

**SUBSTITUTE FOR
HOUSE BILL NO. 5699**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 311 and 907 (MCL 257.311 and 257.907), section
311 as amended by 1983 PA 63 and section 907 as amended by 2015 PA
126.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 311. **(1)** The licensee shall have his or her operator's or
2 chauffeur's license, or the receipt described in section 311a, in
3 his or her immediate possession at all times when operating a motor
4 vehicle, and shall display ~~the same upon~~ **his or her operator's or**
5 **chauffeur's license, or the receipt described in section 311a, on**
6 demand of ~~any~~ **a** police officer, who shall identify himself or
7 herself as ~~such~~ **a police officer.**



1 (2) Except as provided in subsection (4), a licensee who
2 violates subsection (1) is guilty of a misdemeanor punishable by
3 imprisonment for not more than 90 days or a fine of not more than
4 \$300.00, or both.

5 (3) If a licensee is not in immediate possession of his or her
6 operator's or chauffeur's license, or receipt described in section
7 311a, a police officer shall request from the licensee alternative
8 means to verify the licensee's identity, including, but not limited
9 to, any of the following:

10 (a) A photograph of the operator's license that the police
11 officer may use to verify the licensee's identity using the law
12 enforcement information network.

13 (b) A receipt or photograph of a valid registration for the
14 motor vehicle that the police officer may use to verify the
15 licensee's identity using the law enforcement information network.

16 (c) Information sufficient for the police officer to verify
17 the licensee's identity through the law enforcement information
18 network, including, but not limited to, the licensee's name and
19 date of birth.

20 (4) If a licensee who violates subsection (1) provides
21 sufficient alternate means to verify his or her identity under
22 subsection (3), the licensee is responsible for a civil infraction
23 and may be ordered to pay a civil fine of not more than \$150.00.

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

28 (2) If a person is determined under sections 741 to 750 to be
29 responsible or responsible "with explanation" for a civil



1 infraction under this act or a local ordinance **that** substantially
2 ~~corresponding~~ **corresponds** to a provision of this act, the judge or
3 district court magistrate may order the person to pay a civil fine
4 of not more than \$100.00 and costs as provided in subsection (4).
5 However, if the civil infraction was a moving violation that
6 resulted in an at-fault collision with another vehicle, a person,
7 or any other object, the civil fine ordered under this section
8 ~~shall~~ **must** be increased by \$25.00 but the total civil fine ~~shall~~
9 **must** not exceed \$100.00. However, for **a violation of section 311**
10 **that is a civil infraction, the licensee may be ordered to pay a**
11 **civil fine of not more than \$150.00. For** a violation of section
12 602b, the person ~~shall~~ **must** be ordered to pay costs as provided in
13 subsection (4) and a civil fine of \$100.00 for a first offense and
14 \$200.00 for a second or subsequent offense. For a violation of
15 section 674(1)(s) or a local ordinance **that** substantially
16 ~~corresponding~~ **corresponds** to section 674(1)(s), the person ~~shall~~
17 **must** be ordered to pay costs as provided in subsection (4) and a
18 civil fine of not less than \$100.00 or more than \$250.00. For a
19 violation of section 676c, the person ~~shall~~ **must** be ordered to pay
20 costs as provided in subsection (4) and a civil fine of \$1,000.00.
21 For a violation of section 328, the civil fine ordered under this
22 subsection ~~shall~~ **must** be not more than \$50.00. For a violation of
23 section 710d, the civil fine ordered under this subsection ~~shall~~
24 **must** not exceed \$10.00, subject to subsection (12). For a violation
25 of section 710e, the civil fine and court costs ordered under this
26 subsection ~~shall~~ **must** be \$25.00. For a violation of section 682 or
27 a local ordinance substantially corresponding to section 682, the
28 person ~~shall~~ **must** be ordered to pay costs as provided in subsection
29 (4) and a civil fine of not less than \$100.00 or more than \$500.00.



1 For a violation of section 240, the civil fine ordered under this
 2 subsection ~~shall~~**must** be \$15.00. For a violation of section
 3 252a(1), the civil fine ordered under this subsection ~~shall~~**must** be
 4 \$50.00. For a violation of section 676a(3), the civil fine ordered
 5 under this section ~~shall~~**must** be not more than \$10.00. For a first
 6 violation of section 319f(1), the civil fine ordered under this
 7 section ~~shall~~**must** be not less than \$2,500.00 or more than
 8 \$2,750.00; for a second or subsequent violation, the civil fine
 9 ~~shall~~**must** be not less than \$5,000.00 or more than \$5,500.00. For a
 10 violation of section 319g(1)(a), the civil fine ordered under this
 11 section ~~shall~~**must** be not more than \$10,000.00. For a violation of
 12 section 319g(1)(g), the civil fine ordered under this section ~~shall~~
 13 **must** be not less than \$2,750.00 or more than \$25,000.00. Permission
 14 may be granted for payment of a civil fine and costs to be made
 15 within a specified period of time or in specified installments, but
 16 unless permission is included in the order or judgment, the civil
 17 fine and costs ~~shall~~**must** be payable immediately.

