state shall suspend the person's operator's or chauffeur's license. If the person fails to appear within the 14-day period, the court shall inform the secretary of state within 14 days and the secretary of state shall suspend the license of the person and notify the person of the suspension by regular mail at the person's last known address. The suspension shall remain in effect until both of the following occur:

(a) The court informs the secretary of state that the person has appeared before the court and all matters relating to the violation or to the noncompliance with section 907 are resolved.

(b) The person has paid to the court a \$25.00 driver license reinstatement fee. The increase in the reinstatement fee from \$10.00 to \$25.00 shall be imposed for a license which is suspended on or after April 5, 1988 regardless of when the license was suspended.

(2) A court shall not notify the secretary of state, and the secretary of state shall not suspend the person's license if the person fails to appear in response to a citation issued for, or fails to comply with a judgment involving 1 or more of the following infractions:

(a) The parking or standing of a vehicle.

(b) A pedestrian, passenger, or bicycle violation.

(3) A court may notify a person who has done either of the following, that if the person does not appear within 10 days after the notice, the court will inform the secretary of state of this failure:

(a) Failed to answer 2 or more parking violation notices or citations for violating a provision of this act or an ordinance substantially corresponding to a provision of this act pertaining to handicapper parking issued or served after the effective date of the amendatory act that added this subdivision.

(b) Failed to answer 6 or more parking violation notices or citations, issued or served after March 31, 1981, regarding illegal parking.

(4) The secretary of state, upon being informed of the failure of a person to appear as provided in subsection (3), shall not issue a license to the person until both of the following occur:

(a) The court informs the secretary of state that the person has resolved all outstanding matters regarding the notices or citations.

(b) The person has paid to the court a \$25.00 driver license reinstatement fee. The increase in the reinstatement fee from \$10.00 to \$25.00 shall be imposed for a license which is suspended on or after April 5, 1988 regardless of when the license was suspended. If the court determines that the person is not responsible for any of the parking violations on the basis of which his or her license was suspended under this subsection, the court shall waive payment of this fee.

(5) For the purposes of subsections (1)(a) and (4)(a), the court shall give to the person a copy of the information being transmitted to the secretary of state. Upon showing that copy, the person shall not be arrested or issued a citation for driving on a suspended license on the basis of any matter resolved under subsection (1)(a) or (4)(a), even if the information being sent to the secretary of state has not yet been received or recorded by the department.

(6) Sixty percent of the driver license reinstatement fees received under subsections (1)(b) and (4)(b) shall be transmitted by the court to the secretary of state on a monthly basis. The funds received by the secretary of state pursuant to this subsection shall be deposited in the state general fund and shall be used to defray the expenses of the secretary of state in processing the suspension and reinstatement of driver licenses under this section.

Sec. 675. (1) Except as otherwise provided in this section and this chapter, a vehicle stopped or parked upon a highway or street shall be stopped or parked with the wheels of the vehicle parallel to the roadway and within 12 inches of any existing right-hand curb.

(2) A local authority may by ordinance permit parking of vehicles with the left-hand wheels adjacent to and within 12 inches of the left-hand curb of a 1-way roadway.

(3) A local authority may by ordinance permit angle parking on a roadway, except that angle parking shall not be permitted on a state trunk line highway.

(4) The state transportation commission with respect to state trunk line highways and the board of county road commissioners with respect to county roads, acting jointly with the director of the department of state police, may place signs prohibiting or restricting the stopping, standing, or parking of vehicles on a highway where in the opinion of the officials as determined by an engineering survey, the stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic on the highway or street. The signs shall be official signs and a person shall not stop, stand, or park a vehicle in violation of the restrictions stated on the signs. The signs shall be installed only after a proper traffic order is filed with the county clerk. Upon the application to the state transportation commission by a home rule city affected by an order, opportunity shall be given to the city for a hearing before the state transportation commission, pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.328 of the Michigan Compiled Laws, except when an ordinance of the home rule city prohibits or restricts the parking of vehicles on a state trunk line highway; when the home rule city, by lawfully authorized official action, requests the state transportation department to prohibit or restrict parking on a state trunk line highway; or when the home rule city enters into a construction agreement with the state transportation department providing for the prohibition or restriction of parking on a state trunk line highway during or after the period of construction. Traffic control orders, so long as they affect parking upon a state trunk line highway within the corporate limits of a home rule city, are considered "rules" within the meaning of Act No. 306 of the Public Acts of 1969, as amended, and upon application for a hearing by a home rule city, the proceedings before the state transportation commission shall be considered a "contested case" within the meaning of that act.

