

HOUSE BILL No. 4617

May 21, 2019, Introduced by Reps. Brenda Carter, Robinson, Haadsma, Coleman,
Manoogian, Hood, Kennedy, Kuppa, Lasinski and Jones.

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~~**MUST** 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
7 infraction under this act or a local ordinance substantially
8 corresponding to a provision of this act, the judge or district

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

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

16 (3) Except as provided in this subsection, if a person is
17 determined to be responsible or responsible "with explanation" for
18 a civil infraction under this act or a local ordinance
19 substantially corresponding to a provision of this act while
20 driving a commercial motor vehicle, he or she ~~shall~~**MUST** be ordered
21 to pay costs as provided in subsection (4) and a civil fine of not
22 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

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

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

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

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

26 (8) The state court administrator shall annually publish and
27 distribute to each district and court a recommended range of civil

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

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

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

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

27 (12) The court may waive any civil fine, cost, or assessment

1 against a person who received a civil infraction citation for a
2 violation of section 710d if the person, before the appearance date
3 on the citation, supplies the court with evidence of acquisition ~~7~~
4 ~~purchase, or rental~~ of a child seating system meeting the
5 requirements of section 710d **AND EVIDENCE THAT THE PERSON HAS**
6 **RECEIVED EDUCATION FROM A CERTIFIED CHILD PASSENGER SAFETY**
7 **TECHNICIAN.**

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

1 section 328(3)(c) and shall waive any fine, costs, and any other
2 fee or assessment otherwise authorized under this act upon receipt
3 of verification by the court that the person, before the appearance
4 date on the citation, produced valid proof of insurance that was in
5 effect ~~at the time~~ **WHEN** the violation of section 328(1) occurred.
6 Insurance obtained ~~subsequent to the time of~~ **AFTER** the violation
7 **OCCURRED** does not make the person eligible for a waiver under this
8 subsection.

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

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

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

22 Enacting section 2. This amendatory act does not take effect
23 unless all of the following bills of the 100th Legislature are
24 enacted into law:

25 (a) Senate Bill No. _____ or House Bill No. 4618 (request no.
26 02193'19).

27 (b) Senate Bill No. _____ or House Bill No. 4619 (request no.

1 03311'19).