

HOUSE BILL NO. 5696

April 30, 2024, Introduced by Reps. Price, Skaggs, Hope, Steckloff, Weiss, Farhat, MacDonell, Arbit, Brixie, Rheingans, Andrews, Haadsma, Dievendorf, Hood, Paiz, Edwards, Scott, Morgan and Whitsett and referred to the Committee on Transportation, Mobility and Infrastructure.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 252d, 320a, 707b, 707c, 707d, 732, and 907 (MCL 257.252d, 257.320a, 257.707b, 257.707c, 257.707d, 257.732, and 257.907), section 252d as amended by 2022 PA 89, section 320a as amended by 2023 PA 39, section 707c as amended by 2020 PA 382, section 732 as amended by 2023 PA 40, and section 907 as amended by 2024 PA 22.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 252d. (1) A police agency or a governmental agency
2 designated by the police agency may provide for the immediate

1 removal of a vehicle from public or private property to a place of
2 safekeeping at the expense of the last titled owner of the vehicle
3 in any of the following circumstances:

4 (a) If the vehicle is in such a condition that the continued
5 operation of the vehicle upon the highway would constitute an
6 immediate hazard to the public.

7 (b) If the vehicle is parked or standing upon the highway in
8 such a manner as to create an immediate public hazard or an
9 obstruction of traffic.

10 (c) If a vehicle is parked in a posted ~~tow-away~~ **tow-away** zone.

11 (d) If there is reasonable cause to believe that the vehicle
12 or any part of the vehicle is stolen.

13 (e) If the vehicle must be seized to preserve evidence of a
14 crime, or if there is reasonable cause to believe that the vehicle
15 was used in the commission of a crime.

16 (f) If removal is necessary in the interest of public safety
17 because of fire, flood, storm, snow, natural or man-made disaster,
18 or other emergency.

19 (g) If the vehicle ~~is hampering~~ **hampers** the use of **the** private
20 property by the owner or person in charge of that **private** property
21 or is parked in a manner that impedes the movement of another
22 vehicle.

23 (h) If the vehicle is stopped, standing, or parked in a space
24 designated as parking for persons with disabilities and is not
25 permitted by law to be stopped, standing, or parked in a space
26 designated as parking for persons with disabilities.

27 (i) If the vehicle is located in a clearly identified access
28 aisle or access lane immediately adjacent to a space designated as
29 parking for persons with disabilities.

1 (j) If the vehicle is interfering with the use of a ramp or a
2 curb-cut by persons with disabilities.

3 (k) If the vehicle has been involved in a traffic crash and
4 cannot be safely operated from the scene of the crash.

5 **(l) If the operation of the vehicle violates section 707c(4)**
6 **and the vehicle's operator has 2 or more prior judgments for a**
7 **violation of section 707c(4).**

8 (2) Unless the vehicle is ordered to be towed by a police
9 agency or a governmental agency designated by a police agency under
10 subsection (1)(a), (d), (e), or (k), if the owner or other person
11 that is legally entitled to possess a vehicle to be towed or
12 removed arrives at the location where the vehicle is located before
13 the actual towing or removal of the vehicle, the vehicle must be
14 disconnected from the tow truck, and the owner or other person that
15 is legally entitled to possess the vehicle may take possession of
16 the vehicle and remove it without interference upon the payment of
17 the reasonable service fee, for which a receipt must be provided.

18 (3) A police agency that authorizes the removal of a vehicle
19 under subsection (1) shall do all of the following:

20 (a) Check to determine if the vehicle has been reported stolen
21 before authorizing the removal of the vehicle.

22 (b) Enter the vehicle into the law enforcement information
23 network as an impounded vehicle ~~within~~ **not later than** 24 hours
24 after ordering the impound of the vehicle. Except as provided in
25 subsection (5), if the vehicle ~~has is~~ not ~~been~~ redeemed by the
26 owner within 7 days after the impound, the towing agency shall
27 notify the police agency of that fact and the police agency shall
28 deem the vehicle abandoned. The police agency shall enter the
29 vehicle into the law enforcement information network as abandoned

1 ~~within not later than~~ 24 hours ~~of~~**after** notification by the towing
2 agency, and follow the procedures set forth in section 252a.

3 (4) If an impounded vehicle is released before the police
4 agency enters the vehicle into the law enforcement information
5 network as abandoned, the towing agency or custodian shall notify
6 the police agency that authorized the removal ~~within not later than~~
7 24 hours ~~of releasing~~**after the release of** the impounded vehicle.