(5) A handicapper is entitled to receive, and the secretary of state may issue, under the rules and upon the application as the secretary of state prescribes, a serially numbered transferable certificate of identification for the personal use of the handicapper. The rules shall provide that if the handicapper personally applies at a branch office of the secretary of state and if it appears obvious that the handicapper has a qualifying handicap, the handicapper shall not be required to present a medical statement attesting to the handicap. The secretary of state may issue a certificate of identification valid for a period of not less than 1 month to a handicapper who has a temporary handicap or a certificate of identification valid for 4 years to a handicapper who has a permanent handicap. Upon application as prescribed by the secretary of state, a handicapper may be issued a duplicate certificate of identification for a fee of \$10.00. The certificate may be used by a person other than the handicapper for the sole purpose of providing transportation to the handicapper. A nonprofit organization which provides specialized services to handicappers may apply for and receive a handicapper certificate of identification to be used in motor vehicles used by the organization and used to transport handicappers who receive services from the organization. If the organization ceases to provide specialized services to handicappers, the certificate shall be returned to the secretary of state for destruction.

(6) A handicapper holding a certificate of identification, a person having special registration plates issued under section 803d, a person holding a special registration plate to which a handicapper tab is attached issued under section 803f, a handicapper holding a similar certificate of identification from another state, or a person having special handicapper registration plates from another state shall be entitled to courtesy in the parking of a vehicle, including free parking in a metered parking space, which courtesy shall relieve the handicapper or the person transporting the handicapper from liability for a violation with respect to parking, other than in violation of this act. A local authority may, by ordinance, prohibit parking on a street or highway for the purpose of creating a fire lane or to provide for the accommodation of heavy traffic during morning and afternoon rush hours and the privileges extending to veterans and physically handicapped persons under this subsection shall not apply on streets or highways where and at the times the parking is so prohibited.

(7) A certificate of identification issued as provided in subsection (5) shall be displayed on the lower left corner of the front windshield of the vehicle while being parked by or under the direction of a handicapper pursuant to this section. Upon conviction of an offense involving a violation of the special privileges conferred

upon holders of the certificates of identification, a magistrate or judge trying the case, as a part of any penalty imposed, may confiscate the serially numbered certificate of identification and return the certificate of identification to the secretary of state together with a certified copy of the sentence imposed. Upon receipt of a certificate of identification from a judge or magistrate, the secretary of state shall destroy the certificate, and the handicapper to whom it was issued shall not receive another certificate until he or she submits a completed application and presents a current medical statement attesting to his or her handicap. A person, other than a handicapper to whom the certificate of identification was issued or a person who used a certificate of identification for the sole purpose of providing transportation to a handicapper, who uses a certificate of identification for the purpose of parking a vehicle as permitted by this subsection is guilty of a misdemeanor, and a law enforcement officer who observes this misuse of a certificate of identification may immediately confiscate the certificate and forward it to the secretary of state, who may return it to the handicapper.

(8) A person who intentionally makes a false statement of material fact or commits or attempts to commit a deception or fraud on a medical statement attesting to a handicap, submitted in support of an application for a certificate of identification or a special registration plate or handicapper tab under this section, section 803d, or section 803f, is guilty of a misdemeanor, punishable by a fine of not more than \$100.00.

(9) A person who commits or attempts to commit a deception or fraud by 1 or more of the following methods is guilty of a misdemeanor punishable by a fine of not more than \$100.00:

(a) Using a handicapper certificate of identification, issued under this section or by another state to provide transportation to a handicapper, when the person is not providing transportation to a handicapper.

(b) Altering, modifying, or selling a handicapper certificate of identification issued under this section or by another state.

(c) Making a false statement of material fact to obtain a certificate of identification under this section, a special registration plate under section 803d, or a handicapper tab under section 803f.

(10) Except as otherwise provided in this section, a person who violates this section is responsible for a civil infraction.

Sec. 675d. (1) A law enforcement agency or a local unit of government may implement and administer a program to authorize and utilize persons other than police officers as volunteers to issue citations as described in sections 742 and 743 for violations of section 674(1)(s) or a local ordinance substantially corresponding to section 674(1)(s). Before authorizing and utilizing persons other than police officers to issue citations, the law enforcement agency or local unit of government shall implement a program to train the persons to properly issue citations as provided in this section. A person who successfully completes a program of training implemented pursuant to this section may issue citations as provided in this section as authorized by the law enforcement agency or local unit of government.

