

**SUBSTITUTE FOR
HOUSE BILL NO. 5853**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 208b, 239, 312a, 325, 503, 624b, 677a, 682c, 698, 707c, and 907 (MCL 257.208b, 257.239, 257.312a, 257.325, 257.503, 257.624b, 257.677a, 257.682c, 257.698, 257.707c, and 257.907), section 208b as amended by 2019 PA 88, section 312a as amended by 2016 PA 318, section 503 as added by 2013 PA 218, section 624b as amended by 2003 PA 61, section 682c as added by 2012 PA 262, section 698 as amended by 2018 PA 342, and section 907 as amended by 2015 PA 126.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 208b. (1) The secretary of state may provide a commercial
2 look-up service of records maintained under this act. For each



1 individual record looked up, the secretary of state shall charge a
2 fee specified annually by the legislature, or if the legislature
3 does not specify a fee, a market-based price established by the
4 secretary of state. The secretary of state shall process a
5 commercial look-up request only if the request is in a form or
6 format prescribed by the secretary of state. Until October 1, 2023,
7 fees collected under this subsection must be credited to the
8 transportation administration collection fund created in section
9 810b.

10 (2) A driver education provider shall subscribe to the
11 commercial look-up service maintained by the secretary of state.

12 (3) A driver education provider shall maintain on its premises
13 the most current copy of all nonpersonal information related to his
14 or her driving record and the driving record of each instructor
15 employed by the driver education provider for review by any
16 prospective customer or the parent or guardian of a prospective
17 customer.

18 (4) A prospective customer or the parent or guardian of a
19 prospective customer may review a copy of all nonpersonal
20 information related to the driving record of the driver education
21 provider or an instructor employed by the driver education
22 provider.

23 (5) A driver education provider shall include in its contract
24 with each client, as prescribed by the secretary of state, a notice
25 that nonpersonal information related to the driving record of each
26 individual instructor is available for review by the general
27 public. A driver education provider who fails to include the
28 information required by this subsection is ~~subject to a fine~~
29 **responsible for a civil infraction and shall be ordered to pay a**



1 **civil fine** of not more than ~~\$500.00.~~**\$100.00.**

2 (6) Each limo carrier of passengers shall subscribe to the
3 commercial look-up service maintained by the secretary of state.

4 (7) ~~A person~~**An individual** who drives a limousine for hire for
5 a limo carrier of passengers shall maintain a most current copy of
6 all nonpersonal information related to the ~~person's~~**individual's**
7 driving record in the limousine available for review by any
8 prospective passenger.

9 (8) A prospective passenger may review a copy of all
10 nonpersonal information related to the driving record of the driver
11 of a limousine from a limo carrier of passengers or from the driver
12 of the limousine.

13 (9) The secretary of state shall not provide an entire
14 computerized central file or other file of records maintained under
15 this act to a nongovernmental person or entity, unless the person
16 or entity pays the prescribed fee for each individual record
17 contained within the computerized file.

18 (10) A driver training school operator who fails to provide
19 the information required to be maintained by this section is
20 ~~subject to a fine~~**responsible for a civil infraction and shall be**
21 **ordered to pay a civil fine** of not more than ~~\$500.00.~~**\$100.00.** Each
22 failure to provide information constitutes a separate offense.

23 (11) A limo carrier of passengers who fails to provide the
24 information required to be maintained by this section is ~~subject to~~
25 ~~a fine~~**responsible for a civil infraction and shall be ordered to**
26 **pay a civil fine** of not more than ~~\$500.00.~~**\$100.00.** Each failure to
27 provide information constitutes a separate offense.

28 (12) The driver of a limousine who fails to provide the
29 information required by this section is ~~subject to a fine~~



1 **responsible for a civil infraction and shall be ordered to pay a**
 2 **civil fine** of not more than ~~\$500.00.~~**\$100.00.** Each failure to
 3 provide information constitutes a separate offense.

4 (13) As used in this section:

5 (a) "Driver education provider" means that term as defined in
 6 section 5 of the driver education provider and instructor act, 2006
 7 PA 384, MCL 256.625.

8 (b) "Limousine carrier" and "limousine" mean those terms as
 9 defined in section 2 of the limousine, taxicab, and transportation
 10 network company act, 2016 PA 345, MCL 257.2102.

11 Sec. 239. ~~It is a misdemeanor for any~~ **A person to shall not**
 12 fail or neglect to properly endorse and deliver a certificate of
 13 title to a transferee or owner lawfully entitled ~~thereto.~~ **to the**
 14 **title. A person who violates this section is responsible for a**
 15 **civil infraction and shall be ordered to pay a civil fine of not**
 16 **more than \$100.00.**

17 Sec. 312a. (1) ~~A person,~~ **An individual,** before operating a
 18 motorcycle, other than an autocycle, upon a public street or
 19 highway in this state, shall procure a motorcycle indorsement on
 20 his or her operator's or chauffeur's license. The license ~~shall~~
 21 **must** be issued, suspended, revoked, canceled, or renewed in
 22 accordance with and governed by this act.

