



SENATE BILL No. 776

November 29, 1995, Introduced by Senator BOUCHARD and referred to the Committee on Financial Services.

A bill to amend sections 227, 328, and 907 of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," section 227 as amended by Act No. 19 of the Public Acts of 1982, section 328 as added by Act No. 459 of the Public Acts of 1980, and section 907 as amended by Act No. 89 of the Public Acts of 1989, being sections 257.227, 257.328, and 257.907 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 227, 328, and 907 of Act No. 300 of the
2 Public Acts of 1949, section 227 as amended by Act No. 119 of the
3 Public Acts of 1982, section 328 as added by Act No. 459 of the
4 Public Acts of 1980, and section 907 as amended by Act No. 89 of
5 the Public Acts of 1989, being sections 257.227, 257.328, and

1 257.907 of the Michigan Compiled Laws, are amended to read as
2 follows:

3 Sec. 227. (1) Application for renewal of a vehicle regis-
4 tration shall be made by the owner upon proper application and by
5 payment of the registration fee for the vehicle, as provided by
6 law.

7 ~~(2) Every such application shall be accompanied by the cer-~~
8 ~~tificate of title pertaining to the vehicle, showing ownership in~~
9 ~~the person applying for registration at the time of the~~
10 ~~application. However, the secretary of state may waive the pre-~~
11 ~~sentation of the certificate of title.~~

12 ~~(3) Beginning January 1, 1983, every application for~~
13 ~~renewal of a motor vehicle registration made by mail, shall be~~
14 ~~accompanied by proof of vehicle insurance in a form determined by~~
15 ~~the secretary of state.~~

16 ~~(4) Beginning January 1, 1981, every application for renewal~~
17 ~~of a motor vehicle registration made in person at a secretary of~~
18 ~~state field office shall be accompanied by proof of vehicle~~
19 ~~insurance in a form determined by the secretary of state.~~

20 (2) EXCEPT AS PROVIDED IN SUBSECTION (3), A PERSON WHO
21 APPLIES FOR A VEHICLE REGISTRATION FROM THE SECRETARY OF STATE IS
22 MAKING A DECLARATION THAT THE VEHICLE IS INSURED UNDER CHAPTER 31
23 OF THE INSURANCE CODE OF 1956, ACT NO. 218 OF THE PUBLIC ACTS OF
24 1956, BEING SECTIONS 500.3101 TO 500.3179 OF THE MICHIGAN
25 COMPILED LAWS.

26 (3) IF A COURT HAS NOTIFIED THE SECRETARY OF STATE OF A
27 VEHICLE REGISTRATION NUMBER AS PROVIDED IN SECTION 328(4), THE

1 SECRETARY OF STATE SHALL NOT RENEW, REPLACE, OR TRANSFER THE
2 REGISTRATION PLATE OF THE VEHICLE OR ALLOW THE PURCHASE OF A NEW
3 REGISTRATION PLATE FOR THE VEHICLE, UNTIL THE OWNER OR THE
4 OWNER'S REPRESENTATIVE APPEARS AT A BRANCH OFFICE AND DOES BOTH
5 OF THE FOLLOWING:

6 (A) SHOWS PROOF THAT THE VEHICLE IS PRESENTLY INSURED FOR A
7 PERIOD OF NOT LESS THAN 3 MONTHS UNDER CHAPTER 31 OF THE INSUR-
8 ANCE CODE OF 1956, ACT NO. 218 OF THE PUBLIC ACTS OF 1956, BEING
9 SECTIONS 500.3101 TO 500.3179 OF THE MICHIGAN COMPILED LAWS.

10 (B) PAYS A FEE OF \$50.00 IN ADDITION ANY OTHER FEE REQUIRED
11 BY LAW.

12 (4) OF THE FEE COLLECTED UNDER SUBSECTION (3), \$25.00 SHALL
13 BE ALLOCATED TO THE SECRETARY OF STATE TO DEFRAY THE COSTS OF
14 ADMINISTERING THIS SECTION, AND \$25.00 SHALL BE DEPOSITED BY THE
15 DEPARTMENT OF TREASURY IN THE ACCOUNT OF THE ASSIGNED CLAIMS FUND
16 AS ESTABLISHED BY CHAPTER 31 OF THE INSURANCE CODE OF 1956, ACT
17 NO. 218 OF THE PUBLIC ACTS OF 1956.

