

**SUBSTITUTE FOR
HOUSE BILL NO. 5802**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 317, 904, and 907 (MCL 257.317, 257.904, and
257.907), section 317 as amended by 2018 PA 566, section 904 as
amended by 2018 PA 212, and section 907 as amended by 2015 PA 126.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 317. (1) The secretary of state may suspend, deny, or
2 revoke the right of a nonresident to operate a motor vehicle in
3 this state for a cause for which the license of a resident driver
4 may be suspended, denied, or revoked. A nonresident who drives a
5 motor vehicle ~~upon~~**on** a highway when the privilege to drive has
6 been suspended, revoked, or denied by the secretary of state is
7 **responsible for a civil infraction or** guilty of a misdemeanor



1 ~~punishable~~ as provided in section 904.

2 (2) The secretary of state, ~~upon~~**on** receiving a record of a
3 violation of section 321a(1) by a nonresident in this state, shall
4 notify the motor vehicle administration or other appropriate
5 officer of the state where the nonresident is licensed of that
6 violation. The notification required under this subsection ~~shall~~
7 **must** be given no later than 6 months after the date the citation
8 was issued to the nonresident. This subsection does not apply
9 unless the governor of this state has entered into an interstate
10 compact requiring the notification described in this subsection.
11 The secretary of state may only share the information described in
12 this subsection to verify driving privileges or licensure status,
13 to report a conviction or withdrawal, or to ensure compliance with
14 49 CFR 384.209.

15 (3) The secretary of state, ~~upon~~**on** receiving a record of the
16 conviction, civil infraction determination, suspension, revocation,
17 or forfeiture of bail in this state of a nonresident of a violation
18 the record of which is required to be maintained under section
19 204a, shall forward a certified copy of the record to the motor
20 vehicle administrator or other appropriate officer in the state in
21 which the person is a resident.

22 (4) Within 10 days after an appeal is completed or the appeal
23 period has expired if an appeal is not made in a conviction, civil
24 infraction determination, or bond forfeiture entered against a
25 nonresident in this state for a violation committed while operating
26 a commercial motor vehicle or any violation for a commercial driver
27 license holder regardless of vehicle type, except a parking
28 violation, the secretary of state shall notify the motor vehicle
29 administration or other appropriate officer of the state where the



1 nonresident is licensed of that conviction, determination, or
2 forfeiture.

3 (5) If the secretary of state suspends, revokes, cancels, or
4 denies the driving privileges of a nonresident for 60 days or more
5 and that nonresident is licensed by another state to operate a
6 commercial motor vehicle, the secretary of state shall, within 10
7 days after the effective date of the suspension, revocation,
8 cancellation, or denial, forward a notification about that
9 suspension, revocation, cancellation, or denial to the motor
10 vehicle administrator or other appropriate officer of the state
11 where the nonresident is licensed to operate a motor vehicle. A
12 notice given under this subsection must include both the denial, if
13 any, and the violation that caused the suspension, revocation,
14 cancellation, or denial of the nonresident's driving privileges.

15 Sec. 904. (1) ~~A person~~**An individual** whose operator's or
16 chauffeur's license or registration certificate has been suspended
17 or revoked, whose application for license has been denied, or who
18 has never applied for a license, shall not operate a motor vehicle
19 ~~upon~~**on** a highway or other place open to the general public or
20 generally accessible to motor vehicles, including an area
21 designated for the parking of motor vehicles, within this state.

22 (2) A person shall not knowingly permit a motor vehicle owned
23 by the person to be operated ~~upon~~**on** a highway or other place open
24 to the general public or generally accessible to motor vehicles,
25 including an area designated for the parking of vehicles, within
26 this state by ~~a person~~**an individual** whose license or registration
27 certificate is suspended or revoked, whose application for license
28 has been denied, or who has never applied for a license, except as
29 permitted under this act.



1 (3) Except as otherwise provided in this section, a person who
 2 violates subsection (1) or (2) is **responsible for a civil**
 3 **infraction or** guilty of a ~~misdemeanor punishable crime~~ as follows:

4 (a) For a first violation, ~~by imprisonment for not more than~~
 5 ~~93 days or a fine of~~ **the person is responsible for a civil**
 6 **infraction and may be fined** not more than \$500.00, ~~or both. Unless~~
 7 **\$150.00. If** the vehicle was stolen or used with the permission of a
 8 person who did not knowingly permit an unlicensed driver to operate
 9 the vehicle, the registration plates of the vehicle ~~shall~~**must** be
 10 canceled by the secretary of state ~~upon notification~~ **when notified**
 11 by a peace officer.

