

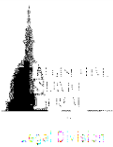
HOUSE BILL NO. 5698

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

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 801e and 907 (MCL 257.801e and 257.907), section 801e as amended by 1983 PA 91 and section 907 as amended by 2015 PA 126.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 801e. (1) ~~When~~ **If** a moped required to be registered under
2 this act is sold by a retailer to a general purchaser, the **retailer**
3 **shall obtain the** certificate of registration ~~shall be obtained in~~
4 the name of the purchaser. ~~by the retailer.~~ In other cases,



1 **circumstances, the purchaser shall obtain** the certificate of
2 registration. ~~shall be obtained by the purchaser. The An~~
3 application ~~shall~~ **for registration must** be signed by the purchaser
4 of the moped and ~~shall be accompanied by a fee of \$15.00.~~ Upon
5 receipt of ~~the an~~ application **for registration** in approved form,
6 the secretary of state shall enter the application upon the
7 secretary of state's records and issue to the applicant a
8 certificate of registration containing the decal for the moped, the
9 name and address of the owner, and other information the secretary
10 of state considers necessary. A moped ~~shall is~~ not ~~be~~ required to
11 be insured ~~in the manner specified for motor vehicles under chapter~~
12 ~~31 of Act No. 218 of the Public Acts of 1956, as amended, being~~
13 ~~sections 500.3101 to 500.3179 of the Michigan Compiled Laws.~~ **under**
14 **chapter 31 of the insurance code of 1956, 1956 PA 218, MCL 500.3101**
15 **to 500.3179.** The certificate of registration ~~shall must~~ be pocket
16 size, ~~shall accompany the vehicle, shall be legible, and shall be~~
17 made available for inspection upon demand by a law enforcement
18 officer.

19 (2) ~~A The secretary of state shall issue a~~ decal indicating
20 that the certificate of registration is in ~~full force and effect.~~
21 ~~shall be issued.~~ A registration certificate and decal shall not be
22 issued earlier than 90 days preceding the commencement date of the
23 new registration period. Display of the decal ~~shall must~~ be as
24 prescribed by rule promulgated by the secretary of state.

25 (3) A retailer or manufacturer of mopeds, upon application to
26 the secretary of state upon forms provided by the secretary of
27 state, may obtain certificates of registration for use in the
28 testing or demonstrating of a moped upon payment of \$10.00 for each
29 of the first 2 registration certificates. Additional certificates



1 may be issued at a cost of \$5.00 each and used by the applicant
 2 only in the testing or demonstrating of mopeds by temporary
 3 placement of the registration on the moped being tested or
 4 demonstrated. A certificate issued ~~pursuant to~~ **under** this
 5 subsection may be used on only 1 moped at ~~any given a~~ time.

6 (4) A moped registration ~~shall be~~ **is** valid for a 3-year period
 7 ~~which that~~ begins on May 1 and expires on April 30 of the third
 8 registration year. For purposes of this subsection, a registration
 9 year begins on May 1 and ends on April 30.

10 (5) **A person who violates this section is responsible for a**
 11 **civil infraction.**

