

# HOUSE BILL No. 4080

February 2, 1989, Introduced by Reps. Berman, Hertel, DeMars, Dolan, Emmons, Crandall and Gire and referred to the Committee Public Health.

A bill to amend section 907 of Act No. 300 of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

as amended by Act No. 346 of the Public Acts of 1988, being section 257.907 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 907 of Act No. 300 of the Public Acts of  
2 1949, as amended by Act No. 346 of the Public Acts of 1988, being  
3 section 257.907 of the Michigan Compiled Laws, is amended to read  
4 as follows:

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

1       (2) If a person is determined pursuant to sections 741 to  
2 750 to be responsible or responsible "with explanation" for a  
3 civil infraction under this act or a local ordinance substan-  
4 tially corresponding to a provision of this act, the judge, dis-  
5 trict court referee, or district court magistrate may order the  
6 person to pay a civil fine of not more than \$100.00 and costs as  
7 provided in subsection (4). However, ~~beginning March 30,~~  
8 ~~1983,~~ a person determined pursuant to sections 741 to 750 to be  
9 responsible or responsible "with explanation" for a civil infrac-  
10 tion under section 674(1)(s) or a local ordinance substantially  
11 corresponding to section 674(1)(s) shall be ordered to pay costs  
12 as provided in subsection (4) and ~~shall be ordered to pay a~~  
13 civil fine of not less than \$20.00 nor more than \$100.00. For a  
14 violation of section 710d, the civil fine ordered under this sub-  
15 section shall not exceed \$10.00. ~~Until January 1, 1986, for a~~  
16 ~~violation of section 710e, the civil fine ordered under this sub-~~  
17 ~~section shall not exceed \$10.00. After January 1, 1986, for~~ FOR  
18 a violation of section 710e, the civil fine and court costs  
19 ordered under this subsection shall be \$25.00. Permission may be  
20 granted for payment of a civil fine and costs to be made within a  
21 specified period of time or in specified installments, but ~~in~~  
22 ~~the absence of~~ UNLESS permission ~~being~~ IS included in the  
23 order or judgment, the civil fine and costs shall be payable  
24 immediately.

25       (3) If a person is determined to be responsible or responsi-  
26 ble "with explanation" for a civil infraction under this act or a  
27 local ordinance substantially corresponding to a provision under

1 this act while driving a commercial motor vehicle, he or she  
2 shall be ordered to pay costs as provided in subsection (4) and  
3 ~~shall be ordered to pay~~ a civil fine of not more than \$250.00.

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

15 (5) In addition to a civil fine ~~and costs~~ ordered under  
16 subsection (2) or (3) AND COSTS ORDERED UNDER SUBSECTION (4), the  
17 judge, district court referee, or district court magistrate may  
18 order the person to attend and complete a program of treatment,  
19 education, or rehabilitation.

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

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

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

7 (8) The state court administrator shall annually publish and  
8 distribute to each district and court a recommended range of  
9 civil fines and costs for first-time civil infractions. This  
10 recommendation shall not be binding upon the courts having juris-  
11 diction over civil infractions but is intended to act as a norma-  
12 tive guide for judges, district court referees, and district  
13 court magistrates and a basis for public evaluation of dispari-  
14 ties in the imposition of civil fines and costs throughout the  
15 state.

16 (9) If a person has received a civil infraction citation for  
17 defective safety equipment on a vehicle under section 683, the  
18 court shall waive a civil fine and costs ~~—~~ upon receipt of cer-  
19 tification by a law enforcement agency that repair of the defec-  
20 tive equipment was made before the appearance date on the  
21 citation.

22 (10) If a person has received a civil infraction citation  
23 under section 328 for failure to produce evidence that a motor  
24 vehicle is insured under chapter 31 of the insurance code of  
25 1956, Act No. 218 of the Public Acts of 1956, as amended, being  
26 sections 500.3101 to 500.3179 of the Michigan Compiled Laws, the  
27 court shall waive a civil fine and costs upon receipt of

1 certification by a law enforcement agency that the defendant,  
2 before the appearance date on the citation, has produced evidence  
3 that the vehicle was insured on the date of issuance of the  
4 citation as required.

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

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

20       (13) The court shall waive any civil fine or cost against a  
21 person who received a civil infraction citation for a violation  
22 of section 710d if the person, before the appearance date on the  
23 citation, supplies the court with evidence of acquisition, pur-  
24 chase, or rental of a child seating system meeting the require-  
25 ments of section 710d.

26       (14) In addition to any fines and costs ordered to be paid  
27 under this section, the judge, district court referee, or

1 district court magistrate shall levy an assessment of ~~-\$5.00-~~  
2 \$6.00 for each civil infraction determination, except for a park-  
3 ing violation or a violation for which the total fine and costs  
4 imposed are \$10.00 or less. Upon payment of the assessment, the  
5 clerk of the court shall transmit the assessment levied to the  
6 state treasury. ~~to~~ FIVE DOLLARS OF EACH ASSESSMENT SHALL be  
7 deposited ~~into~~ IN the Michigan justice training fund AND \$1.00  
8 OF EACH ASSESSMENT SHALL BE DEPOSITED IN THE SPINAL CORD INJURY  
9 AND TRAUMATIC BRAIN INJURY RESEARCH FUND CREATED BY SECTION 5416  
10 OF THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS OF  
11 1978, BEING SECTION 333.5416 OF THE MICHIGAN COMPILED LAWS. An  
12 assessment levied under this subsection shall not be considered a  
13 civil fine for purposes of section 909.

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