12 (b) For a **second** violation, ~~that occurs after a prior~~
 13 ~~conviction, by imprisonment for not more than 1 year or a fine of~~
 14 **the person is responsible for a civil infraction and may be fined**
 15 not more than \$1,000.00, ~~or both. Unless~~ **\$250.00. If** the vehicle
 16 was stolen, the registration plates of the vehicle ~~shall~~**must** be
 17 canceled by the secretary of state ~~upon notification~~ **when notified**
 18 by a peace officer.

19 (c) For a third or subsequent violation, the person is guilty
 20 of a misdemeanor punishable by imprisonment for not more than 93
 21 days or a fine of \$500.00, or both. If the vehicle was used in the
 22 commission of a crime, the person failed to appear for a citation
 23 issued under this act, or the person failed to pay fines and costs
 24 imposed under this act, the secretary of state shall cancel the
 25 operator's or chauffeur's license or registration certificate of
 26 the individual operating the vehicle.

27 (4) ~~A person~~**An individual** who operates a motor vehicle in
 28 violation of subsection (1) or ~~a person~~**an individual** whose
 29 operator's or chauffeur's license or registration certificate has



1 been suspended or revoked by another state who operates a motor
 2 vehicle during the period of suspension or revocation and who, by
 3 operation of that motor vehicle, causes the death of another ~~person~~
 4 **individual** is guilty of a felony punishable by imprisonment for not
 5 more than 15 years or a fine of not less than \$2,500.00 or more
 6 than \$10,000.00, or both. This subsection does not apply to a
 7 ~~person~~**an individual** whose operator's or chauffeur's license was
 8 suspended because that ~~person~~**individual** failed to answer a
 9 citation or comply with an order or judgment under section 321a.

10 (5) ~~A person~~**An individual** who operates a motor vehicle in
 11 violation of subsection (1) or a ~~person~~**an individual** whose
 12 operator's or chauffeur's license or registration certificate has
 13 been suspended or revoked by another state who operates a motor
 14 vehicle during the period of suspension or revocation and who, by
 15 operation of that motor vehicle, causes the serious impairment of a
 16 body function of another ~~person~~**individual** is guilty of a felony
 17 punishable by imprisonment for not more than 5 years or a fine of
 18 not less than \$1,000.00 or more than \$5,000.00, or both. This
 19 subsection does not apply to a ~~person~~**an individual** whose
 20 operator's or chauffeur's license was suspended because that ~~person~~
 21 **individual** failed to answer a citation or comply with an order or
 22 judgment under section 321a.

23 (6) In addition to being subject to any other penalty provided
 24 for in this act, if a ~~person~~**an individual** is convicted under
 25 subsection (4) or (5), the court may impose the sanction permitted
 26 under section 625n. If the vehicle is not ordered forfeited under
 27 section 625n, the court shall order vehicle immobilization under
 28 section 904d in the judgment of sentence.

29 (7) A person shall not knowingly permit a motor vehicle owned



1 by the person to be operated ~~upon~~**on** a highway or other place open
 2 to the general public or generally accessible to motor vehicles,
 3 including an area designated for the parking of vehicles, within
 4 this state, by a ~~person~~**an individual** whose license or registration
 5 certificate is suspended or revoked, whose application for license
 6 has been denied, or who has never been licensed except as permitted
 7 by this act. If a ~~person~~**an individual** permitted to operate a motor
 8 vehicle in violation of this subsection causes the serious
 9 impairment of a body function of another ~~person~~**individual** by **the**
 10 operation of that motor vehicle, the person knowingly permitting
 11 the operation of that motor vehicle is guilty of a felony
 12 punishable by imprisonment for not more than 2 years, or a fine of
 13 not less than \$1,000.00 or more than \$5,000.00, or both. If a
 14 ~~person~~**an individual** permitted to operate a motor vehicle in
 15 violation of this subsection causes the death of another ~~person~~
 16 **individual** by **the** operation of that motor vehicle, the person
 17 knowingly permitting the operation of that motor vehicle is guilty
 18 of a felony punishable by imprisonment for not more than 5 years,
 19 or a fine of not less than \$1,000.00 or more than \$5,000.00, or
 20 both.