23 (2) ~~A person,~~ **An individual,** before operating a moped upon a
 24 highway, shall procure a special restricted license to operate a
 25 moped unless the ~~person~~ **individual** has a valid operator's or
 26 chauffeur's license. A special restricted license to operate a
 27 moped may be issued to ~~a person~~ **an individual** 15 years of age or
 28 older if the ~~person~~ **individual** satisfies the secretary of state
 29 that he **or she** is competent to operate a moped with safety. The



1 secretary of state shall not require a road test before issuance of
2 a special restricted license to operate a moped.

3 (3) A special restricted license to operate a moped ~~shall~~
4 ~~expire~~ **expires** on the birthday of the ~~person to whom~~ **individual** it
5 is issued **to** in the fourth year following the date of issuance. A
6 license ~~shall~~ **must** not be issued for a period longer than 4 years.
7 ~~A person~~ **An individual** issued a license to operate a moped shall
8 pay \$7.50 for an original license and \$6.00 for a renewal license.
9 The money received and collected under this subsection ~~shall~~ **must**
10 be deposited in the state treasury to the credit of the general
11 fund. The secretary of state shall refund out of the fees collected
12 to each county or municipality, acting as an examining officer,
13 \$2.50 for each applicant examined for an original license and \$1.00
14 for a renewal license.

15 (4) ~~A person~~ **An individual** who violates subsection (1) is
16 **responsible for a civil infraction or** guilty of a misdemeanor
17 punishable as follows:

18 (a) For a first violation, ~~by imprisonment for not more than~~
19 ~~90 days or a fine of not more than \$500.00, or both.~~ **the individual**
20 **is responsible for a civil infraction and shall be ordered to pay a**
21 **civil fine of not more than \$250.00.**

22 (b) For a violation that occurs after ~~a~~ **1 or more** prior
23 ~~conviction, judgments,~~ **the individual is guilty of a misdemeanor**
24 **punishable** by imprisonment for not more than 1 year or a fine of
25 not more than ~~\$1,000.00,~~ **\$500.00**, or both.

26 Sec. 325. ~~It shall be unlawful for any person to~~ **An individual**
27 **shall not** cause or knowingly permit any minor to drive a motor
28 vehicle upon a highway as an operator, unless the minor has first
29 obtained a license to drive a motor vehicle under the provisions of



1 this chapter. **An individual who violates this section is**
 2 **responsible for a civil infraction and shall be ordered to pay a**
 3 **civil fine of not more than \$100.00.**

4 Sec. 503. (1) For 30 days after the date a motor vehicle
 5 accident report is filed with a law enforcement agency, a person
 6 may only access the report if the person or organization files a
 7 statement indicating that from the time the person or organization
 8 is granted access to the report until 30 days after the date the
 9 report is filed, the person or organization acknowledges that the
 10 person or organization is prohibited from doing either of the
 11 following:

12 (a) Using the report for any direct solicitation of an
 13 individual, vehicle owner, or property owner listed in the report.

14 (b) Disclosing any personal information contained in the
 15 report to a third party for commercial solicitation of an
 16 individual, vehicle owner, or property owner listed in the report.

17 (2) A person that knowingly violates this section is ~~guilty of~~
 18 ~~a crime punishable~~ **responsible for a civil infraction and shall be**
 19 **ordered to pay a civil fine** as follows:

20 (a) For a first violation, ~~a misdemeanor punishable by a~~ **civil**
 21 **fine of not more than \$30,000.00.** ~~\$500.00.~~

22 (b) For a second or subsequent violation, ~~a misdemeanor~~
 23 ~~punishable by imprisonment for not more than 1 year or a~~ **by a civil**
 24 **fine of not more than \$60,000.00, or both.** ~~\$1,000.00.~~

25 (3) As used in this section:

26 (a) "Direct solicitation" means "direct solicitation to
 27 provide a service" as that term is defined in section 410b of the
 28 Michigan penal code, 1931 PA 328, MCL 750.410b.

29 (b) "Law enforcement agency" means any of the following:



1 (i) The department of state police.

2 (ii) The county sheriff's office.

3 (iii) The police department of a local unit of government.

4 (c) "Local unit of government" means a state university or
5 college or a county, city, village, or township.

6 (d) "Motor vehicle accident" means an occurrence involving a
7 motor vehicle that results in damage to property or injury to an
8 individual.