18 (5) THE SECRETARY OF STATE MAY CANCEL THE REGISTRATION OF A
19 MOTOR VEHICLE UNDER EITHER OF THE FOLLOWING CIRCUMSTANCES:

20 (A) THE SECRETARY OF STATE DETERMINES THAT A VEHICLE WAS NOT
21 INSURED AS REQUIRED BY CHAPTER 31 OF THE INSURANCE OF 1956, ACT
22 NO. 218 OF THE PUBLIC ACTS OF 1956, AT THE TIME OF REGISTRATION.

23 (B) THE SECRETARY OF STATE DETERMINES THE OWNER OR THE
24 OWNER'S REPRESENTATIVE PRESENTED A CERTIFICATE OF INSURANCE THAT
25 WAS FORGED, ALTERED, FRAUDULENT, OR COUNTERFEIT WHEN INSURANCE
26 WAS REQUIRED BY THIS ACT.

1 (6) BEFORE A CANCELLATION OCCURS UNDER SUBSECTION (5), THE
2 PERSON WHO WILL BE AFFECTED BY THE CANCELLATION SHALL BE GIVEN
3 NOTICE AND AN OPPORTUNITY TO BE HEARD.

4 Sec. 328. (1) The owner of a motor vehicle who operates or
5 permits the operation of the motor vehicle upon the highways of
6 this state or the operator of the motor vehicle shall produce,
7 pursuant to subsection (2), upon ~~the request of~~ A TRAFFIC STOP
8 MADE BY a police officer, evidence that the motor vehicle is
9 insured under chapter 31 of THE INSURANCE CODE OF 1956, Act No.
10 218 of the Public Acts of 1956, ~~as amended,~~ being sections
11 500.3101 to 500.3179 of the Michigan Compiled Laws. An owner or
12 operator of a motor vehicle who fails to produce evidence OF
13 INSURANCE under this subsection when requested to produce that
14 evidence OR WHO FAILS TO HAVE MOTOR VEHICLE INSURANCE FOR THE
15 VEHICLE AS REQUIRED UNDER CHAPTER 31 OF THE INSURANCE CODE OF
16 1956, ACT NO. 218 OF THE PUBLIC ACTS OF 1956, BEING SECTIONS
17 500.3101 TO 500.3179 OF THE MICHIGAN COMPILED LAWS, is responsi-
18 ble for a civil infraction. A POLICE OFFICER SHALL REQUEST THE
19 OPERATOR OF A MOTOR VEHICLE TO PROVIDE PROOF OF INSURANCE AT EACH
20 TRAFFIC STOP.

21 (2) A certificate of insurance, if issued by an insurance
22 company, which certificate states that security which meets the
23 requirements of sections 3101 and 3102 of Act No. 218 of the
24 Public Acts of 1956, ~~as amended,~~ being sections 500.3101 and
25 500.3102 of the Michigan Compiled Laws, is in force shall be
26 accepted as prima facie evidence that insurance is in force for
27 the motor vehicle described in the certificate of insurance until

1 the expiration date shown on the certificate. The certificate,
2 in addition to describing the motor vehicles for which insurance
3 is in effect, shall state the name of each person named on the
4 policy, policy declaration, or a declaration certificate whose
5 operation of the vehicle would cause the liability coverage of
6 that insurance to become void.