8 (5) A vehicle impounded under subsection (1) (d), (e), or (k)
9 must first be released by the police agency that authorized the
10 removal prior to the towing agency or custodian releasing the
11 vehicle to the vehicle owner.

12 (6) Not less than 20 days but not more than 30 days after a
13 vehicle has been released under subsection (5), the towing agency
14 or custodian shall notify the police agency to enter the vehicle as
15 abandoned and the police agency shall enter the vehicle into the
16 law enforcement information network as abandoned ~~within not later~~
17 **than** 24 hours ~~of~~**after** receiving notice and follow the procedures
18 set forth in section 252a if the impounded vehicle has not been
19 redeemed.

20 Sec. 320a. (1) Within 5 days after receipt of a properly
21 prepared abstract from a court of this state or another state, the
22 secretary of state shall record the date of conviction, civil
23 infraction determination, or probate court disposition, and the
24 number of points for each, based on the following formula, except
25 as otherwise provided in this section and section 629c:

26 (a) Manslaughter, negligent homicide, or a felony
27 resulting from the operation of a motor vehicle, ORV, or
28 snowmobile..... 6 points

1 (b) A violation of section 601b(2) or (3), 601c(1) or
2 (2), or 653a(3) or (4) or, beginning October 31, 2010, a
3 violation of section 601d..... 6 points

4 (c) A violation of section 625(1), (4), (5), (7), or
5 (8), section 81134 or 82127(1) of the natural resources
6 and environmental protection act, 1994 PA 451, MCL
7 324.81134 and 324.82127, or a law or ordinance
8 substantially corresponding to section 625(1), (4), (5),
9 (7), or (8), or section 81134 or 82127(1) of the natural
10 resources and environmental protection act, 1994 PA 451,
11 MCL 324.81134 and 324.82127..... 6 points

12 (d) Failing to stop and disclose identity at the
13 scene of an accident when required by law..... 6 points

14 (e) Operating a motor vehicle in violation of section
15 626..... 6 points

16 (f) Fleeing or eluding an officer..... 6 points

17 (g) A violation of section 627(6) pertaining to speed
18 in a work zone described in that section by exceeding the
19 lawful maximum by more than 15 miles per
20 hour..... 5 points

21 (h) A violation of any law or ordinance pertaining to
22 speed by exceeding the lawful maximum by more than 15
23 miles per hour..... 4 points

1 (i) A violation of section 625(3) or (6), section
 2 82127(3) of the natural resources and environmental
 3 protection act, 1994 PA 451, MCL 324.82127, or a law or
 4 ordinance substantially corresponding to section 625(3) or
 5 (6) or section 82127(3) of the natural resources and
 6 environmental protection act, 1994 PA 451, MCL
 7 324.82127..... 4 points

8 (j) A violation of section 626a or a law or ordinance
 9 substantially corresponding to section 626a..... 4 points

10 (k) A violation of section 627(6) pertaining to speed
 11 in a work zone described in that section by exceeding the
 12 lawful maximum by more than 10 but not more than 15 miles
 13 per hour..... 4 points

14 (l) Beginning October 31, 2010, a moving violation
 15 resulting in an at-fault collision with another vehicle,
 16 an individual, or any other object..... 4 points

17 (m) Careless driving in violation of section 626b or
 18 a law or ordinance substantially corresponding to section
 19 626b..... 3 points

20 (n) A violation of any law or ordinance pertaining to
 21 speed by exceeding the lawful maximum by more than 10
 22 miles per hour but not more than 15 miles per hour..... 3 points

23 (o) A violation of section 653a(2)..... 2 points

24 (p) A violation of any law or ordinance pertaining to
 25 speed by exceeding the lawful maximum by more than 5 miles
 26 per hour but not more than 10 miles per hour..... 2 points

27 (q) A violation of any law or ordinance pertaining to
 28 speed by exceeding the lawful maximum by more than 1 mile
 29 per hour but not more than 5 miles per hour..... 1 point

