

Legislative Analysis



VEHICLE CODE SANCTIONS AND PENALTIES

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House Bill 5853 as introduced
Sponsor: Rep. Bronna Kahle
Committee: Judiciary
Complete to 9-16-20

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5953 would amend several sections in the Michigan Vehicle Code to change penalties and sanctions for various offenses under the code.

The table on pages 2 through 9 of this summary shows the sections that would be amended by the bill, describes the offense or subject matter for which penalties or sanctions are prescribed by the act or would be by the bill, and describes what those penalties or sanctions currently are and what they would be under the bill.

In addition, the bill would both amend and repeal section 905 of the code, which concerns violations of the financial responsibility chapter of the code.

The bill would take effect 90 days after its enactment.

FISCAL IMPACT:

The bill would have no direct fiscal impact on the Department of State.

A fiscal analysis of the impact of HB 5853 on the judiciary is in progress.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

Section	Offense or subject matter	Currently	Under the bill
208b	Driver education provider, limo carrier of passengers, or limo driver violations regarding driving record information	Fine of up to \$500	Civil infraction: civil fine of up to \$100
215	Driving or moving unregistered vehicle or allowing another to do so	Misdemeanor: fine of up to \$100, imprisonment for up to 90 days, or both	Civil infraction: civil fine of up to \$100
217	Failing to apply for registration and certificate of title	Misdemeanor: fine of up to \$100, imprisonment for up to 90 days, or both	Civil infraction: civil fine of up to \$100
217c	Scrap vehicle and salvage or scrap certificate of title violations	Misdemeanor: fine of up to \$100, imprisonment for up to 90 days, or both	Civil infraction: civil fine of up to \$100
226a	Overcharging for, or improperly using, temporary registration plates	Misdemeanor: fine of up to \$100, imprisonment for up to 90 days, or both	Civil infraction: civil fine of up to \$100
233	Purchasing or leasing vehicle to circumvent immobilization	Misdemeanor: fine of up to \$1,000, imprisonment for up to one year, or both	Civil infraction: civil fine of up to \$100
	Transferring vehicle to avoid forfeiture		
	Transferring vehicle subject to sanction (e.g., immobilization, registration denial, forfeiture, etc.) to person exempt from use tax (e.g., a spouse, parent, sibling, grandparent, or grandchild)		
	Purchasing, leasing, or acquiring motor vehicle while suspended for three or more section 625 or 625m violations	Misdemeanor: fine of up to \$100, imprisonment for up to 93 days, or both	
	Failing to submit proper documents when obtaining a new registration certificate		

Section	Offense or subject matter	Currently	Under the bill
233a	Odometer violations, short of tampering	Misdemeanor: fine of up to \$100, imprisonment for up to 90 days, or both	Civil infraction: civil fine of up to \$100
234	Improperly transferring a certificate of title	Misdemeanor: fine of up to \$100, imprisonment for up to 90 days, or both	Civil infraction: civil fine of up to \$100
239	Failing or neglecting to properly endorse and deliver a certificate of title	Misdemeanor: fine of up to \$100, imprisonment for up to 90 days, or both	Civil infraction: civil fine of up to \$100
244	Improper use or documentation of special dealer plates	Misdemeanor: fine of up to \$100, imprisonment for up to 90 days, or both	Civil infraction: civil fine of up to \$100
248	Dealer licensure violations	Misdemeanor: fine of up to \$100, imprisonment for up to 90 days, or both	Civil infraction: civil fine of up to \$100
248f	Improper disclosure of dealer criminal history report	Misdemeanor: fine of up to \$10,000	Civil infraction: civil fine of up to \$500
	Other vehicle dealer criminal history report violations	Misdemeanor: fine of up to \$100, imprisonment for up to 90 days, or both	Civil infraction: civil fine of up to \$100
251	Vehicle dealer record-keeping, reporting, sale, and inspections violations	Misdemeanor: fine of up to \$100, imprisonment for up to 90 days, or both	Civil infraction: civil fine of up to \$100
252a	Abandoned vehicles	Misdemeanor: fine of up to \$100, imprisonment for up to 90 days, or both	Civil infraction: civil fine of up to \$100
255	Operating vehicle without registration plate	Civil infraction: civil fine of up to \$100 and costs	Civil infraction: civil fine of up to \$100