7 (3) If an owner OR OPERATOR of a motor vehicle is determined
8 to be responsible for a violation of subsection (1), the court in
9 which the civil infraction determination is entered may require
10 the person to surrender his or her operator's or chauffeur's
11 license unless proof that the vehicle has insurance meeting the
12 requirements of section 3102 of Act No. 218 of the Public Acts of
13 1956, ~~as amended,~~ is submitted to the court. If the court
14 requires the license to be surrendered, the court shall order the
15 secretary of state to suspend the person's license. THE COURT
16 SHALL IMMEDIATELY DESTROY THE LICENSE and shall forward ~~the sur-~~
17 ~~rendered license and a certificate of civil infraction~~ to the
18 secretary of state AN ABSTRACT OF THE COURT RECORD AS REQUIRED BY
19 SECTION 732. Upon receipt of the ~~certificate of civil infrac-~~
20 ~~tion and the surrendered license~~ ABSTRACT, the secretary of
21 state shall suspend the person's license beginning with the date
22 on which a person is determined to be responsible for the civil
23 infraction for a period of 30 days or until proof of insurance
24 which meets the requirements of section 3102 of Act No. 218 of
25 the Public Acts of 1956, ~~as amended,~~ is submitted to the secre-
26 tary of state, whichever occurs later. ~~If the license is not~~
27 ~~forwarded, an explanation of the reason why it is not forwarded~~

1 ~~shall be attached.~~ A person who submits proof of insurance to
2 the secretary of state under this subsection shall pay a service
3 fee of ~~-\$10.00~~ \$25.00 to the secretary of state. The person
4 shall not be required to be examined as set forth in section 320c
5 AND SHALL NOT BE REQUIRED TO PAY A REPLACEMENT LICENSE FEE.

6 (4) IF AN OWNER OR OPERATOR OF A MOTOR VEHICLE IS DETERMINED
7 TO BE RESPONSIBLE FOR A VIOLATION OF SUBSECTION (1), THE COURT IN
8 WHICH THE CIVIL INFRACTION DETERMINATION IS ENTERED SHALL NOTIFY
9 THE SECRETARY OF STATE OF THE VEHICLE REGISTRATION NUMBER AND THE
10 YEAR AND MAKE OF THE MOTOR VEHICLE BEING OPERATED AT THE TIME OF
11 THE VIOLATION. THIS NOTIFICATION SHALL BE IN A FORM PRESCRIBED
12 BY THE SECRETARY OF STATE. UPON RECEIPT, THE SECRETARY OF STATE
13 SHALL IMMEDIATELY ENTER THIS INFORMATION IN THE RECORDS OF THE
14 DEPARTMENT. THE SECRETARY OF STATE SHALL NOT RENEW, TRANSFER, OR
15 REPLACE THE REGISTRATION PLATE OF THE VEHICLE OR ALLOW THE PUR-
16 CHASE OF A NEW REGISTRATION PLATE FOR THE VEHICLE UNTIL THE OWNER
17 MEETS THE REQUIREMENTS OF SECTION 227(3) OR UNLESS THE VEHICLE IS
18 TRANSFERRED OR SOLD TO A PERSON OTHER THAN THE OWNER'S SPOUSE,
19 MOTHER, FATHER, SISTER, BROTHER, OR CHILD. THIS SUBSECTION SHALL
20 NOT APPLY TO A VIOLATION FOR WHICH THE FINE IS WAIVED UNDER SEC-
21 TION 907(10).

22 (5) ~~(4)~~ An owner or operator of a motor vehicle who know-
23 ingly produces false evidence under this section is guilty of a
24 misdemeanor, punishable by imprisonment for not more than 1 year,
25 or a fine of not more than ~~-\$500.00, or both~~ \$1,000.00.

26 (6) ~~(5)~~ Points shall not be entered on a driver's record
27 pursuant to section 320a for a violation of this section.

1 (7) ~~(6)~~ This section does not apply to the owner or
2 operator of a motor vehicle that is registered in a state other
3 than this state or a foreign country or province.

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

8 (2) If a person is determined pursuant to sections 741 to
9 750 to be responsible or responsible "with explanation" for a
10 civil infraction under this act or a local ordinance substan-
11 tially corresponding to a provision of this act, the judge, dis-
12 trict court referee, or district court magistrate may order the
13 person to pay a civil fine of not more than \$100.00 and costs as
14 provided in subsection (4). However, for a violation of
15 section 674(1)(s) or a local ordinance substantially correspond-
16 ing to section 674(1)(s), the person shall be ordered to pay
17 costs as provided in subsection (4) and a civil fine of not less
18 than \$50.00 nor more than \$100.00. For a violation of
19 section 710d, the civil fine ordered under this subsection shall
20 not exceed \$10.00. For a violation of section 710e, the civil
21 fine and court costs ordered under this subsection shall be
22 \$25.00. Permission may be granted for payment of a civil fine
23 and costs to be made within a specified period of time or in
24 specified installments, but unless permission is included in the
25 order or judgment, the civil fine and costs shall be payable
26 immediately.