- 1 (r) Disobeying a traffic signal or stop sign, or
 2 improper passing..... 3 points
- 3 (s) A violation of section 624a, 624b, or a law or
 4 ordinance substantially corresponding to section 624a or
 5 624b..... 2 points
- 6 (t) A violation of section 310e(4) or (6) or a law or
 7 ordinance substantially corresponding to section 310e(4)
 8 or (6)..... 2 points
- 9 (u) All other moving violations pertaining to the
 10 operation of motor vehicles reported under this
 11 section..... 2 points
- 12 (v) A refusal by an individual less than 21 years of
 13 age to submit to a preliminary breath test required by a
 14 peace officer under section 625a..... 2 points
- 15 (w) A violation of section 627(6) pertaining to speed
 16 in a work zone described in that section by exceeding the
 17 lawful maximum by 10 miles per hour or
 18 less..... 3 points
- 19 (x) A third or subsequent violation of section
 20 602b..... 2 points
- 21 (y) A second violation of section
 22 602b..... 1 point
- 23 (2) Points must not be entered for a violation of section
 24 310e(14), 311, 602c, 625m, 658, **707c**, 710d, 717, 719, 719a, or 723.
- 25 (3) Points must not be entered for bond forfeitures.
- 26 (4) Points must not be entered for overweight loads or for
 27 defective equipment.
- 28 (5) If more than 1 conviction, civil infraction determination,
 29 or probate court disposition results from the same incident, points

1 must be entered only for the violation that receives the highest
2 number of points under this section.

3 (6) If an individual has accumulated 9 points as provided in
4 this section, the secretary of state may call the individual in for
5 an interview as to the individual's driving ability and record
6 after due notice as to time and place of the interview. If the
7 individual fails to appear as provided in this subsection, the
8 secretary of state shall add 3 points to the individual's record.

9 (7) If an individual violates a speed restriction established
10 by an executive order issued during a state of energy emergency as
11 provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of state
12 shall enter points for the violation under subsection (1).

13 (8) The secretary of state shall enter 6 points upon the
14 record of an individual whose license is suspended or denied under
15 section 625f. However, if a conviction, civil infraction
16 determination, or probate court disposition results from the same
17 incident, additional points for that offense must not be entered.

18 (9) If a Michigan driver commits a violation in another state
19 that would be a civil infraction if committed in this state, and a
20 conviction results solely because of the failure of the Michigan
21 driver to appear in that state to contest the violation, upon
22 receipt of the abstract of conviction by the secretary of state,
23 the violation must be noted on the Michigan driver's record, but
24 points must not be assessed against the Michigan driver license.

25 Sec. 707b. (1) A motor vehicle, while being operated on a
26 highway or street, ~~shall~~**must** be equipped with an exhaust system in
27 good working order to prevent excessive or unusual noise. ~~and shall~~
28 ~~be equipped to prevent noise in excess of the limits established in~~
29 ~~this act.~~

1 (2) For purposes of sections 707a to 707f, a motor vehicle
2 does not include a special mobile equipment.

3 Sec. 707c. (1) A motor vehicle must not be operated or driven
4 on a highway or street if the motor vehicle produces total noise
5 exceeding 1 of the following limits at a distance of 50 feet except
6 as provided in subdivisions (b) (iii) and (c) (iii):

7 (a) A motor vehicle with a gross weight or gross vehicle
8 weight rating of 8,500 pounds or more, combination vehicle with
9 gross weight or gross vehicle weight ratings of 8,500 pounds or
10 more: -

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

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

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

16 (b) A motorcycle or a moped:

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

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

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

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

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

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

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

1 (2) A dealer shall not sell or offer for sale for use upon a
 2 street or highway in this state a new motor vehicle that produces a
 3 maximum noise exceeding the following limits:

4 (a) A motor vehicle with a gross vehicle weight rating of
 5 8,500 pounds or more—83 DBA.

6 (b) A motorcycle or a moped—83 DBA.

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

9 (3) A person shall not operate a vehicle on a highway or
 10 street if the vehicle has a defect in the exhaust system that
 11 affects sound reduction, is not equipped with a muffler or other
 12 noise dissipative device. ~~7-08~~

13 **(4) A person shall not operate a vehicle on a highway or**
 14 **street if the vehicle's exhaust system** is equipped with a cutout,
 15 bypass, amplifier, or ~~a~~ similar device.

16 (5) ~~(4)~~A person, either acting for himself or herself or as
 17 the agent or employee of another, shall not sell, install, or
 18 replace a muffler or exhaust part that causes the motor vehicle to
 19 which the muffler or exhaust part is attached to exceed the noise
 20 limits established by this act or a rule promulgated under this
 21 act.