9 (e) "Personal information" means information that identifies
10 an individual, including the individual's name, address, driver
11 license number, ~~social security~~ **Social Security** number, and
12 telephone number.

13 (f) "Report" means a report completed by an officer of a law
14 enforcement agency that indicates that a motor vehicle accident
15 occurred.

16 Sec. 624b. (1) ~~A person~~ **An individual** less than 21 years of
17 age shall not knowingly transport or possess alcoholic liquor in a
18 motor vehicle as an operator or occupant unless the ~~person~~
19 **individual** is employed by a licensee under the Michigan liquor
20 control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, a
21 common carrier designated by the liquor control commission under
22 the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1101
23 to 436.2303, the liquor control commission, or an agent of the
24 liquor control commission and is transporting or having the
25 alcoholic liquor in a motor vehicle under the ~~person's~~ **individual's**
26 control during regular working hours and in the course of the
27 ~~person's~~ **individual's** employment. This section does not prevent a
28 ~~person~~ **an individual** less than 21 years of age from knowingly
29 transporting alcoholic liquor in a motor vehicle if a ~~person~~ **an**



1 **individual** at least 21 years of age is present inside the motor
2 vehicle. ~~A person~~ **An individual** who violates this subsection is
3 guilty of a misdemeanor. As part of the sentence, the ~~person~~
4 **individual** may be ordered to perform community service and undergo
5 substance abuse screening and assessment at his or her own expense
6 as described in section 703(1) of the Michigan liquor control code
7 of 1998, 1998 PA 58, MCL 436.1703.

8 (2) Within 30 days after the conviction for a violation of
9 subsection (1) by the operator of a motor vehicle, which conviction
10 has become final, the arresting law enforcement officer or the
11 officer's superior may make a complaint before the court from which
12 the warrant was issued. The complaint ~~shall~~ **must** be under oath and
13 ~~shall~~ **must** describe the motor vehicle in which alcoholic liquor was
14 possessed or transported by the operator, who is less than 21 years
15 of age, in committing the violation and requesting that the motor
16 vehicle be impounded as provided in this section. Upon the filing
17 of the complaint, the court shall issue to the owner of the motor
18 vehicle an order to show cause why the motor vehicle should not be
19 impounded. The order to show cause ~~shall~~ **must** fix a date and time
20 for a hearing, ~~which shall~~ **that is** not ~~be~~ less than 10 days after
21 the issuance of the order. The order ~~shall~~ **must** be served by
22 delivering a true copy to the owner not less than 3 full days
23 before the date of hearing or, if the owner cannot be located, by
24 sending a true copy by certified mail to the last known address of
25 the owner. If the owner is a nonresident of the state, service may
26 be made upon the secretary of state as provided in section 403.

27 (3) If the court determines upon the hearing of the order to
28 show cause, from competent and relevant evidence, that at the time
29 of the commission of the violation the motor vehicle was being



1 driven by the ~~person~~**individual** less than 21 years of age with the
2 express or implied consent or knowledge of the owner in violation
3 of subsection (1), and that the use of the motor vehicle is not
4 needed by the owner in the direct pursuit of the owner's employment
5 or the actual operation of the owner's business, the court may
6 authorize the impounding of the vehicle for a period of not less
7 than 15 days or more than 30 days. The court's order authorizing
8 the impounding of the vehicle ~~shall~~**must** authorize a law
9 enforcement officer to take possession without other process of the
10 motor vehicle wherever located and to store the vehicle in a public
11 or private garage at the expense and risk of the owner of the
12 vehicle. The owner of the vehicle may appeal the order to the
13 circuit court and the provisions governing the taking of appeals
14 from judgments for damages apply to the appeal. This section does
15 not prevent a bona fide lienholder from exercising rights under a
16 lien.

17 (4) A person who knowingly transfers title to a motor vehicle
18 for the purpose of avoiding this section is ~~guilty of a~~
19 ~~misdemeanor~~**responsible for a civil infraction and shall be ordered**
20 **to pay a civil fine of not more than \$100.00.**

21 (5) A law enforcement agency, upon determining that ~~a person~~
22 **an individual** less than 18 years of age allegedly violated this
23 section, shall notify the parent or parents, custodian, or guardian
24 of the ~~person~~**individual** as to the nature of the violation if the
25 name of a parent, guardian, or custodian is reasonably
26 ascertainable by the law enforcement agency. The notice required by
27 this subsection ~~shall~~**must** be made not later than 48 hours after
28 the law enforcement agency determines that the ~~person~~**individual**
29 who allegedly violated this section is less than 18 years of age



1 and may be made in person, by telephone, or by first-class mail.