18 (3) Except as provided in this subsection, if a person is
 19 determined to be responsible or responsible "with explanation" for
 20 a civil infraction under this act or a local ordinance **that**
 21 substantially ~~corresponding~~**corresponds** to a provision of this act
 22 while driving a commercial motor vehicle, he or she ~~shall~~**must** be
 23 ordered to pay costs as provided in subsection (4) and a civil fine
 24 of not more than \$250.00.

25 (4) If a civil fine is ordered under subsection (2) or (3),
 26 the judge or district court magistrate shall summarily tax and
 27 determine the costs of the action, which are not limited to the
 28 costs taxable in ordinary civil actions, and may include all
 29 expenses, direct and indirect, to which the plaintiff has been put



1 in connection with the civil infraction, up to the entry of
 2 judgment. Costs ~~shall~~**must** not be ordered in excess of \$100.00. A
 3 civil fine ordered under subsection (2) or (3) ~~shall~~**must** not be
 4 waived unless costs ordered under this subsection are waived.
 5 Except as otherwise provided by law, costs are payable to the
 6 general fund of the plaintiff.

7 (5) In addition to a civil fine and costs ordered under
 8 subsection (2) or (3) and subsection (4) and the justice system
 9 assessment ordered under subsection (13), the judge or district
 10 court magistrate may order the person to attend and complete a
 11 program of treatment, education, or rehabilitation.

12 (6) A district court magistrate shall impose the sanctions
 13 permitted under subsections (2), (3), and (5) only to the extent
 14 expressly authorized by the chief judge or only judge of the
 15 district court district.

16 (7) Each district of the district court and each municipal
 17 court may establish a schedule of civil fines, costs, and
 18 assessments to be imposed for civil infractions that occur within
 19 the respective district or city. If a schedule is established, it
 20 ~~shall~~**must** be prominently posted and readily available for public
 21 inspection. A schedule need not include all violations that are
 22 designated by law or ordinance as civil infractions. A schedule may
 23 exclude cases on the basis of a defendant's prior record of civil
 24 infractions or traffic offenses, or a combination of civil
 25 infractions and traffic offenses.

26 (8) The state court administrator shall annually publish and
 27 distribute to each district and court a recommended range of civil
 28 fines and costs for first-time civil infractions. This
 29 recommendation is not binding ~~upon~~**on** the courts having



1 jurisdiction over civil infractions but is intended to act as a
2 normative guide for judges and district court magistrates and a
3 basis for public evaluation of disparities in the imposition of
4 civil fines and costs throughout the state.

5 (9) If a person has received a civil infraction citation for
6 defective safety equipment on a vehicle under section 683, the
7 court shall waive a civil fine, costs, and assessments ~~upon~~**on**
8 receipt of certification by a law enforcement agency that repair of
9 the defective equipment was made before the appearance date on the
10 citation.

11 (10) A default in the payment of a civil fine or costs ordered
12 under subsection (2), (3), or (4) or a justice system assessment
13 ordered under subsection (13), or an installment of the fine,
14 costs, or assessment, may be collected by a means authorized for
15 the enforcement of a judgment under chapter 40 of the revised
16 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or
17 under chapter 60 of the revised judicature act of 1961, 1961 PA
18 236, MCL 600.6001 to 600.6098.

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

25 (12) The court may waive any civil fine, cost, or assessment
26 against a person who received a civil infraction citation for a
27 violation of section 710d if the person, before the appearance date
28 on the citation, supplies the court with evidence of acquisition,
29 purchase, or rental of a child seating system meeting the



1 requirements of section 710d.

2 (13) In addition to any civil fines or costs ordered to be
3 paid under this section, the judge or district court magistrate
4 shall order the defendant to pay a justice system assessment of
5 \$40.00 for each civil infraction determination, except for a
6 parking violation or a violation for which the total fine and costs
7 imposed are \$10.00 or less. Upon payment of the assessment, the
8 clerk of the court shall transmit the assessment collected to the
9 state treasury to be deposited into the justice system fund created
10 in section 181 of the revised judicature act of 1961, 1961 PA 236,
11 MCL 600.181. An assessment levied under this subsection is not a
12 civil fine for purposes of section 909.

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

19 (15) If a person has received a citation for a violation of
20 section 328(1) for failing to produce a certificate of insurance
21 under section 328(2), the court may waive the fee described in
22 section 328(3)(c) and shall waive any fine, costs, and any other
23 fee or assessment otherwise authorized under this act upon receipt
24 of verification by the court that the person, before the appearance
25 date on the citation, produced valid proof of insurance that was in
26 effect at the time the violation of section 328(1) occurred.
27 Insurance obtained subsequent to the time of the violation does not
28 make the person eligible for a waiver under this subsection.

29 (16) If a person is determined to be responsible or



1 responsible "with explanation" for a civil infraction under this
2 act or a local ordinance substantially corresponding to a provision
3 of this act and the civil infraction arises out of the ownership or
4 operation of a commercial quadricycle, he or she ~~shall~~**must** be
5 ordered to pay costs as provided in subsection (4) and a civil fine
6 of not more than \$500.00.

7 (17) As used in this section, "moving violation" means an act
8 or omission prohibited under this act or a local ordinance
9 substantially corresponding to this act that involves the operation
10 of a motor vehicle and for which a fine may be assessed.