22 ~~(5) A person shall not modify, repair, replace, or remove a~~
 23 ~~part of an exhaust system causing the motor vehicle to which the~~
 24 ~~system is attached to produce noise in excess of the levels~~
 25 ~~established by this act, or operate a motor vehicle so altered on a~~
 26 ~~street or highway.~~

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

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

4 Sec. 707d. (1) **Except as provided under subsection (7), a**
 5 **person who violates section 707b or 707c(1) or (3) is responsible**
 6 **for a civil infraction.**

7 (2) A person who violates section 707c(2), ~~(4),~~ ~~(5),~~ or (6) is
 8 guilty of a misdemeanor punishable by a fine ~~of \$100.00.~~ **as follows:**

9 (a) **For a first violation, \$500.00.**

10 (b) **For a second or subsequent violation, \$1,000.00.**

11 (3) ~~(2) A~~ **Except as provided under subsection (7), a** person
 12 ~~who violates section 707b or 707c(1), (3), or (5)~~ **707c(4) is**
 13 **responsible for a civil infraction or guilty of a misdemeanor**
 14 **punishable as follows:**

15 (a) **For a first violation, the individual is responsible for a**
 16 **civil infraction and must be ordered to pay a civil fine of**
 17 **\$500.00.**

18 (b) **For a second violation, the individual is responsible for**
 19 **a civil infraction and must be ordered to pay a civil fine of**
 20 **\$1,000.00.**

21 (c) **For a third or subsequent violation, the individual is**
 22 **guilty of a misdemeanor punishable by a fine of \$1,000.00.**

23 (4) ~~(3)~~ A person who, at the time of installation, knowingly
 24 installs a muffler or exhaust system which exceeds the decibel
 25 limits of this act ~~shall be~~ **is** liable to the person who receives a
 26 citation for violation of 707c for the amount of not less than
 27 \$100.00, plus reasonable attorney fees and court costs.

28 (5) ~~(4)~~ If it is shown that the noise level of a motor vehicle
 29 is in excess of the DBA levels established in this act, that

1 evidence ~~shall be~~ **is** prima facie evidence that the motor vehicle
2 was producing excessive noise in violation of this act.

3 **(6) ~~(5)~~**—A violation of section ~~707e(4)~~ **707c(5)** or (6) by a
4 dealer licensed under this act is prima facie evidence of a
5 fraudulent act under section 249.

6 **(7) If, before the appearance date on a citation issued under**
7 **section 707b or 707c(1), (3), or (4), the defendant submits**
8 **sufficient proof to the court that the motor vehicle is no longer**
9 **in violation of the respective section, 1 of the following applies,**
10 **as applicable:**

11 **(a) For a violation of section 707b or 707c(1) or (3), or a**
12 **first violation of section 707c(4), the court shall not assess a**
13 **fine or costs.**

14 **(b) For a second violation of section 707c(4), the court shall**
15 **not assess \$500.00 of the fine.**

16 Sec. 732. (1) Each municipal judge and each clerk of a court
17 of record shall keep a full record of every case in which an
18 individual is charged with or cited for a violation of this act or
19 a local ordinance substantially corresponding to this act
20 regulating the operation of vehicles on highways and with those
21 offenses pertaining to the operation of ORVs or snowmobiles for
22 which points are assessed under section 320a(1)(c) or (i). Except
23 as provided in subsection (16), the municipal judge or clerk of the
24 court of record shall prepare and forward to the secretary of state
25 an abstract of the court record as follows:

26 **(a) Not more than 5 days after a conviction, forfeiture of**
27 **bail, or entry of a civil infraction determination or default**
28 **judgment upon a charge of or citation for violating or attempting**
29 **to violate this act or a local ordinance substantially**

1 corresponding to this act regulating the operation of vehicles on
2 highways.

3 (b) Immediately for each case charging a violation of section
4 625(1), (3), (4), (5), (6), (7), or (8) or section 625m or a local
5 ordinance substantially corresponding to section 625(1), (3), (6),
6 or (8) or section 625m in which the charge is dismissed or the
7 defendant is acquitted.

8 (c) Immediately for each case charging a violation of section
9 82127(1) or (3) or 81134 of the natural resources and environmental
10 protection act, 1994 PA 451, MCL 324.82127 and 324.81134, or a
11 local ordinance substantially corresponding to those sections.