(2) As used in this section:

(a) "Law enforcement agency" means a police agency of a city, village, or township; a sheriff's department; the department of state police; or any other governmental law enforcement agency in this state.

(b) "Local unit of government" means a county, city, village, or township.

Sec. 742. (1) A police officer who witnesses a person violating this act or a local ordinance substantially corresponding to this act, which violation is a civil infraction, may stop the person, detain the person temporarily for purposes of making a record of vehicle check, and prepare and subscribe, as soon as possible and as completely as possible, an original and 3 copies of a written citation, which shall be a notice to appear in court for 1 or more civil infractions. If a police officer of a village, city, township, or county, or a police officer who is an authorized agent of a county road commission, witnesses a person violating this act or a local ordinance substantially corresponding to this act within that village, city, township, or county and that violation is a civil infraction, that police officer may pursue, stop, and detain the person outside the village, city, township, or county where the violation occurred for the purpose of exercising the authority and performing the duties prescribed in this section and section 749, as applicable.

(2) Any police officer, having reason to believe that the load, weight, height, length, or width of a vehicle or load are in violation of section 717, 719, 719a, 722, 724, 725, or 726 which violation is a civil infraction, may require the driver of the vehicle to stop, and the officer may investigate, weigh, or measure the vehicle or load. If, after personally investigating, weighing, or measuring the vehicle or load, the officer determines that the load, weight, height, length, or width of the vehicle or load are in violation of section 717, 719, 719a, 722, 724, 725, or 726, the officer may temporarily detain the driver of the vehicle for purposes of making a record or vehicle check and issue a citation to the driver or owner of the vehicle as provided in those sections.

(3) A police officer may issue a citation to a person who is a driver of a motor vehicle involved in an accident when, based upon personal investigation, the officer has reasonable cause to believe that the person is

responsible for a civil infraction in connection with the accident. A police officer may issue a citation to a person who is a driver of a motor vehicle when, based upon personal investigation by the police officer of a complaint by someone who witnessed the person violating this act or a local ordinance substantially corresponding to this act, which violation is a civil infraction, the officer has reasonable cause to believe that the person is responsible for a civil infraction and if the prosecuting attorney or attorney for the political subdivision approves in writing the issuance of the citation.

(4) The form of a citation issued under subsection (1), (2), or (3) shall be as prescribed in sections 727c and 743.

(5) The officer shall inform the person of the alleged civil infraction or infractions and shall deliver the third copy of the citation to the alleged offender.

(6) In a civil infraction action involving the parking or standing of a motor vehicle, a copy of the citation need not be served personally upon the defendant but may be served upon the registered owner by attaching the copy to the vehicle. A city may authorize personnel other than a police officer to issue and serve a citation for a violation of its ordinance involving the parking or standing of a motor vehicle. A city may authorize a person other than personnel or a police officer to issue and serve a citation for a violation of an ordinance pertaining to handicapper parking if the city has complied with the requirements of section 675d. State security personnel receiving authorization under section 6c of Act No. 59 of the Public Acts of 1935, being section 28.6c of the Michigan Compiled Laws, may issue and serve citations for violations involving the parking or standing of vehicles on land owned by the state or land of which the state is the lessee when authorized to do so by the director of the department of state police.

(7) If a parking violation notice other than a citation is attached to a motor vehicle, and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by ordinance for the violation are not paid at the parking violations bureau, a citation may be filed with the court described in section 741(4) and a copy of the citation may be served by first-class mail upon the registered owner of the vehicle at the owner's last known address. A parking violation notice may be issued by a police officer, including a limited duty officer, or other personnel duly authorized by the city, village, township, college, or university to issue such a notice under its ordinance. The citation filed with the court pursuant to this subsection need not comply in all particulars with sections 727c and 743 but shall consist of a sworn complaint containing the allegations stated in the parking violation notice and shall fairly inform the defendant how to respond to the citation.

(8) A citation issued under subsection (6) or (7) for a parking or standing violation shall be processed in the same manner as a citation issued personally to a defendant pursuant to subsection (1) or (3).

(9) As used in subsection (7):

(a) "Parking violation notice" means a notice, other than a citation, directing a person to appear at a parking violations bureau in the city, village, or township in which, or of the college or university for which, the notice is issued and to pay the fine and costs, if any, prescribed by ordinance for the parking or standing of a motor vehicle in violation of the ordinance.