2 Sec. 677a. (1) As used in this section:

3 (a) "Person" ~~shall~~**does** not include the state or a political
4 subdivision of the state or an employee of the state or a political
5 subdivision of the state operating within the scope of his duties.

6 (b) "Safety vision" means an unobstructed line of sight
7 enabling a driver to travel upon, enter, or exit a roadway in a
8 safe manner.

9 (2) A person shall not remove, or cause to be removed, snow,
10 ice, or slush onto or across a roadway or the shoulder of the
11 roadway in a manner which obstructs the safety vision of the driver
12 of a motor vehicle other than off-road vehicles.

13 (3) A person shall not deposit, or cause to be deposited,
14 snow, ice, or slush onto or across a roadway or the shoulder of the
15 roadway in a manner which obstructs the safety vision of the driver
16 of a motor vehicle.

17 (4) A person shall not deposit, or cause to be deposited,
18 snow, ice or slush on any roadway or highway.

19 **(5) A person who violates this section is responsible for a**
20 **civil infraction and shall be ordered to pay a civil fine of not**
21 **more than \$100.00.**

22 Sec. 682c. (1) A person shall not operate a commercial snow
23 removal vehicle to remove snow or ice on a public street or highway
24 or in a parking lot accessible for use by the public unless the
25 vehicle is operated with at least 1 flashing, rotating, or
26 oscillating yellow or amber light that is clearly visible in a 360-
27 degree arc from a distance of 500 feet when in use.

28 (2) A person who owns or leases a commercial snow removal
29 vehicle shall not knowingly allow a person to operate that vehicle



1 in violation of subsection (1).

2 (3) A person who violates this section is ~~guilty of a~~
3 ~~misdemeanor punishable by imprisonment for not more than 90 days or~~
4 ~~a fine of not more than \$500.00, or both.~~ **responsible for a civil**
5 **infraction and shall be ordered to pay a civil fine of not more**
6 **than \$100.00.**

7 (4) As used in this section:

8 (a) "Commercial snow removal vehicle" means a vehicle equipped
9 with a plow or other device that is used to remove snow or ice for
10 payment or other remuneration.

11 (b) "Person" means an individual, partnership, corporation,
12 association, governmental entity, or other legal entity.

13 Sec. 698. (1) A motor vehicle may be equipped with not more
14 than 2 side cowl or fender lamps that emit an amber or white light
15 without glare.

16 (2) A motor vehicle may be equipped with not more than 1
17 running board courtesy lamp on each side that emits a white or
18 amber light without glare.

19 (3) Backing lights of red, amber, or white may be mounted on
20 the rear of a motor vehicle if the switch controlling the light is
21 so arranged that the light may be turned on only if the vehicle is
22 in reverse gear. The backing lights when unlighted ~~shall~~**must** be
23 covered or otherwise arranged so as not to reflect objectionable
24 glare in the eyes of an operator of a vehicle approaching from the
25 rear.

26 (4) Unless both covered and unlit, a vehicle operated on the
27 highways of this state ~~shall~~**must** not be equipped with a lamp or a
28 part designed to be a reflector unless expressly required or
29 permitted by this chapter or that meets the standards prescribed in



1 49 CFR 571.108. ~~A-Except as otherwise provided, a~~ lamp or a part
 2 designed to be a reflector, if visible from the front, ~~shall-must~~
 3 display or reflect a white or amber light; if visible from either
 4 side, ~~shall-must~~ display or reflect an amber or red light; and if
 5 visible from the rear, ~~shall-must~~ display or reflect a red light. ~~r~~
 6 ~~except as otherwise provided by law.~~

7 (5) The use or possession of flashing, oscillating, or
 8 rotating lights of any color is prohibited except as otherwise
 9 provided by law ~~r~~ or under the following circumstances:

10 (a) A police vehicle ~~shall-must~~ be equipped with flashing,
 11 rotating, or oscillating red or blue lights, for use in the
 12 performance of police duties.

13 (b) A fire vehicle or ambulance available for public use or
 14 for use of the United States, this state, or any unit of this
 15 state, whether publicly or privately owned, ~~shall-must~~ be equipped
 16 with flashing, rotating, or oscillating red lights and used as
 17 required for safety.

18 (c) An authorized emergency vehicle may be equipped with
 19 flashing, rotating, or oscillating red lights for use when
 20 responding to an emergency call if when in use the flashing,
 21 rotating, or oscillating red lights are clearly visible in a 360-
 22 degree arc from a distance of 500 feet. ~~when in use. A person~~
 23 ~~operating lights under this subdivision at any time other than when~~
 24 ~~responding to an emergency call is guilty of a misdemeanor.~~

25 (d) Flashing, rotating, or oscillating amber or green lights,
 26 placed in a position as to be visible throughout an arc of 360
 27 degrees, ~~shall-must~~ be used by a state, county, or municipal
 28 vehicle engaged in the removal of ice, snow, or other material from
 29 the highway and in other operations designed to control ice and



1 snow, or engaged in other non-winter operations. This subdivision
 2 does not prohibit the use of a flashing, rotating, or oscillating
 3 green light by a fire service.