Section	Offense or subject matter	Currently	Under the bill
255 (cont'd.)	Operating commercial vehicle without registration plate	Misdemeanor: fine of up to \$500, imprisonment for up to 90 days, or both	Civil infraction: civil fine of up to \$100
	Operating vehicle licensed under the International Registration Plan without registration	Misdemeanor: fine of up to \$100, imprisonment for up to 90 days, or both	
256	Using or permitting use of incorrect registration plate	Misdemeanor: fine of up to \$100, imprisonment for up to 90 days, or both	Civil infraction: civil fine of up to \$100
	Using incorrect registration plate on commercial vehicle	Misdemeanor: fine of up to \$500, imprisonment for up to 90 days, or both	Civil infraction: civil fine of up to \$150
301	Driving without a valid or proper license	Misdemeanor: fine of up to \$100, imprisonment for up to 90 days, or both	Civil infraction: civil fine of up to \$100
306	Temporary instruction permits and student drivers	Misdemeanor: fine of up to \$100, imprisonment for up to 90 days, or both	Civil infraction: civil fine of up to \$100
310	Altering, counterfeiting, or reproducing a license or part of a license to aid in commission of a misdemeanor punishable by imprisonment for less than six months	Misdemeanor: fine of up to \$2,000, imprisonment for up to one year, or both	Civil infraction: civil fine of up to \$200
	Possession of altered, counterfeited, forged, or reproduced license		Civil infraction: civil fine of up to \$100
311	Failing to possess license when operating a motor vehicle or failing to show to officer on demand	Misdemeanor: fine of up to \$100, imprisonment for up to 90 days, or both	Civil infraction: civil fine of up to \$100

Section	Offense or subject matter	Currently	Under the bill
312	Violating a restriction on a restricted license	Misdemeanor: fine of up to \$100, imprisonment for up to 90 days, or both	Civil infraction: civil fine of up to \$100
312a	Operating a motorcycle without a motorcycle indorsement	First offense: misdemeanor: fine of up to \$500, imprisonment for up to 90 days, or both Subsequent offense: misdemeanor: fine of up to \$1,000, imprisonment for up to one year, or both	First offense: civil infraction: civil fine of up to \$100 Second offense: civil infraction: civil fine of up to \$200
315	Reporting a false change of address	First offense: misdemeanor: fine of up to \$1,000, imprisonment for up to 93 days, or both Second offense: misdemeanor: fine of up to \$5,000, imprisonment for up to 93 days, or both	First offense: civil infraction: civil fine of up to \$100 Second offense: civil infraction: civil fine of up to \$200
317	Nonresident driving while driving privilege suspended	First offense: misdemeanor: fine of up to \$500, imprisonment for up to 93 days, or both Subsequent offense: misdemeanor: fine of up to \$1,000, imprisonment for up to one year, or both	First offense: civil infraction: civil fine of up to \$100 Second offense: civil infraction: civil fine of up to \$200
	Nonresident driving while driving privilege suspended causing death of another person	Felony: fine of \$2,500 to \$10,000, imprisonment for up to 15 years, or both	

Section	Offense or subject matter	Currently	Under the bill
317 (cont'd.)	Nonresident driving while driving privilege suspended causing impairment of body function of another person	Felony: fine of \$1,000 to \$5,000, imprisonment for up to five years, or both	
324	Unlawful use of a driver's license (e.g., altering a license, having a fake or altered license, letting someone else use it or using someone else's, etc.)	Misdemeanor: fine of up to \$100, imprisonment for up to 90 days, or both	Civil infraction: civil fine of up to \$100
325	Allowing unlicensed minor to drive	Misdemeanor: fine of up to \$100, imprisonment for up to 90 days, or both	Civil infraction: civil fine of up to \$100
326	Allowing a motor vehicle to be driven in violation of any Vehicle Code provision	Misdemeanor: fine of up to \$100, imprisonment for up to 90 days, or both	Civil infraction: civil fine of up to \$100
328	Knowingly providing false proof of insurance evidence	Misdemeanor: fine of up to \$1,000, imprisonment for up to one year, or both	Civil infraction: civil fine of up to \$100
503	Using or disclosing accident report to solicit within 30 days after accident	First offense: misdemeanor: fine of up to \$30,000 Second offense: misdemeanor: fine of up to \$60,000	First offense: civil infraction: civil fine of up to \$500 Second offense: civil infraction: civil fine of up to \$1,000
624b	Knowingly transferring title to avoid minor in possession impoundment	Misdemeanor: fine of up to \$100, imprisonment for up to 90 days, or both	Civil infraction: civil fine of up to \$100
675	Disabled person parking placard or sticker violation	Misdemeanor: fine of up to \$500, imprisonment for up to 30 days, or both	Civil infraction: civil fine of up to \$100