12 (2) If a city or village department, bureau, or person is
13 authorized to accept a payment of money as a settlement for a
14 violation of a local ordinance substantially corresponding to this
15 act, the city or village department, bureau, or person shall send a
16 full report of each case in which an individual pays any amount of
17 money to the city or village department, bureau, or person to the
18 secretary of state upon a form prescribed by the secretary of
19 state.

20 (3) The abstract or report required under this section must be
21 made upon a form furnished by the secretary of state. An abstract
22 must be certified by signature, stamp, or facsimile signature of
23 the individual required to prepare the abstract as correct. An
24 abstract or report must include all of the following:

25 (a) The name, address, and date of birth of the individual
26 charged or cited.

27 (b) The number of the individual's operator's or chauffeur's
28 license, if any.

29 (c) The date and nature of the violation.

1 (d) The type of vehicle driven at the time of the violation
2 and, if the vehicle is a commercial motor vehicle, that vehicle's
3 group designation.

4 (e) The date of the conviction, finding, forfeiture, judgment,
5 or civil infraction determination.

6 (f) Whether bail was forfeited.

7 (g) Any license restriction, suspension, or denial ordered by
8 the court as provided by law.

9 (h) The vehicle identification number and registration plate
10 number of all vehicles that are ordered immobilized or forfeited.

11 (i) Other information considered necessary to the secretary of
12 state.

13 (4) The clerk of the court also shall forward an abstract of
14 the court record to the secretary of state upon an individual's
15 conviction or, for the purposes of subdivision (d), a finding or
16 admission of responsibility, involving any of the following:

17 (a) A violation of section 413, 414, or 479a of the Michigan
18 penal code, 1931 PA 328, MCL 750.413, 750.414, and 750.479a.

19 (b) A violation of section 1 of former 1931 PA 214.

20 (c) Negligent homicide, manslaughter, or murder resulting from
21 the operation of a vehicle.

22 (d) A violation of sections 701(1) and 703 of the Michigan
23 liquor control code of 1998, 1998 PA 58, MCL 436.1701 and 436.1703,
24 or a local ordinance substantially corresponding to those sections.

25 (e) A violation of section 411a(2) of the Michigan penal code,
26 1931 PA 328, MCL 750.411a.

27 (f) A violation of motor carrier safety regulations 49 CFR
28 392.10 or 392.11 as adopted by section 1a of the motor carrier
29 safety act of 1963, 1963 PA 181, MCL 480.11a.

1 (g) A violation of section 57 of the pupil transportation act,
2 1990 PA 187, MCL 257.1857.

3 (h) An attempt to violate, a conspiracy to violate, or a
4 violation of part 74 of the public health code, 1978 PA 368, MCL
5 333.7401 to 333.7461, or a local ordinance that prohibits conduct
6 prohibited under part 74 of the public health code, 1978 PA 368,
7 MCL 333.7401 to 333.7461, unless the convicted individual is
8 sentenced to life imprisonment or a minimum term of imprisonment
9 that exceeds 1 year for the offense.

10 (i) An attempt to commit an offense described in subdivisions
11 (a) to (g).

12 (j) A violation of chapter LXXXIII-A of the Michigan penal
13 code, 1931 PA 328, MCL 750.543a to 750.543z.

14 (k) A violation of section 3101, 3102(1), or 3103 of the
15 insurance code of 1956, 1956 PA 218, MCL 500.3101, 500.3102, and
16 500.3103.

17 (l) A violation listed as a disqualifying offense under 49 CFR
18 383.51.

19 **(m) A violation of section 707c(4).**

20 (5) The clerk of the court shall also forward an abstract of
21 the court record to the secretary of state if an individual has
22 pled guilty to, or offered a plea of admission in a juvenile
23 proceeding for, a violation of section 703 of the Michigan liquor
24 control code of 1998, 1998 PA 58, MCL 436.1703, or a local
25 ordinance substantially corresponding to that section, and has had
26 further proceedings deferred under that section. If the individual
27 is sentenced to a term of probation and terms and conditions of
28 probation are fulfilled and the court discharges the individual and
29 dismisses the proceedings, the court shall also report the

1 dismissal to the secretary of state.

2 (6) As used in subsections (7) to (9), "felony in which a
3 motor vehicle was used" means a felony during the commission of
4 which the individual operated a motor vehicle and while operating
5 the vehicle presented real or potential harm to individuals or
6 property and 1 or more of the following circumstances existed:

- 7 (a) The vehicle was used as an instrument of the felony.
8 (b) The vehicle was used to transport a victim of the felony.
9 (c) The vehicle was used to flee the scene of the felony.
10 (d) The vehicle was necessary for the commission of the
11 felony.