4 (e) A vehicle used for the cleanup of spills or a necessary
 5 emergency response action taken ~~pursuant to~~**under** state or federal
 6 law or a vehicle operated by an employee of the department of
 7 natural resources or the department of ~~environmental quality~~
 8 **environment, Great Lakes, and energy** that responds to a spill,
 9 emergency response action, complaint, or compliance activity may be
 10 equipped with flashing, rotating, or oscillating amber or green
 11 lights. The lights described in this subdivision ~~shall~~**must** not be
 12 activated unless the vehicle is at the scene of a spill, emergency
 13 response action, complaint, or compliance activity. This
 14 subdivision does not prohibit the use of a flashing, rotating, or
 15 oscillating green light by a fire service.

16 (f) A vehicle to perform public utility service, a vehicle
 17 owned or leased by and licensed as a business for use in the
 18 collection and hauling of refuse, an automobile service car or
 19 wrecker, a vehicle of a peace officer, a vehicle operated by a
 20 rural letter carrier or a person under contract to deliver
 21 newspapers or other publications by motor route, a vehicle utilized
 22 for snow or ice removal under section 682c, a private security
 23 guard vehicle as authorized in subsection (7), a motor vehicle
 24 while engaged in escorting or transporting an oversize load that
 25 has been issued a permit by the state transportation department or
 26 a local authority with respect to highways under its jurisdiction,
 27 a vehicle owned by the National Guard or a United States military
 28 vehicle while traveling under the appropriate recognized military
 29 authority, a motor vehicle while towing an implement of husbandry,



1 or an implement of husbandry may be equipped with flashing,
2 rotating, or oscillating amber lights. However, a wrecker may be
3 equipped with flashing, rotating, or oscillating red lights that
4 ~~shall~~**must** be activated only when the wrecker is engaged in
5 removing or assisting a vehicle at the scene of a traffic accident
6 or disablement. The flashing, rotating, or oscillating amber lights
7 ~~shall~~**must** not be activated except when the warning produced by the
8 lights is required for public safety. A vehicle engaged in
9 authorized highway repair or maintenance may be equipped with
10 flashing, rotating, or oscillating amber or green lights. This
11 subdivision does not prohibit the operator of a vehicle utilized
12 for snow or ice removal under section 682c that is equipped with
13 flashing, rotating, or oscillating amber lights from activating the
14 flashing, rotating, or oscillating amber lights when that vehicle
15 is traveling between locations at which it is being utilized for
16 snow or ice removal.

17 (g) A vehicle engaged in leading or escorting a funeral
18 procession or any vehicle that is part of a funeral procession may
19 be equipped with flashing, rotating, or oscillating purple or amber
20 lights that ~~shall~~**must** not be activated except during a funeral
21 procession.

22 (h) An authorized emergency vehicle may display flashing,
23 rotating, or oscillating white lights in conjunction with an
24 authorized emergency light as prescribed in this section.

25 (i) A private motor vehicle of a physician responding to an
26 emergency call may be equipped with and the physician may use
27 flashing, rotating, or oscillating red lights mounted on the roof
28 section of the vehicle either as a permanent installation or by
29 means of magnets or suction cups and clearly visible in a 360-



1 degree arc from a distance of 500 feet when in use. The physician
2 shall first obtain written authorization from the county sheriff.

3 (j) A public transit vehicle may be equipped with a flashing,
4 oscillating, or rotating light mounted on the roof of the vehicle
5 approximately 6 feet from the rear of the vehicle that displays a
6 white light to the front, side, and rear of the vehicle, which
7 light may be actuated by the driver for use only in inclement
8 weather such as fog, rain, or snow, when boarding or discharging
9 passengers, from 1/2 hour before sunset until 1/2 hour after
10 sunrise, or when conditions hinder the visibility of the public
11 transit vehicle. As used in this subdivision, "public transit
12 vehicle" means a motor vehicle, other than a station wagon or
13 passenger van, with a gross vehicle weight rating of more than
14 10,000 pounds.

15 (k) A person engaged in the manufacture, sale, or repair of
16 flashing, rotating, or oscillating lights governed by this
17 subsection may possess the lights for the purpose of employment,
18 but shall not activate the lights upon the highway unless
19 authorized to do so under subsection (6).