Section	Offense or subject matter	Currently	Under the bill
677a	Improper removal or deposit of snow, ice, or slush in roadway	Misdemeanor: fine of up to \$100, imprisonment for up to 90 days, or both	Civil infraction: civil fine of up to \$100
682c	Operating snow removal vehicle without proper lights	Misdemeanor: fine of up to \$500, imprisonment for up to 90 days, or both	Civil infraction: civil fine of up to \$100
698	Operating emergency vehicle lights without an emergency	Misdemeanor: fine of up to \$100, imprisonment for up to 90 days, or both	Civil infraction: civil fine of up to \$100
	Operating emergency vehicle outside of terms of authorization		
	Operating private security vehicle with lights activated when vehicle is in motion on a public highway		
	Improper use or possession of flashing, oscillating, or rotating lights		
	Improper side cowl or running board lamp, backing light, or lamp or reflector	Civil infraction: civil fine of up to \$100 and costs	
707c	Selling motor vehicle that violates noise provisions or selling a muffler or exhaust part that violates noise provisions	Misdemeanor: fine of up to \$100, imprisonment for up to 90 days, or both	Civil infraction: civil fine of up to \$100
	Selling a used vehicle that is not in compliance with the Vehicle Code		
722	Weight restriction and loading maximums violation		Civil infraction: civil fine of up to \$100
724	Driver or owner failing to stop for weighing when requested	Misdemeanor: fine of up to \$100, imprisonment for up to 90 days, or both	Civil infraction: civil fine of up to \$100

Section	Offense or subject matter	Currently	Under the bill
728d	Falsifying or improperly disposing of a citation	Misdemeanor: fine of up to \$500, imprisonment for up to one year, or both	Civil infraction: civil fine of up to \$100
904	Driving on suspended license or vehicle owner allowing another to do so	First offense: misdemeanor: fine of up to \$500, imprisonment for up to 93 days, or both Subsequent offense: misdemeanor: fine of up to \$1,000, imprisonment for up to one year, or both	First offense: civil infraction: civil fine of up to \$100 Second offense: civil infraction: civil fine of up to \$200
	Driving on license suspended for specified violations		First offense: misdemeanor: fine of up to \$500, imprisonment for up to 93 days, or both Subsequent offense: misdemeanor: fine of up to \$1,000, imprisonment for up to one year, or both
	Operating commercial vehicle with suspended group designation	Misdemeanor: fine of up to \$100, imprisonment for 3 to 93 days, or both	Civil infraction: civil fine of up to \$100
904a	Operating vehicle without having had a license in any jurisdiction in previous three years	First offense: misdemeanor: fine of \$50 to \$100, imprisonment for up to 90 days, or both Subsequent offense: misdemeanor: fine of up to \$100, imprisonment for 2 to 93 days, or both	First offense: civil infraction: civil fine of up to \$100 Second offense: civil infraction: civil fine of up to \$150

Section	Offense or subject matter	Currently	Under the bill
904e	Tampering with immobilization device, selling immobilized vehicle, or obtaining another vehicle while immobilized	Misdemeanor: fine of up to \$100, imprisonment for up to 93 days, or both	Civil infraction: civil fine of up to \$100
905	Violation of financial responsibility chapter	Misdemeanor: fine of \$100 to \$1,000, imprisonment for up to 90 days, or both	Civil infraction: civil fine of up to \$100 <i>[Enacting section 1 of the bill also repeals this section]</i>

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