12 (7) If an individual is charged with a felony in which a motor
13 vehicle was used, other than a felony specified in subsection (4)
14 or section 319, the prosecuting attorney shall include the
15 following statement on the complaint and information filed in
16 district or circuit court:

17 "You are charged with the commission of a felony in which a
18 motor vehicle was used. If you are convicted and the judge finds
19 that the conviction is for a felony in which a motor vehicle was
20 used, as defined in section 319 of the Michigan vehicle code, 1949
21 PA 300, MCL 257.319, your driver's license shall be suspended by
22 the secretary of state."

23 (8) If a juvenile is accused of an act, the nature of which
24 constitutes a felony in which a motor vehicle was used, other than
25 a felony specified in subsection (4) or section 319, the
26 prosecuting attorney or family division of circuit court shall
27 include the following statement on the petition filed in the court:

28 "You are accused of an act the nature of which constitutes a
29 felony in which a motor vehicle was used. If the accusation is

1 found to be true and the judge or referee finds that the nature of
2 the act constitutes a felony in which a motor vehicle was used, as
3 defined in section 319 of the Michigan vehicle code, 1949 PA 300,
4 MCL 257.319, your driver's license shall be suspended by the
5 secretary of state."

6 (9) If the court determines as part of the sentence or
7 disposition that the felony for which the individual was convicted
8 or adjudicated and with respect to which notice was given under
9 subsection (7) or (8) is a felony in which a motor vehicle was
10 used, the clerk of the court shall forward an abstract of the court
11 record of that conviction to the secretary of state.

12 (10) As used in subsections (11) and (12), "felony in which a
13 commercial motor vehicle was used" means a felony during the
14 commission of which the individual operated a commercial motor
15 vehicle and while the individual was operating the vehicle 1 or
16 more of the following circumstances existed:

- 17 (a) The vehicle was used as an instrument of the felony.
18 (b) The vehicle was used to transport a victim of the felony.
19 (c) The vehicle was used to flee the scene of the felony.
20 (d) The vehicle was necessary for the commission of the
21 felony.

22 (11) If an individual is charged with a felony in which a
23 commercial motor vehicle was used and for which a vehicle group
24 designation on a license is subject to suspension or revocation
25 under section 319b(1)(c) *(iii)*, 319b(1)(d), 319b(1)(e) *(iii)*, or
26 319b(1)(f) *(i)*, the prosecuting attorney shall include the following
27 statement on the complaint and information filed in district or
28 circuit court:

29 "You are charged with the commission of a felony in which a

1 commercial motor vehicle was used. If you are convicted and the
 2 judge finds that the conviction is for a felony in which a
 3 commercial motor vehicle was used, as defined in section 319b of
 4 the Michigan vehicle code, 1949 PA 300, MCL 257.319b, all vehicle
 5 group designations on your driver's license shall be suspended or
 6 revoked by the secretary of state."

7 (12) If the judge determines as part of the sentence that the
 8 felony for which the defendant was convicted and with respect to
 9 which notice was given under subsection (11) is a felony in which a
 10 commercial motor vehicle was used, the clerk of the court shall
 11 forward an abstract of the court record of that conviction to the
 12 secretary of state.

13 (13) Every individual required to forward abstracts to the
 14 secretary of state under this section shall certify for the period
 15 from January 1 through June 30 and for the period from July 1
 16 through December 31 that all abstracts required to be forwarded
 17 during the period have been forwarded. The certification must be
 18 filed with the secretary of state not later than 28 days after the
 19 end of the period covered by the certification. The certification
 20 must be made upon a form furnished by the secretary of state and
 21 must include all of the following:

22 (a) The name and title of the individual required to forward
 23 abstracts.

24 (b) The court for which the certification is filed.

25 (c) The time period covered by the certification.

26 (d) The following statement:

27 "I certify that all abstracts required by section 732 of the
 28 Michigan vehicle code, 1949 PA 300, MCL 257.732, for the period
 29 _____ through _____ have been forwarded to the

1 secretary of state.".

2 (e) Other information the secretary of state considers
3 necessary.

4 (f) The signature of the individual required to forward
5 abstracts.

6 (14) The failure, refusal, or neglect of an individual to
7 comply with this section constitutes misconduct in office and is
8 grounds for removal from office.