20 (l) A vehicle used as part of a neighborhood watch program may
21 be equipped with flashing, rotating, or oscillating amber lights,
22 if the vehicle is clearly identified as a neighborhood watch
23 vehicle and the neighborhood watch program is working in
24 cooperation with local law enforcement. The lights described in
25 this subdivision ~~shall~~**must** not be activated when the vehicle is
26 not being used to perform neighborhood watch program duties.

27 (6) A person shall not sell, loan, or otherwise furnish a
28 flashing, rotating, or oscillating blue or red light designed
29 primarily for installation on an authorized emergency vehicle to a



1 person except a police officer, sheriff, deputy sheriff, authorized
 2 physician, volunteer or paid fire fighter, volunteer ambulance
 3 driver, licensed ambulance driver or attendant of this state, a
 4 county or municipality within this state, a person engaged in the
 5 business of operating an ambulance or wrecker service, or a
 6 federally recognized nonprofit charitable organization that owns
 7 and operates an emergency support vehicle used exclusively for
 8 emergencies. This subsection does not prohibit an authorized
 9 emergency vehicle, equipped with flashing, rotating, or oscillating
 10 blue or red lights, from being operated by a person other than a
 11 person described in this section if the person receives
 12 authorization to operate the authorized emergency vehicle from a
 13 police officer, sheriff, deputy sheriff, authorized physician,
 14 volunteer or paid fire fighter, volunteer ambulance driver,
 15 licensed ambulance driver or attendant, a person operating an
 16 ambulance or wrecker service, or a federally recognized nonprofit
 17 charitable organization that owns and operates an emergency support
 18 vehicle used exclusively for emergencies, except that the
 19 authorization ~~shall~~**must** not permit the person to operate lights as
 20 described in subsection (5) (a), (b), (c), (i), or (j), or to
 21 exercise the privileges described in section 603. ~~A person who~~
 22 ~~operates an authorized emergency vehicle in violation of the terms~~
 23 ~~of an authorization is guilty of a misdemeanor punishable by~~
 24 ~~imprisonment for not more than 90 days or a fine of not more than~~
 25 ~~\$100.00, or both.~~

26 (7) A private motor vehicle of a security guard agency or
 27 alarm company licensed under the private security business and
 28 security alarm act, 1968 PA 330, MCL 338.1051 to 338.1092, may
 29 display flashing, rotating, or oscillating amber lights. The



1 flashing, rotating, or oscillating amber lights ~~shall~~**must** not be
2 activated on a public highway when a vehicle is in motion.

3 (8) This section does not prohibit, restrict, or limit the use
4 of lights authorized or required under sections 697, 697a, and
5 698a.

6 (9) A person who operates a vehicle in violation of ~~subsection~~
7 ~~(1), (2), (3), or (4)~~**this section** is responsible for a civil
8 infraction **and shall be ordered to pay a civil fine of not more**
9 **than \$100.00.**

10 Sec. 707c. (1) ~~After April 1, 1978, a~~**A** motor vehicle ~~shall~~
11 **must** not be operated or driven on a highway or street if the motor
12 vehicle produces total noise exceeding 1 of the following limits at
13 a distance of 50 feet except as provided in subdivisions (b) *(iii)* and
14 (c) *(iii)* :

15 (a) A motor vehicle with a gross weight or gross vehicle
16 weight rating of 8,500 pounds or more, combination vehicle with
17 gross weight or gross vehicle weight ratings of 8,500 pounds or
18 more.

19 (i) Ninety DBA if the maximum lawful speed on the highway or
20 street is greater than 35 miles per hour.

21 (ii) Eighty-six DBA if the maximum lawful speed on the highway
22 or street is not more than 35 miles per hour.

23 (iii) Eighty-eight DBA under stationary run-up test.

24 (b) A motorcycle or a moped:

25 (i) Eighty-six DBA if the maximum lawful speed on the highway
26 or street is greater than 35 miles per hour.

27 (ii) Eighty-two DBA if the maximum lawful speed on the highway
28 or street is not more than 35 miles per hour.

29 (iii) Ninety-five DBA under stationary run-up test at 75 inches.



1 (c) A motor vehicle or a combination of vehicles towed by a
2 motor vehicle not covered in subdivision (a) or (b):

3 (i) Eighty-two DBA if the maximum lawful speed on the highway
4 or street is greater than 35 miles per hour.

5 (ii) Seventy-six DBA if the maximum lawful speed on the highway
6 or street is not more than 35 miles per hour.

7 (iii) Ninety-five DBA under stationary run-up test 20 inches
8 from the end of the tailpipe.

