

# HOUSE BILL NO. 5274

December 05, 2019, Introduced by Reps. Clemente, Sowerby, Guerra, LaGrand, Garrett, Brixie, Gay-Dagnogo, Pagan, Sabo and Whitsett and referred to the Committee on Transportation.

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

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

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



1 infraction under this act or a local ordinance substantially  
2 corresponding to a provision of this act, the judge or district  
3 court magistrate may order the person to pay a civil fine of not  
4 more than \$100.00 and costs as provided in subsection (4). However,  
5 if the civil infraction was a moving violation that resulted in an  
6 at-fault collision with another vehicle, a person, or any other  
7 object, the civil fine ordered under this section shall be  
8 increased by \$25.00 but the total civil fine shall not exceed  
9 \$100.00. However, for a violation of section 602b, the person shall  
10 be ordered to pay costs as provided in subsection (4) and a civil  
11 fine of \$100.00 for a first offense and \$200.00 for a second or  
12 subsequent offense. For a violation of section 674(1)(s) or a local  
13 ordinance substantially corresponding to section 674(1)(s), the  
14 person shall be ordered to pay costs as provided in subsection (4)  
15 and a civil fine of not less than \$100.00 or more than \$250.00. For  
16 a violation of section 676c, the person shall be ordered to pay  
17 costs as provided in subsection (4) and a civil fine of \$1,000.00.  
18 For a violation of section 328, the civil fine ordered under this  
19 subsection shall be not more than \$50.00. For a violation of  
20 section 710d, the civil fine ordered under this subsection shall  
21 not exceed \$10.00, subject to subsection (12). For a violation of  
22 section 710e, the civil fine and court costs ordered under this  
23 subsection shall be \$25.00. For a violation of section 682 or a  
24 local ordinance substantially corresponding to section 682, the  
25 person shall be ordered to pay costs as provided in subsection (4)  
26 and a civil fine of not less than \$100.00 or more than \$500.00. For  
27 a violation of section 240, the civil fine ordered under this  
28 subsection shall be \$15.00. For a violation of section 252a(1), the  
29 civil fine ordered under this subsection shall be \$50.00. For a



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

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

22 (4) If a civil fine is ordered under subsection (2) or (3),  
23 the judge or district court magistrate shall summarily tax and  
24 determine the costs of the action, which are not limited to the  
25 costs taxable in ordinary civil actions, and may include all  
26 expenses, direct and indirect, to which the plaintiff has been put  
27 in connection with the civil infraction, up to the entry of  
28 judgment. Costs shall not be ordered in excess of \$100.00. A civil  
29 fine ordered under subsection (2) or (3) shall not be waived unless



1 costs ordered under this subsection are waived. Except as otherwise  
2 provided by law, costs are payable to the general fund of the  
3 plaintiff.

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

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

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

23 (8) The state court administrator shall annually publish and  
24 distribute to each district and court a recommended range of civil  
25 fines and costs for first-time civil infractions. This  
26 recommendation is not binding upon the courts having jurisdiction  
27 over civil infractions but is intended to act as a normative guide  
28 for judges and district court magistrates and a basis for public  
29 evaluation of disparities in the imposition of civil fines and



1 costs throughout the state.

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

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

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

22 (12) The court may waive any civil fine, cost, or assessment  
23 against a person who received a civil infraction citation for a  
24 violation of section 710d if the person, before the appearance date  
25 on the citation, supplies the court with evidence of acquisition ~~or~~  
26 ~~purchase, or rental~~ of a child seating system meeting the  
27 requirements of section 710d **and evidence that the person has**  
28 **received education from a certified child passenger safety**  
29 **technician.**



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

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

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

28 (16) If a person is determined to be responsible or  
29 responsible "with explanation" for a civil infraction under this



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

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

10 Enacting section 1. This amendatory act takes effect 180 days  
11 after the date it is enacted into law.

12 Enacting section 2. This amendatory act does not take effect  
13 unless House Bill No. 4600 of the 100th Legislature is enacted into  
14 law.