21 (8) If the prosecuting attorney intends to seek an enhanced
 22 sentence under this section ~~based upon~~**because** the defendant ~~having~~
 23 **has** 1 or more prior convictions, the prosecuting attorney shall
 24 include on the complaint and information, or an amended complaint
 25 and information, filed in district court, circuit court, municipal
 26 court, or family division of circuit court, a statement ~~listing~~
 27 **that lists** the defendant's prior convictions.

28 (9) A prior conviction under this section ~~shall~~**must** be
 29 established at or before sentencing by 1 or more of the following:



- 1 (a) A copy of a judgment of conviction.
- 2 (b) An abstract of conviction.
- 3 (c) A transcript of a prior trial, plea, or sentencing.
- 4 (d) A copy of a court register of action.
- 5 (e) A copy of the defendant's driving record.
- 6 (f) Information contained in a presentence report.
- 7 (g) An admission by the defendant.
- 8 (10) Subject to section 732a(11)(c), ~~upon~~**on** receiving a
- 9 record of ~~a person's~~**an individual's** conviction or civil infraction
- 10 determination for the unlawful operation of a motor vehicle or a
- 11 moving violation reportable under section 732 while the ~~person's~~
- 12 **individual's** operator's or chauffeur's license is suspended or
- 13 revoked, the secretary of state immediately shall impose an
- 14 additional like period of suspension or revocation. This subsection
- 15 applies only if the violation occurs during a suspension of
- 16 definite length or if the violation occurs before the ~~person~~
- 17 **individual** is approved for a license following a revocation.
- 18 (11) ~~Upon~~**On** receiving a record of ~~a person's~~**an individual's**
- 19 conviction or civil infraction determination for the unlawful
- 20 operation of a motor vehicle or a moving violation reportable under
- 21 section 732 while the ~~person's~~**individual's** operator's or
- 22 chauffeur's license is indefinitely suspended or whose application
- 23 for a license has been denied, the secretary of state immediately
- 24 shall impose a 30-day period of suspension or denial.
- 25 (12) ~~Upon~~**On** receiving a record of the conviction, bond
- 26 forfeiture, or a civil infraction determination of ~~a person~~**an**
- 27 **individual** for unlawful operation of a motor vehicle ~~requiring that~~
- 28 **requires** a vehicle group designation while the designation is
- 29 suspended or revoked under section 319b, or while the ~~person~~



1 **individual** is disqualified from operating a commercial motor
 2 vehicle by the United States Secretary of Transportation or under
 3 49 USC 31301 to 31317, the secretary of state immediately shall
 4 impose an additional like period of suspension or revocation. This
 5 subsection applies only if the violation occurs during a suspension
 6 of definite length or if the violation occurs before the ~~person~~
 7 **individual** is approved for a license following a revocation.

8 (13) If the secretary of state receives records of more than 1
 9 conviction or civil infraction determination ~~resulting that~~
 10 **resulted** from the same incident, all of the convictions or civil
 11 infraction determinations ~~shall~~**must** be treated as a single
 12 violation for purposes of imposing an additional period of
 13 suspension or revocation under subsection (10), (11), or (12).

14 (14) Before ~~a person~~**an individual** is arraigned before a
 15 district court magistrate or judge on a charge of violating this
 16 section, the arresting officer shall obtain the ~~person's~~
 17 **individual's** driving record from the secretary of state and shall
 18 furnish the record to the court. The driving record of the ~~person~~
 19 **individual** may be obtained from the secretary of state's computer
 20 information network.

21 (15) This section does not apply to ~~a person~~**an individual** who
 22 operates a vehicle solely for the purpose of protecting human life
 23 or property if the life or property is endangered and summoning
 24 prompt aid is essential.

25 (16) ~~A person~~**An individual** whose vehicle group designation is
 26 suspended or revoked and who has been notified as provided in
 27 section 212 of that suspension or revocation, or whose application
 28 for a vehicle group designation has been denied as provided in this
 29 act, or who has never applied for a vehicle group designation and



1 who operates a commercial motor vehicle within this state, except
2 as permitted under this act, while any of those conditions exist is
3 guilty of a misdemeanor punishable, except as otherwise provided in
4 this section, by imprisonment for not less than 3 days or more than
5 93 days or a fine of not more than \$100.00, or both.

