

HOUSE BILL No. 5099

August 8, 2007, Introduced by Rep. Steil and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 907 (MCL 257.907), as amended by 2006 PA 298.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

5 (2) If a person is determined pursuant to sections 741 to 750
6 to be responsible or responsible "with explanation" for a civil
7 infraction under this act or a local ordinance substantially
8 corresponding to a provision of this act, the judge or district
9 court magistrate may order the person to pay a civil fine of not
10 more than \$100.00 and costs as provided in subsection (4). However,
11 for a violation of section 674(1)(s) or a local ordinance
12 substantially corresponding to section 674(1)(s), the person shall

1 be ordered to pay costs as provided in subsection (4) and a civil
2 fine of not less than \$100.00 or more than \$250.00. For a violation
3 of section 328, the civil fine ordered under this subsection shall
4 be not more than \$50.00. For a violation of section 710d, the civil
5 fine ordered under this subsection shall not exceed \$10.00. For a
6 violation of section 710e, the civil fine and court costs ordered
7 under this subsection shall be \$25.00. For a violation of section
8 682 or a local ordinance substantially corresponding to section
9 682, the person shall be ordered to pay costs as provided in
10 subsection (4) and a civil fine of not less than \$100.00 or more
11 than \$500.00. For a violation of section 240, the civil fine
12 ordered under this subsection shall be \$15.00. For a violation of
13 section 252a(1), the civil fine ordered under this subsection shall
14 be \$50.00. For a violation of section 676a(3), the civil fine
15 ordered under this section shall be not more than \$10.00. For a
16 violation of section 319f(1), the civil fine ordered under this
17 section shall be not less than \$1,100.00 or more than \$2,750.00.
18 For a violation of section 319g(1)(a), the civil fine ordered under
19 this section shall be not more than \$10,000.00. For a violation of
20 section 319g(1)(b), the civil fine ordered under this section shall
21 be not less than \$2,750.00 or more than \$11,000.00. Permission may
22 be granted for payment of a civil fine and costs to be made within
23 a specified period of time or in specified installments, but unless
24 permission is included in the order or judgment, the civil fine and
25 costs shall be payable immediately.

26 (3) Except as provided in this subsection, if a person is
27 determined to be responsible or responsible "with explanation" for

1 a civil infraction under this act or a local ordinance
2 substantially corresponding to a provision of this act while
3 driving a commercial motor vehicle, he or she shall be ordered to
4 pay costs as provided in subsection (4) and a civil fine of not
5 more than \$250.00. If a person is determined to be responsible or
6 responsible "with explanation" for a civil infraction under section
7 319g or a local ordinance substantially corresponding to section
8 319g, that person shall be ordered to pay costs as provided in
9 subsection (4) and a civil fine of not more than \$10,000.00.

10 (4) If a civil fine is ordered under subsection (2) or (3),
11 the judge or district court magistrate shall summarily tax and
12 determine the costs of the action, which are not limited to the
13 costs taxable in ordinary civil actions, and may include all
14 expenses, direct and indirect, to which the plaintiff has been put
15 in connection with the civil infraction, up to the entry of
16 judgment. Costs shall not be ordered in excess of \$100.00. A civil
17 fine ordered under subsection (2) or (3) shall not be waived unless
18 costs ordered under this subsection are waived. Except as otherwise
19 provided by law, costs are payable to the general fund of the
20 plaintiff.

21 (5) In addition to a civil fine and costs ordered under
22 subsection (2) or (3) and subsection (4) and ~~the justice system~~ **AN**
23 assessment ordered under subsection (14) **OR (15)**, the judge or
24 district court magistrate may order the person to attend and
25 complete a program of treatment, education, or rehabilitation.

26 (6) A district court magistrate shall impose the sanctions
27 permitted under subsections (2), (3), and (5) only to the extent

1 expressly authorized by the chief judge or only judge of the
2 district court district.

