

# HOUSE BILL NO. 5691

March 17, 2020, Introduced by Reps. Filler and Bolden and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 244 and 907 (MCL 257.244 and 257.907), section 244 as amended by 2013 PA 231 and section 907 as amended by 2015 PA 126.

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

1           Sec. 244. (1) A manufacturer owning a vehicle ~~of a type~~  
2 otherwise required to be registered under this act may operate or  
3 move the vehicle upon a street or highway primarily ~~for the~~



1 ~~purposes of transporting to transport~~ or ~~testing test~~ or in  
2 connection with a golf tournament or a public civic event, if the  
3 vehicle displays, ~~in the manner as~~ prescribed in section 225, 1  
4 special plate approved by the secretary of state.

5 (2) A producer of a vehicle subcomponent system essential to  
6 the operation of the vehicle or the safety of an occupant may  
7 operate or move a motor vehicle upon a street or highway solely to  
8 transport or test the subcomponent system if the motor vehicle  
9 displays, ~~in the manner as~~ prescribed in section 225, 1 special  
10 plate approved by the secretary of state. To be eligible for the  
11 special plate, the subcomponent system producer must be either a  
12 recognized subcomponent system producer or must be a subcomponent  
13 system producer under contract with a vehicle manufacturer.

14 (3) Subject to section 665, a manufacturer of automated  
15 technology may operate or otherwise move a motor vehicle or an  
16 automated motor vehicle upon a street or highway solely to  
17 transport or test automated technology if the motor vehicle or  
18 automated motor vehicle displays, ~~in the manner as~~ prescribed in  
19 section 225, a special plate approved by the secretary of state.

20 (4) A dealer owning a vehicle ~~of a type~~ otherwise required to  
21 be registered under this act may operate or move the vehicle upon a  
22 street or highway without registering the vehicle if the vehicle  
23 displays, ~~in the manner as~~ prescribed in section 225, 1 special  
24 plate issued to the owner by the secretary of state. As used in  
25 this subsection, "dealer" includes an employee, servant, or agent  
26 of the dealer.

27 (5) ~~Solely to deliver the vehicle, a~~ **A** transporter may operate  
28 or move a vehicle of a type otherwise required to be registered  
29 under this act upon a street or highway **solely to deliver the**



1 **vehicle** if the vehicle displays, ~~in the manner as~~ prescribed in  
2 section 225, a special plate issued to the transporter under this  
3 chapter.

4 (6) A licensee shall not use a special plate described in this  
5 section on service cars or wreckers operated as an adjunct of a  
6 licensee's business. A manufacturer, transporter, or dealer making  
7 or permitting any unauthorized use of a special plate under this  
8 chapter forfeits the right to use special plates and the secretary  
9 of state, after notice and a hearing, may suspend or cancel the  
10 right to use special plates and require that the special plates be  
11 surrendered to or repossessed by ~~the~~**this** state.

12 (7) A transporter shall furnish a sufficient surety bond or  
13 policy of insurance as protection for public liability and property  
14 damage as may be required by the secretary of state.

15 (8) The secretary of state shall determine the number of  
16 plates a manufacturer, dealer, or transporter reasonably needs in  
17 ~~his or her~~**its** business.

18 (9) If a vehicle that is required to be registered under this  
19 act is leased or sold, the vendee or lessee ~~is permitted to~~**may**  
20 operate the vehicle upon a street or highway for not more than 72  
21 hours after taking possession if the vehicle has a dealer plate  
22 attached as provided in this section. The application for  
23 registration ~~shall~~**must** be made in the name of the vendee or lessee  
24 before the vehicle is used. The dealer and the vendee or lessee are  
25 jointly responsible for the return of the dealer plate to the  
26 dealer within 72 hours. ~~, and the failure of the~~**The** vendee or  
27 lessee **that fails** to return or the vendor or lessor **that fails** to  
28 use due diligence to procure the dealer plate is ~~a misdemeanor,~~  
29 **responsible for a civil infraction** and ~~in addition~~ the license of



1 the dealer may be revoked. While using a dealer's plate, a vendee  
 2 or lessee shall have in his or her possession proof that clearly  
 3 indicates the date of sale or lease of the motor vehicle.

4 (10) A vehicle owned by a dealer and bearing the dealer's  
 5 plate may be driven upon a street or highway for demonstration  
 6 purposes by a prospective buyer or lessee for a period of 72 hours.

7 (11) The secretary of state may issue a registration plate  
 8 upon application and payment of the proper fee to an individual,  
 9 partnership, corporation, or association that in the ordinary  
 10 course of business has occasion to legally pick up or deliver a  
 11 commercial motor vehicle being driven to a facility to undergo  
 12 aftermarket modification, or to repair or service a vehicle, or to  
 13 persons defined as watercraft dealers under part 801 of the natural  
 14 resources and environmental protection act, 1994 PA 451, MCL  
 15 324.80101 to 324.80199, or to the owner of a marina ~~for the purpose~~  
 16 ~~of delivering to deliver~~ a vessel or trailer to a purchaser, to  
 17 transport a vessel between a body of water and a place of storage,  
 18 to transport a vessel or trailer to and from a boat show or  
 19 exposition, to repair, service, or store a vessel or trailer, or to  
 20 return a vessel or trailer to the customer after repair, service,  
 21 or storage. A registration plate issued under this subsection ~~shall~~  
 22 **must** be used to move the vehicle or trailer.

23 (12) **A person who violates this section is responsible for a**  
 24 **civil infraction.**

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

29 (2) If a person is determined under sections 741 to 750 to be



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



1 \$15.00. For a violation of section 252a(1), the civil fine ordered  
 2 under this subsection ~~shall be~~ **is** \$50.00. For a violation of  
 3 section 676a(3), the civil fine ordered under this section ~~shall be~~  
 4 ~~not more than~~ **must not exceed** \$10.00. For a first violation of  
 5 section 319f(1), the civil fine ordered under this section ~~shall~~  
 6 **must** be not less than \$2,500.00 or more than \$2,750.00; for a  
 7 second or subsequent violation, the civil fine ~~shall~~ **must** be not  
 8 less than \$5,000.00 or more than \$5,500.00. For a violation of  
 9 section 319g(1)(a), the civil fine ordered under this section ~~shall~~  
 10 ~~be not more than~~ **must not exceed** \$10,000.00. For a violation of  
 11 section 319g(1)(g), the civil fine ordered under this section ~~shall~~  
 12 **must** be not less than \$2,750.00 or more than \$25,000.00. **For a**  
 13 **violation of section 244, the civil fine ordered under this**  
 14 **subsection is \$150.00.** Permission may be granted for payment of a  
 15 civil fine and costs to be made within a specified period of time  
 16 or in specified installments, but unless permission is included in  
 17 the order or judgment, the civil fine and costs ~~shall~~ **must** be  
 18 payable immediately.

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

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



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

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

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

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

27 (8) The state court administrator shall annually publish and  
28 distribute to each district and court a recommended range of civil  
29 fines and costs for first-time civil infractions. This



1 recommendation is not binding upon the courts having jurisdiction  
2 over civil infractions but is intended to act as a normative guide  
3 for judges and district court magistrates and a basis for public  
4 evaluation of disparities in the imposition of civil fines and  
5 costs throughout the state.

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

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

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

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





1 purchase, or rental of a child seating system meeting the  
2 requirements of section 710d.

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

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

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



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

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