6 (17) If ~~a person~~ **an individual** has a second or subsequent
7 suspension or revocation under this section within 7 years as
8 indicated on the ~~person's~~ **individual's** Michigan driving record, the
9 court shall proceed as provided in section 904d.

10 (18) Any period of suspension or revocation required under
11 subsection (10), (11), or (12) does not apply to ~~a person~~ **an**
12 **individual** who has only 1 currently effective suspension or denial
13 on his or her Michigan driving record under section 321a and was
14 convicted of or received a civil infraction determination for a
15 violation that occurred during that suspension or denial. This
16 subsection may only be applied once during the ~~person's~~
17 **individual's** lifetime.

18 (19) **Notwithstanding subsection (3), an individual who**
19 **operates a motor vehicle in violation of subsection (1) or (2)**
20 **while his or her license is suspended for failure to answer a**
21 **notice to appear for a criminal violation under section 321a, any**
22 **violation of section 625, reckless driving under section 626, or**
23 **any driving violation that causes the injury, death, or serious**
24 **impairment of a body function of another individual under this act**
25 **or a local ordinance substantially corresponding to a provision of**
26 **this act is guilty of a misdemeanor punishable by imprisonment for**
27 **not more than 93 days or a fine of \$500.00, or both.**

28 (20) **A law enforcement officer may impound the motor vehicle**
29 **of an individual who violates this section.**



1 (21) ~~(19)~~ For purposes of this section, ~~a person~~ **an individual**
 2 who never applied for a license includes ~~a person~~ **an individual** who
 3 applied for a license, was denied, and never applied again.

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

8 (2) If a person is determined under sections 741 to 750 to be
 9 responsible or responsible "with explanation" for a civil
 10 infraction under this act or a local ordinance **that** substantially
 11 ~~corresponding~~ **corresponds** to a provision of this act, the judge or
 12 district court magistrate may order the person to pay a civil fine
 13 of not more than \$100.00 and costs as provided in subsection (4).
 14 However, if the civil infraction was a moving violation that
 15 resulted in an at-fault collision with another vehicle, a person,
 16 or any other object, the civil fine ordered under this section
 17 ~~shall~~ **must** be increased by \$25.00 but the total civil fine ~~shall~~
 18 **must** not exceed \$100.00. However, for a violation of section 602b,
 19 the person shall be ordered to pay costs as provided in subsection
 20 (4) and a civil fine of \$100.00 for a first offense and \$200.00 for
 21 a second or subsequent offense. For a violation of section
 22 674(1)(s) or a local ordinance **that** substantially ~~corresponding~~
 23 **corresponds** to section 674(1)(s), the person shall be ordered to
 24 pay costs as provided in subsection (4) and a civil fine of not
 25 less than \$100.00 or more than \$250.00. For a violation of section
 26 676c, the person shall be ordered to pay costs as provided in
 27 subsection (4) and a civil fine of \$1,000.00. For a violation of
 28 section 328, the civil fine ordered under this subsection ~~shall~~
 29 **must** be not more than \$50.00. For a violation of section 710d, the



1 civil fine ordered under this subsection shall not exceed \$10.00,
2 subject to subsection (12). For a violation of section 710e, the
3 civil fine and court costs ordered under this subsection ~~shall~~**must**
4 be \$25.00. For a violation of section 682 or a local ordinance **that**
5 substantially ~~corresponding~~**corresponds** to section 682, the person
6 shall be ordered to pay costs as provided in subsection (4) and a
7 civil fine of not less than \$100.00 or more than \$500.00. For a
8 violation of section 240, the civil fine ordered under this
9 subsection shall be \$15.00. For a violation of section 252a(1), the
10 civil fine ordered under this subsection ~~shall~~**must** be \$50.00. For
11 a violation of section 676a(3), the civil fine ordered under this
12 section ~~shall~~**must** be not more than \$10.00. For a first violation
13 of section 319f(1), the civil fine ordered under this section ~~shall~~
14 **must** be not less than \$2,500.00 or more than \$2,750.00; for a
15 second or subsequent violation, the civil fine ~~shall~~**must** be not
16 less than \$5,000.00 or more than \$5,500.00. For a violation of
17 section 319g(1) (a), the civil fine ordered under this section ~~shall~~
18 **must** be not more than \$10,000.00. For a violation of section
19 319g(1) (g), the civil fine ordered under this section ~~shall~~**must** be
20 not less than \$2,750.00 or more than \$25,000.00. **For a violation of**
21 **section 215, 226a, 233(6) or (7), 234, 243, 244, 255, 311, 801e,**
22 **802(9) or (10), or 904(3) (a), the civil fine ordered under this**
23 **subsection must be not more than \$150.00. For a violation of**
24 **section 904(3) (b), the civil fine ordered under this subsection**
25 **must be not more than \$250.00. For a violation of section 256(2),**
26 **the civil fine ordered under this subsection must be not more than**
27 **\$500.00. For a violation of section 233(2), (3), or (4), the civil**
28 **fine ordered under this subsection must be not more than \$1,000.00.**
29 Permission may be granted for payment of a civil fine and costs to