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

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



1 local ordinance substantially corresponding to section 674(1)(s),
2 the person ~~shall~~**must** be ordered to pay costs as provided in
3 subsection (4) and a civil fine of not less than \$100.00 or more
4 than \$250.00. For a violation of section 676c, the person ~~shall~~
5 **must** be ordered to pay costs as provided in subsection (4) and a
6 civil fine of \$1,000.00. For a violation of section 328, the civil
7 fine ordered under this subsection ~~shall be not more than~~**must not**
8 **exceed** \$50.00. For a violation of section 710d, the civil fine
9 ordered under this subsection ~~shall~~**must** not exceed \$10.00, subject
10 to subsection (12). For a violation of section 710e, the civil fine
11 and court costs ordered under this subsection ~~shall be~~**is** \$25.00.
12 For a violation of section 682 or a local ordinance substantially
13 corresponding to section 682, the person ~~shall~~**must** be ordered to
14 pay costs as provided in subsection (4) and a civil fine of not
15 less than \$100.00 or more than \$500.00. For a violation of section
16 240, the civil fine ordered under this subsection ~~shall be~~**is**
17 \$15.00. For a violation of section 252a(1), the civil fine ordered
18 under this subsection ~~shall be~~**is** \$50.00. For a violation of
19 section 676a(3), the civil fine ordered under this section ~~shall be~~
20 ~~not more than~~**must not exceed** \$10.00. For a first violation of
21 section 319f(1), the civil fine ordered under this section ~~shall~~
22 **must** be not less than \$2,500.00 or more than \$2,750.00; for a
23 second or subsequent violation, the civil fine ~~shall~~**must** be not
24 less than \$5,000.00 or more than \$5,500.00. For a violation of
25 section 319g(1)(a), the civil fine ordered under this section ~~shall~~
26 ~~be not more than~~**must not exceed** \$10,000.00. For a violation of
27 section 319g(1)(g), the civil fine ordered under this section ~~shall~~
28 **must** be not less than \$2,750.00 or more than \$25,000.00. **For a**
29 **violation of section 801e, the civil fine ordered under this**



1 **subsection is \$150.00.** Permission may be granted for payment of a
2 civil fine and costs to be made within a specified period of time
3 or in specified installments, but unless permission is included in
4 the order or judgment, the civil fine and costs ~~shall~~**must** be
5 payable immediately.

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

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

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

29 (6) A district court magistrate shall impose the sanctions



1 permitted under subsections (2), (3), and (5) only to the extent
2 expressly authorized by the chief judge or only judge of the
3 district court district.

4 (7) Each district of the district court and each municipal
5 court may establish a schedule of civil fines, costs, and
6 assessments to be imposed for civil infractions that occur within
7 the respective district or city. If a schedule is established, it
8 shall ~~shall~~ **must** be prominently posted and readily available for public
9 inspection. A schedule need not include all violations that are
10 designated by law or ordinance as civil infractions. A schedule may
11 exclude cases on the basis of a defendant's prior record of civil
12 infractions or traffic offenses, or a combination of civil
13 infractions and traffic offenses.

14 (8) The state court administrator shall annually publish and
15 distribute to each district and court a recommended range of civil
16 fines and costs for first-time civil infractions. This
17 recommendation is not binding upon the courts having jurisdiction
18 over civil infractions but is intended to act as a normative guide
19 for judges and district court magistrates and a basis for public
20 evaluation of disparities in the imposition of civil fines and
21 costs throughout the state.

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

28 (10) A default in the payment of a civil fine or costs ordered
29 under subsection (2), (3), or (4) or a justice system assessment



1 ordered under subsection (13), or an installment of the fine,
2 costs, or assessment, may be collected by a means authorized for
3 the enforcement of a judgment under chapter 40 of the revised
4 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or
5 under chapter 60 of the revised judicature act of 1961, 1961 PA
6 236, MCL 600.6001 to 600.6098.

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

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

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



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

7 (15) If a person has received a citation for a violation of
8 section 328(1) for failing to produce a certificate of insurance
9 under section 328(2), the court may waive the fee described in
10 section 328(3)(c) and shall waive any fine, costs, and any other
11 fee or assessment otherwise authorized under this act upon receipt
12 of verification by the court that the person, before the appearance
13 date on the citation, produced valid proof of insurance that was in
14 effect at the time the violation of section 328(1) occurred.
15 Insurance obtained subsequent to the time of the violation does not
16 make the person eligible for a waiver under this 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~~**must** be
22 ordered to pay costs as provided in subsection (4) and a civil fine
23 of not 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
26 substantially corresponding to this act that involves the operation
27 of a motor vehicle and for which a fine may be assessed.