1 (3) 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 provi-
4 sion of this act while driving a commercial motor vehicle, he or
5 she shall be ordered to pay costs as provided in subsection (4)
6 and a civil fine of not more than \$250.00.

7 (4) If a civil fine is ordered to be paid under
8 subsection (2) or (3), the judge, district court referee, or dis-
9 trict court magistrate shall summarily tax and determine the
10 costs of the action, which shall not be limited to the costs tax-
11 able in ordinary civil actions, and may include all expenses,
12 direct and indirect, to which the plaintiff has been put in con-
13 nection with the civil infraction, up to the entry of judgment.
14 Except in a civil infraction for a parking violation, costs of
15 not less than \$5.00 shall be ordered. Costs shall not be ordered
16 in excess of \$100.00. Except as otherwise provided by law, costs
17 shall be payable to the general fund of the plaintiff.

18 (5) In addition to a civil fine and costs ordered under
19 subsection (2) or (3) and subsection (4), the judge, district
20 court referee, or district court magistrate may order the person
21 to attend and complete a program of treatment, education, or
22 rehabilitation.

23 (6) A district court referee or district court magistrate
24 shall impose the sanctions permitted under subsections (2), (3),
25 and (5) only to the extent expressly authorized by the chief
26 judge or only judge of the district court district.

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

11 (8) The state court administrator shall annually publish and
12 distribute to each district and court a recommended range of
13 civil fines and costs for first-time civil infractions. This
14 recommendation shall not be binding upon the courts having juris-
15 diction over civil infractions but is intended to act as a norma-
16 tive guide for judges, district court referees, and district
17 court magistrates and a basis for public evaluation of dispari-
18 ties in the imposition of civil fines and costs throughout the
19 state.

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

25 (10) If a person has received a civil infraction citation
26 under section 328 for failure to produce evidence that a motor
27 vehicle is insured under chapter 31 of the insurance code of

1 1956, Act No. 218 of the Public Acts of 1956, ~~as amended,~~ being
2 sections 500.3101 to 500.3179 of the Michigan Compiled Laws, the
3 court shall waive a civil fine ~~and costs~~ upon receipt of certi-
4 fication by a law enforcement agency that the defendant, before
5 the appearance date on the citation, has produced evidence that
6 the vehicle was insured on the date of issuance of the citation
7 as required. THE COURT MAY ASSESS COSTS AS PROVIDED IN SUBSEC-
8 TION (4).

9 (11) A default in the payment of a civil fine or costs
10 ordered under subsection (2), (3), or (4) or an installment of
11 the fine or costs may be collected by a means authorized for the
12 enforcement of a judgment under chapter 40 of the revised judica-
13 ture act of 1961, Act No. 236 of the Public Acts of 1961, ~~as~~
14 ~~amended,~~ being sections 600.4001 to 600.4065 of the Michigan
15 Compiled Laws, or under chapter 60 of Act No. 236 of the Public
16 Acts of 1961, ~~as amended,~~ being sections 600.6001 to 600.6098
17 of the Michigan Compiled Laws.

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

24 (13) The court shall waive any civil fine or cost against a
25 person who received a civil infraction citation for a violation
26 of section 710d if the person, before the appearance date on the
27 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 (14) In addition to any fines and costs ordered to be paid
4 under this section, the judge, district court referee, or dis-
5 trict court magistrate shall levy an assessment of \$5.00 for each
6 civil infraction determination, except for a parking violation or
7 a violation for which the total fine and costs imposed are \$10.00
8 or less. Upon payment of the assessment, the clerk of the court
9 shall transmit the assessment levied to the state treasury to be
10 deposited into the Michigan justice training fund. An assessment
11 levied under this subsection shall not be considered a civil fine
12 for purposes of section 909.

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