9 (15) Except as provided in subsection (16), the secretary of
10 state shall keep all abstracts received under this section at the
11 secretary of state's main office and the abstracts must be open for
12 public inspection during the office's usual business hours. Each
13 abstract must be entered upon the master driving record of the
14 individual to whom it pertains.

15 (16) Except for controlled substance offenses **and the exhaust**
16 **system violation** described in subsection (4), the court shall not
17 submit, and the secretary of state shall discard and not enter on
18 the master driving record, an abstract for a conviction or civil
19 infraction determination for any of the following violations:

20 (a) The parking or standing of a vehicle.

21 (b) A nonmoving violation that is not the basis for the
22 secretary of state's suspension, revocation, or denial of an
23 operator's or chauffeur's license.

24 (c) A violation of chapter II that is not the basis for the
25 secretary of state's suspension, revocation, or denial of an
26 operator's or chauffeur's license.

27 (d) A pedestrian, passenger, or bicycle violation, other than
28 a violation of section 703(1) or (2) of the Michigan liquor control
29 code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance

1 substantially corresponding to section 703(1) or (2) of the
2 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or
3 section 624a or 624b or a local ordinance substantially
4 corresponding to section 624a or 624b.

5 (e) A violation of section 710e or a local ordinance
6 substantially corresponding to section 710e.

7 (f) A violation of section 328(1) if, before the appearance
8 date on the citation, the individual submits proof to the court
9 that the motor vehicle had insurance meeting the requirements of
10 sections 3101 and 3102 of the insurance code of 1956, 1956 PA 218,
11 MCL 500.3101 and 500.3102, at the time the citation was issued.
12 Insurance obtained subsequent to the time of the violation does not
13 make the violation an exception under this subsection.

14 (g) A violation described in section 319b(10) (b) (vii) if,
15 before the court appearance date or date fines are to be paid, the
16 individual submits proof to the court that the individual held a
17 valid commercial driver license on the date the citation was
18 issued.

19 (h) A violation of section 311 if the individual was driving a
20 noncommercial vehicle and, before the court appearance date or the
21 date fines are to be paid, the individual submits proof to the
22 court that the individual held a valid driver license on the date
23 the citation was issued.

24 (17) Except as otherwise provided in this subsection, the
25 secretary of state shall discard and not enter on the master
26 driving record an abstract for a bond forfeiture that occurred
27 outside this state. The secretary of state shall enter on the
28 master driving record an abstract for a conviction as defined in
29 section 8a(b) that occurred outside this state in connection with

1 the operation of a commercial motor vehicle or for a conviction of
2 an individual licensed as a commercial motor vehicle driver.

3 (18) The secretary of state shall inform the courts of this
4 state of the nonmoving violations and violations of chapter II that
5 are used by the secretary of state as the basis for the suspension,
6 restriction, revocation, or denial of an operator's or chauffeur's
7 license.

8 (19) If a conviction or civil infraction determination is
9 reversed upon appeal, the individual whose conviction or
10 determination has been reversed may serve on the secretary of state
11 a certified copy of the order of reversal. The secretary of state
12 shall enter the order in the proper book or index in connection
13 with the record of the conviction or civil infraction
14 determination.

15 (20) The secretary of state may permit a city or village
16 department, bureau, person, or court to modify the requirement as
17 to the time and manner of reporting a conviction, civil infraction
18 determination, or settlement to the secretary of state if the
19 modification will increase the economy and efficiency of collecting
20 and utilizing the records. If the permitted abstract of court
21 record reporting a conviction, civil infraction determination, or
22 settlement originates as a part of the written notice to appear,
23 authorized in section 728(1) or 742(1), the form of the written
24 notice and report must be as prescribed by the secretary of state.

25 (21) Notwithstanding any other law of this state, a court
26 shall not take under advisement an offense committed by an
27 individual while operating a motor vehicle for which this act
28 requires a conviction or civil infraction determination to be
29 reported to the secretary of state. A conviction or civil

1 infraction determination that is the subject of this subsection
2 must not be masked, delayed, diverted, suspended, or suppressed by
3 a court. Upon a conviction or civil infraction determination, the
4 conviction or civil infraction determination must immediately be
5 reported to the secretary of state in accordance with this section.

6 (22) Except as provided in this act and notwithstanding any
7 other provision of law, a court shall not order expunction of any
8 violation reportable to the secretary of state under this section.