(b) "Parking violations bureau" means a parking violations bureau established pursuant to section 8395 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, as amended, being section 600.8395 of the Michigan Compiled Laws, the violations bureau established within the traffic and ordinance division of the recorder's court of the city of Detroit, or a comparable parking violations bureau established in a city or village served by a municipal court or established pursuant to law by the governing board of a state university or college.

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

(2) If a person is determined pursuant to sections 741 to 750 to be responsible or responsible "with explanation" for a civil infraction under this act or a local ordinance substantially corresponding to a provision of this act, the judge, district court referee, or district court magistrate may order the person to pay a civil fine of not more than \$100.00 and costs as provided in subsection (4). However, for a violation of section 674(1)(s) or a local ordinance substantially corresponding to section 674(1)(s), the person shall be ordered to pay costs as provided in subsection (4) and a civil fine of not less than \$50.00 nor more than \$100.00. For a violation of section 710d, the civil fine ordered under this subsection shall not exceed \$10.00. For a violation of section 710e, the civil fine and court costs ordered under this subsection shall be \$25.00. Permission may be granted for payment of a civil fine and costs to be made within a specified period of time or in specified installments, but unless permission is included in the order or judgment, the civil fine and costs shall be payable immediately.

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

(4) If a civil fine is ordered to be paid under subsection (2) or (3), the judge, district court referee, or district court magistrate shall summarily tax and determine the costs of the action, which shall not be limited to the costs taxable in ordinary civil actions, and may include all expenses, direct and indirect, to which the plaintiff has been put in connection with the civil infraction, up to the entry of judgment. Except in a civil infraction for a parking violation, costs of not less than \$5.00 shall be ordered. Costs shall not be ordered in excess of \$100.00. Except as otherwise provided by law, costs shall be payable to the general fund of the plaintiff.

(5) In addition to a civil fine and costs ordered under subsection (2) or (3) and subsection (4), the judge, district court referee, or district court magistrate may order the person to attend and complete a program of treatment, education, or rehabilitation.

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

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

(8) The state court administrator shall annually publish and distribute to each district and court a recommended range of civil fines and costs for first-time civil infractions. This recommendation shall not be binding upon the courts having jurisdiction over civil infractions but is intended to act as a normative guide for judges, district court referees, and district court magistrates and a basis for public evaluation of disparities in the imposition of civil fines and costs throughout the state.

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

(10) If a person has received a civil infraction citation under section 328 for failure to produce evidence that a motor vehicle is insured under chapter 31 of the insurance code of 1956, Act No. 218 of the Public Acts of 1956, as amended, being sections 500.3101 to 500.3179 of the Michigan Compiled Laws, the court shall waive a civil fine and costs upon receipt of certification by a law enforcement agency that the defendant, before the appearance date on the citation, has produced evidence that the vehicle was insured on the date of issuance of the citation as required.

(11) A default in the payment of a civil fine or costs ordered under subsection (2), (3), or (4) or an installment of the fine or costs may be collected by a means authorized for the enforcement of a judgment under chapter 40 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, as amended, being sections 600.4001 to 600.4065 of the Michigan Compiled Laws, or under chapter 60 of Act No. 236 of the Public Acts of 1961, as amended, being sections 600.6001 to 600.6098 of the Michigan Compiled Laws.

(12) If a person fails to comply with an order or judgment issued pursuant to this section, within the time prescribed by the court, the driver's license of that person shall be suspended pursuant to section 321a until full compliance with that order or judgment occurs. In addition to this suspension, the court may also proceed under section 908.

(13) The court shall waive any civil fine or cost against a person who received a civil infraction citation for a violation of section 710d if the person, before the appearance date on the citation, supplies the court with evidence of acquisition, purchase, or rental of a child seating system meeting the requirements of section 710d.

(14) In addition to any fines and costs ordered to be paid under this section, the judge, district court referee, or district court magistrate shall levy an assessment of \$5.00 for each civil infraction determination, except for a parking violation or a violation for which the total fine and costs imposed are \$10.00 or less. Upon payment of the assessment, the clerk of the court shall transmit the assessment levied to the state treasury to be deposited into the Michigan justice training fund. An assessment levied under this subsection shall not be considered a civil fine for purposes of section 909.

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

Section 2. This amendatory act shall take effect upon the expiration of 90 days after the date of its enactment.

This act is ordered to take immediate effect.

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Secretary of the Senate.

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Clerk of the House of Representatives.

Approved

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Governor.