

# SENATE BILL No. 35

January 30, 2001, Introduced by Senator NORTH and referred to the Committee on Transportation and Tourism.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 907 (MCL 257.907), as amended by 1998 PA 103.

**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, which is  
3 designated a civil infraction shall not be considered a lesser  
4 included offense of a criminal offense.

5       (2) If a person is determined pursuant to sections 741 to  
6 750 to be responsible or responsible "with explanation" for a  
7 civil infraction under this act or a local ordinance substan-  
8 tially corresponding to a provision of this act, the judge,  
9 district court referee, or district court magistrate may order  
10 the person to pay a civil fine of not more than \$100.00 and costs

1 as provided in subsection (4). However, for a violation of  
2 section 674(1)(s) or a local ordinance substantially correspond-  
3 ing to section 674(1)(s), the person shall be ordered to pay  
4 costs as provided in subsection (4) and a civil fine of not less  
5 than \$50.00 or more than \$100.00. For a violation of section 328  
6 or 710d, the civil fine ordered under this subsection shall not  
7 exceed \$10.00. For a violation of section 710e, the civil fine  
8 and court costs ordered under this subsection shall be \$25.00.  
9 For a violation of section 682 or a local ordinance substantially  
10 corresponding to section 682, the person shall be ordered to pay  
11 costs as provided in subsection (4) and a civil fine of not less  
12 than \$100.00 or more than \$500.00. FOR A VIOLATION OF  
13 SECTION 644, THE PERSON SHALL BE ORDERED TO PAY COSTS AS PROVIDED  
14 IN SUBSECTION (4) AND A CIVIL FINE OF NOT MORE THAN \$200.00.  
15 Permission may be granted for payment of a civil fine and costs  
16 to be made within a specified period of time or in specified  
17 installments, but unless permission is included in the order or  
18 judgment, the civil fine and costs shall be payable immediately.

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

25 (4) If a civil fine is ordered to be paid under  
26 subsection (2) or (3), the judge, district court referee, or  
27 district court magistrate shall summarily tax and determine the

1 costs of the action, which shall not be limited to the costs  
2 taxable in ordinary civil actions, and may include all expenses,  
3 direct and indirect, to which the plaintiff has been put in con-  
4 nection with the civil infraction, up to the entry of judgment.  
5 Except in a civil infraction for a parking violation, costs of  
6 not less than \$5.00 shall be ordered. Costs shall not be ordered  
7 in excess of \$100.00. Except as otherwise provided by law, costs  
8 shall be payable to the general fund of the plaintiff.

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

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

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

1           (8) The state court administrator shall annually publish and  
2 distribute to each district and court a recommended range of  
3 civil fines and costs for first-time civil infractions. This  
4 recommendation shall not be binding upon the courts having juris-  
5 diction over civil infractions but is intended to act as a norma-  
6 tive guide for judges, district court referees, and district  
7 court magistrates and a basis for public evaluation of dispari-  
8 ties in the imposition of civil fines and costs throughout the  
9 state.

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

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

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

1           (12) The court shall waive any civil fine or cost against a  
2 person who received a civil infraction citation for a violation  
3 of section 710d if the person, before the appearance date on the  
4 citation, supplies the court with evidence of acquisition, pur-  
5 chase, or rental of a child seating system meeting the require-  
6 ments of section 710d.

7           (13) In addition to any fines and costs ordered to be paid  
8 under this section, the judge, district court referee, or dis-  
9 trict court magistrate shall levy an assessment of \$5.00 for each  
10 civil infraction determination, except for a parking violation or  
11 a violation for which the total fine and costs imposed are \$10.00  
12 or less. Upon payment of the assessment, the clerk of the court  
13 shall transmit the assessment levied to the state treasury to be  
14 deposited into the Michigan justice training fund. An assessment  
15 levied under this subsection shall not be considered a civil fine  
16 for purposes of section 909.

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