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

13 (2) Permission may be granted for payment of a civil fine and
14 costs to be made within a specified period of time or in specified
15 installments but, unless permission is included in the order or
16 judgment, the civil fine and costs must be payable immediately.
17 Except as otherwise provided, a person found responsible or
18 responsible "with explanation" for a civil infraction must pay
19 costs as provided in subsection (4) and 1 or more of the following
20 civil fines, as applicable:

21 (a) Except as otherwise provided, for a civil infraction under
22 this act or a local ordinance that substantially corresponds to a
23 provision of this act, the person must be ordered to pay a civil
24 fine of not more than \$100.00.

25 (b) If the civil infraction was a moving violation that
26 resulted in an at-fault collision with another vehicle, an
27 individual, or any other object, the civil fine ordered under this
28 section is increased by \$25.00 but the total civil fine must not be
29 more than \$100.00.

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

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

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

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

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

14 (h) For a violation of section 602b, the civil fine ordered
15 under this section must be as follows:

16 (i) For a violation of section 602b(1), either of the
17 following:

18 (A) If the violation does not involve an accident, \$100.00 for
19 a first offense and \$250.00 for a second or subsequent offense.

20 (B) If the violation involves an accident, \$200.00 for a first
21 offense and \$500.00 for a second or subsequent offense.

22 (ii) For a violation of section 602b(2), either of the
23 following:

24 (A) If the violation does not involve an accident, \$200.00 for
25 a first offense and \$500.00 for a second or subsequent offense.

26 (B) If the violation involves an accident, \$400.00 for a first
27 offense and \$1,000.00 for a second or subsequent offense.

28 (i) For a violation of section 674(1) (s) or a local ordinance
29 that substantially corresponds to section 674(1) (s), the civil fine

1 ordered under this section must not be less than \$100.00 or more
2 than \$250.00.

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

5 (k) For a violation of section 676c, the civil fine ordered
6 under this section is \$1,000.00.

7 (l) For a violation of section 682 or a local ordinance that
8 substantially corresponds to section 682, the civil fine ordered
9 under this section must not be less than \$100.00 or more than
10 \$500.00.

11 (m) For a violation of section 710d, the civil fine ordered
12 under this section must not be more than \$10.00, subject to
13 subsection (11).

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

16 (3) Except as otherwise provided in this section, if an
17 individual is determined to be responsible or responsible "with
18 explanation" for a civil infraction under this act or a local
19 ordinance that substantially corresponds to a provision of this act
20 while driving a commercial motor vehicle, the individual must be
21 ordered to pay costs as provided in subsection (4) and a civil fine
22 of not more than \$250.00.

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

1 fine ordered under subsection (2) or (3) must not be waived unless
2 costs ordered under this subsection are waived. Except as otherwise
3 provided by law, costs are payable to the general fund of the
4 plaintiff.

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

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

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

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

1 evaluation of disparities in the imposition of civil fines and
2 costs throughout this state.

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

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

17 (11) The court may waive any civil fine, cost, or assessment
18 against an individual who received a civil infraction citation for
19 a violation of section 710d if the individual, before the
20 appearance date on the citation, supplies the court with evidence
21 of acquisition of a child seating system that meets the
22 requirements of section 710d and evidence that the individual has
23 received education from a certified child passenger safety
24 technician.

25 (12) In addition to any civil fines or costs ordered to be
26 paid under this section, the judge or district court magistrate
27 shall order the defendant to pay a justice system assessment of
28 \$40.00 for each civil infraction determination, except for a
29 parking violation or a violation for which the total fine and costs

1 imposed are \$10.00 or less. On payment of the assessment, the clerk
2 of the court shall transmit the assessment collected to the state
3 treasury to be deposited into the justice system fund created in
4 section 181 of the revised judicature act of 1961, 1961 PA 236, MCL
5 600.181. An assessment levied under this subsection is not a civil
6 fine for purposes of section 909.

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

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

23 (15) If a person is determined to be responsible or
24 responsible "with explanation" for a civil infraction under this
25 act or a local ordinance that substantially corresponds to a
26 provision of this act and the civil infraction arises out of the
27 ownership or operation of a commercial quadricycle, the person must
28 be ordered to pay costs as provided in subsection (4) and a civil
29 fine of not more than \$500.00.

1 (16) As used in this section, "moving violation" means an act
2 or omission prohibited under this act or a local ordinance that
3 substantially corresponds to this act that involves the operation
4 of a motor vehicle and for which a fine may be assessed.

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