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

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

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

27 (10) A default in the payment of a civil fine or costs ordered

1 under subsection (2), (3), or (4) or ~~a justice system~~ **AN** assessment
2 ordered under subsection (14) **OR (15)**, or an installment of the
3 fine, costs, or assessment, may be collected by a means authorized
4 for the enforcement of a judgment under chapter 40 of the revised
5 judiciary act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or
6 under chapter 60 of the revised judiciary act of 1961, 1961 PA
7 236, MCL 600.6001 to 600.6098.

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

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

20 (13) Until October 1, 2003, in addition to any civil fines and
21 costs ordered to be paid under this section, the judge or district
22 court magistrate shall levy an assessment of \$5.00 for each civil
23 infraction determination, except for a parking violation or a
24 violation for which the total fine and costs imposed are \$10.00 or
25 less. An assessment paid before October 1, 2003 shall be
26 transmitted by the clerk of the court to the state treasurer to be
27 deposited into the Michigan justice training fund. An assessment

1 ordered before October 1, 2003 but collected on or after October 1,
2 2003 shall be transmitted by the clerk of the court to the state
3 treasurer for deposit in the justice system fund created in section
4 181 of the revised judicature act of 1961, 1961 PA 236, MCL
5 600.181. An assessment levied under this subsection is not a civil
6 fine for purposes of section 909.

7 (14) Effective October 1, 2003, in addition to any civil fines
8 or costs ordered to be paid under this section, the judge or
9 district court magistrate shall order the defendant to pay a
10 justice system assessment of \$40.00 for each civil infraction
11 determination, except for a parking violation or a violation for
12 which the total fine and costs imposed are \$10.00 or less. Upon
13 payment of the assessment, the clerk of the court shall transmit
14 the assessment collected to the state treasury to be deposited into
15 the justice system fund created in section 181 of the revised
16 judicature act of 1961, 1961 PA 236, MCL 600.181. An assessment
17 levied under this subsection is not a civil fine for purposes of
18 section 909.

19 (15) IF A PERSON IS RESPONSIBLE FOR A CITATION ISSUED FOR A
20 VIOLATION OF SECTION 252A, THE COURT SHALL IMPOSE AN ASSESSMENT OF
21 \$25.00 AS REIMBURSEMENT FOR THE EXPENSES THE LAW ENFORCEMENT AGENCY
22 INCURRED IN THE ENFORCEMENT OF THE VEHICLE ABANDONMENT PROHIBITION,
23 WHICH SHALL BE IN ADDITION TO ANY OTHER CIVIL FINE OR CHARGE
24 ALLOWED BY LAW. THE ASSESSMENT IMPOSED UNDER THIS SUBSECTION SHALL
25 BE REMITTED TO THE TREASURER OF THE LOCAL UNIT OF GOVERNMENT OR THE
26 STATE TREASURER, AS APPLICABLE, DEPENDING ON THE LAW ENFORCEMENT
27 AGENCY THAT ISSUED THE CITATION.

1 (16) ~~(15)~~—If a person has received a citation for a violation
2 of section 223, the court shall waive any civil fine, costs, and
3 assessment, upon receipt of certification by a law enforcement
4 agency that the person, before the appearance date on the citation,
5 produced a valid registration certificate that was valid on the
6 date the violation of section 223 occurred.

7 (17) ~~(16)~~—If a person has received a citation for a violation
8 of section 328(1) for failing to produce a certificate of insurance
9 pursuant to section 328(2), the court may waive the fee described
10 in section 328(3)(c) and shall waive any fine, costs, and any other
11 fee or assessment otherwise authorized under this act upon receipt
12 of verification by the court that the person, before the appearance
13 date on the citation, produced valid proof of insurance that was in
14 effect at the time the violation of section 328(1) occurred.
15 Insurance obtained subsequent to the time of the violation does not
16 make the person eligible for a waiver under this subsection.