9 (2) A dealer shall not sell or offer for sale for use upon a
10 street or highway in this state a new motor vehicle ~~manufactured~~
11 ~~after April 1, 1978, which~~ ~~that~~ produces a maximum noise exceeding
12 the following limits:

13 (a) A motor vehicle with a gross vehicle weight rating of
14 8,500 pounds or more—83 DBA.

15 (b) A motorcycle or a moped—83 DBA.

16 (c) A motor vehicle not covered in subdivision (a) or (b)—80
17 DBA.

18 (3) A person shall not operate a vehicle on a highway or
19 street if the vehicle has a defect in the exhaust system ~~which~~ ~~that~~
20 affects sound reduction, is not equipped with a muffler or other
21 noise dissipative device, or is equipped with a cutout, bypass,
22 amplifier, or a similar device.

23 (4) A person, either acting for himself or herself or as the
24 agent or employee of another, shall not sell, install, or replace a
25 muffler or exhaust part that causes the motor vehicle to which the
26 muffler or exhaust part is attached to exceed the noise limits
27 established by this act or a rule promulgated under this act.

28 (5) A person shall not modify, repair, replace, or remove a
29 part of an exhaust system causing the motor vehicle to which the



1 system is attached to produce noise in excess of the levels
 2 established by this act, or operate a motor vehicle so altered on a
 3 street or highway.

4 (6) A dealer shall not sell a used or secondhand motor vehicle
 5 for use upon a street or highway ~~which~~**that** is not in compliance
 6 with this act.

7 **(7) A person who violates this section is responsible for a**
 8 **civil infraction and shall be ordered to pay a civil fine of not**
 9 **more than \$100.00.**

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

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



~~1 and a civil fine of not less than \$100.00 or more than \$250.00. For~~
~~2 a violation of section 676c, the person shall be ordered to pay~~
~~3 costs as provided in subsection (4) and a civil fine of \$1,000.00.~~
~~4 For a violation of section 328, the civil fine ordered under this~~
~~5 subsection shall be not more than \$50.00. For a violation of~~
~~6 section 710d, the civil fine ordered under this subsection shall~~
~~7 not exceed \$10.00, subject to subsection (12). For a violation of~~
~~8 section 710e, the civil fine and court costs ordered under this~~
~~9 subsection shall be \$25.00. For a violation of section 682 or a~~
~~10 local ordinance substantially corresponding to section 682, the~~
~~11 person shall be ordered to pay costs as provided in subsection (4)~~
~~12 and a civil fine of not less than \$100.00 or more than \$500.00. For~~
~~13 a violation of section 240, the civil fine ordered under this~~
~~14 subsection shall be \$15.00. For a violation of section 252a(1), the~~
~~15 civil fine ordered under this subsection shall be \$50.00. For a~~
~~16 violation of section 676a(3), the civil fine ordered under this~~
~~17 section shall be not more than \$10.00. For a first violation of~~
~~18 section 319f(1), the civil fine ordered under this section shall be~~
~~19 not less than \$2,500.00 or more than \$2,750.00; for a second or~~
~~20 subsequent violation, the civil fine shall be not less than~~
~~21 \$5,000.00 or more than \$5,500.00. For a violation of section~~
~~22 319g(1)(a), the civil fine ordered under this section shall be not~~
~~23 more than \$10,000.00. For a violation of section 319g(1)(g), the~~
~~24 civil fine ordered under this section shall be not less than~~
~~25 \$2,750.00 or more than \$25,000.00. Permission may be granted for~~
~~26 payment of a civil fine and costs to be made within a specified~~
~~27 period of time or in specified installments, but unless permission~~
~~28 is included in the order or judgment, the civil fine and costs~~
~~29 shall be payable immediately.~~**Permission may be granted for payment**



1 of a civil fine and costs to be made within a specified period of
2 time or in specified installments but, unless permission is
3 included in the order or judgment, the civil fine and costs must be
4 payable immediately. Except as otherwise provided, a person found
5 responsible or responsible "with explanation" for a civil
6 infraction must pay costs as provided in subsection (4) and 1 or
7 more of the following civil fines, as applicable:

8 (a) Except as otherwise provided, for a civil infraction under
9 this act or a local ordinance substantially corresponding to a
10 provision of this act, the person shall be ordered to pay a civil
11 fine of not more than \$100.00.

12 (b) If the civil infraction was a moving violation that
13 resulted in an at-fault collision with another vehicle, a person,
14 or any other object, the civil fine ordered under this section is
15 increased by \$25.00 but the total civil fine must not be more than
16 \$100.00.

17 (c) For a violation of section 240, the civil fine ordered
18 under this subsection is \$15.00.

19 (d) For a violation of section 312a(4) (a), the civil fine
20 ordered under this section must not be more than \$250.00.

