



**House  
Legislative  
Analysis  
Section**

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***THE APPARENT PROBLEM:***

There is at least one district judge in the state who has been refusing to fine drivers who violate the seat belt law, and the Kent County circuit court has agreed that he has the discretion to do so. The vehicle code is ambiguous on whether fines for seat belt and handicapper parking violations are mandatory: while the section providing for the fines says that they "shall" be imposed, an older provision in another section says that when a person admits responsibility, the court "may" order any of the sanctions permitted under Section 907, the section which includes the seat belt and handicapper parking fines. The Kent County circuit court argued that taken together, the two sections meant that seat belt fines were discretionary and judges did not have to impose them. The Kent County prosecutor and the attorney general disagreed, and the case is now on appeal. In the meantime, a statutory solution has been proposed: let judges waive the fines where warranted, but only after formally finding that under the circumstances surrounding the infraction the imposition would be unjust.

***THE CONTENT OF THE BILL:***

The bill would amend the Michigan Vehicle Code to require that when a judge, referee, or magistrate did not impose the statutorily-provided fine for violating the law on handicapper parking or seat belts, he or she would have to make a finding on the record or in writing that, under the circumstances surrounding the infraction, the imposition of the minimum fine or of any fine and costs would be unjust.

Section 745 says that a court may order any of the sanctions permitted under section 907, the section that provides for imposition of seat belt and handicapper parking fines, and which the bill would amend to require a judicial finding in order to waive or reduce those fines. The bill would add to Section 745 language requiring the court to order the sanctions required under Section 907.

MCL 257.745 and 257.907

***FISCAL IMPLICATIONS:***

The House Fiscal Agency says that the bill has no fiscal implications. (4-27-87)

***ARGUMENTS:***

***For:***

By requiring a judge who waived a seat belt fine to make a finding that the individual circumstances of a case would make imposition of the fine unjust, the bill would strongly discourage judges who do not like the seat belt law from exhibiting a blanket disregard for that law.

**HANDICAPPER PARKING, SEAT BELT FINES**

House Bill 4343 with committee amendment  
First Analysis (4-28-87)

**RECEIVED**

Sponsor: Rep. Richard Bandstra  
Committee: Judiciary

MAY 13 1987

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***Against:***

Civil infractions such as seat belt violations are minor offenses, and the bill would make the process overly cumbersome by requiring that the judge, referee, or magistrate go on the record or make a written opinion each time the fine was reduced or waived.

***POSITIONS:***

The Secretary of State supports the bill. (4-23-87)

The District Court Judges Association opposes the bill. (4-27-87)

H.B. 4343 (4-28-87)