1 be made within a specified period of time or in specified
 2 installments, but unless permission is included in the order or
 3 judgment, the civil fine and costs ~~shall~~**must** be payable
 4 immediately.

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

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

23 (5) In addition to a civil fine and costs ordered under
 24 subsection (2) or (3) and subsection (4) and the justice system
 25 assessment ordered under subsection (13), the judge or district
 26 court magistrate may order the person to attend and complete a
 27 ~~program of treatment, education, or rehabilitation~~ **program**.

28 (6) A district court magistrate shall impose the sanctions
 29 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~~**must** 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~~**on** the courts ~~having~~**that have**
17 jurisdiction over civil infractions but is intended to act as a
18 normative guide for judges and district court magistrates and a
19 basis for public evaluation of disparities in the imposition of
20 civil fines and 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~~**on**
24 receipt of certification by a law enforcement agency that repair of
25 the 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
28 under subsection (2), (3), or (4) or a justice system assessment
29 ordered under subsection (13), or an installment of the fine,



1 costs, or assessment, may be collected by a means authorized for
2 the enforcement of a judgment under chapter 40 of the revised
3 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or
4 under chapter 60 of the revised judicature act of 1961, 1961 PA
5 236, MCL 600.6001 to 600.6098.

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

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

18 (13) In addition to any civil fines or costs ordered to be
19 paid under this section, the judge or district court magistrate
20 shall order the defendant to pay a justice system assessment of
21 \$40.00 for each civil infraction determination, except for a
22 parking violation or a violation for which the total fine and costs
23 imposed are \$10.00 or less. ~~Upon~~**On** payment of the assessment, the
24 clerk of the court shall transmit the assessment collected to the
25 state treasury to be deposited into the justice system fund created
26 in section 181 of the revised judicature act of 1961, 1961 PA 236,
27 MCL 600.181. An assessment levied under this subsection is not a
28 civil fine for purposes of section 909.

29 (14) If a person has received a citation for a violation of



1 section 223, the court shall waive any civil fine, costs, and
 2 assessment, ~~upon-on~~ receipt of certification by a law enforcement
 3 agency that the person, before the appearance date on the citation,
 4 produced a valid registration certificate that was valid on the
 5 date the violation of section 223 occurred.

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

17 (16) If a person is determined to be responsible or
 18 responsible "with explanation" for a civil infraction under this
 19 act or a local ordinance substantially corresponding to a provision
 20 of this act and the civil infraction arises out of the ownership or
 21 operation of a commercial quadricycle, he or she shall be ordered
 22 to pay costs as provided in subsection (4) and a civil fine of not
 23 more than \$500.00.

24 (17) As used in this section, "moving violation" means an act
 25 or omission prohibited under this act or a local ordinance **that**
 26 substantially ~~corresponding~~ **corresponds** to this act that involves
 27 the operation of a motor vehicle and for which a fine may be
 28 assessed.

29 Enacting section 1. This amendatory act does not take effect



1 unless all of the following bills of the 100th Legislature are
2 enacted into law:

- 3 (a) House Bill No. 5685.
- 4 (b) House Bill No. 5686.
- 5 (c) House Bill No. 5688.
- 6 (d) House Bill No. 5691.
- 7 (e) House Bill No. 5698.
- 8 (f) House Bill No. 5699.