21 (e) For a first violation of section 319f(1), the civil fine
22 ordered under this section must not be less than \$2,500.00 or more
23 than \$2,750.00; for a second or subsequent violation, the civil
24 fine must not be less than \$5,000.00 or more than \$5,500.00.

25 (f) For a violation of section 319g(1) (a), the civil fine
26 ordered under this section must not be more than \$10,000.00.

27 (g) For a violation of section 319g(1) (g), the civil fine
28 ordered under this section must not be less than \$2,750.00 or more
29 than \$25,000.00.



1 (h) For a violation of section 503(2), the civil fine ordered
 2 under this section must not be more than \$500.00 for a first
 3 offense and \$1,000.00 for a second or subsequent offense.

4 (i) For a violation of section 602b, the civil fine ordered
 5 under this section must not be more than \$100.00 for a first
 6 offense and \$200.00 for a second or subsequent offense.

7 (j) For a violation of section 674(1)(s) or a local ordinance
 8 substantially corresponding to section 674(1)(s), the civil fine
 9 ordered under this section must not be less than \$100.00 or more
 10 than \$250.00.

11 (k) For a violation of section 676a(3), the civil fine ordered
 12 under this section must not be more than \$10.00.

13 (l) For a violation of section 676c, the civil fine ordered
 14 under this section is \$1,000.00.

15 (m) For a violation of section 682 or a local ordinance
 16 substantially corresponding to section 682, the civil fine ordered
 17 under this section must not be less than \$100.00 or more than
 18 \$500.00.

19 (n) For a violation of section 710d, the civil fine ordered
 20 under this section must not be more than \$10.00, subject to
 21 subsection (12).

22 (o) For a violation of section 710e, the civil fine and court
 23 costs ordered under this subsection must be \$25.00.

24 (3) Except as provided in this ~~subsection,~~ **section**, if a
 25 person is determined to be responsible or responsible "with
 26 explanation" for a civil infraction under this act or a local
 27 ordinance substantially corresponding to a provision of this act
 28 while driving a commercial motor vehicle, he or she ~~shall~~ **must** be
 29 ordered to pay costs as provided in subsection (4) and a civil fine



1 of not more than \$250.00.

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

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

18 (6) A district court magistrate shall impose the sanctions
19 permitted under subsections (2), (3), and (5) only to the extent
20 expressly authorized by the chief judge or only judge of the
21 district court district.

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



1 infractions or traffic offenses, or a combination of civil
2 infractions and traffic offenses.

3 (8) The state court administrator shall annually publish and
4 distribute to each district and court a recommended range of civil
5 fines and costs for first-time civil infractions. This
6 recommendation is not binding upon the courts having jurisdiction
7 over civil infractions but is intended to act as a normative guide
8 for judges and district court magistrates and a basis for public
9 evaluation of disparities in the imposition of civil fines and
10 costs throughout the state.

11 (9) If a person has received a civil infraction citation for
12 defective safety equipment on a vehicle under section 683, the
13 court shall waive a civil fine, costs, and assessments upon receipt
14 of certification by a law enforcement agency that repair of the
15 defective equipment was made before the appearance date on the
16 citation.

17 (10) A default in the payment of a civil fine or costs ordered
18 under subsection (2), (3), or (4) or a justice system assessment
19 ordered under subsection (13), or an installment of the fine,
20 costs, or assessment, may be collected by a means authorized for
21 the enforcement of a judgment under chapter 40 of the revised
22 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or
23 under chapter 60 of the revised judicature act of 1961, 1961 PA
24 236, MCL 600.6001 to 600.6098.

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



1 proceed under section 908.

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

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

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

25 (15) If a person has received a citation for a violation of
26 section 328(1) for failing to produce a certificate of insurance
27 under section 328(2), the court may waive the fee described in
28 section 328(3)(c) and shall waive any fine, costs, and any other
29 fee or assessment otherwise authorized under this act upon receipt



1 of verification by the court that the person, before the appearance
2 date on the citation, produced valid proof of insurance that was in
3 effect at the time the violation of section 328(1) occurred.

4 Insurance obtained subsequent to the time of the violation does not
5 make the person eligible for a waiver under this subsection.

6 (16) If a person is determined to be responsible or
7 responsible "with explanation" for a civil infraction under this
8 act or a local ordinance substantially corresponding to a provision
9 of this act and the civil infraction arises out of the ownership or
10 operation of a commercial quadricycle, he or she shall be ordered
11 to pay costs as provided in subsection (4) and a civil fine of not
12 more than \$500.00.

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

17 Enacting section 1. This amendatory act takes effect 90 days
18 after the date it is enacted into law.

