

# HOUSE BILL No. 5110

October 1, 2003, Introduced by Rep. Condino and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending sections 901a and 907 (MCL 257.901a and 257.907),  
section 901a as added by 1982 PA 433 and section 907 as amended  
by 2003 PA 73.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 901a. If a person has received a citation for a  
2 violation of section 311, the court shall waive any fine and  
3 costs, **except for a fee of \$25.00 to the court,** upon receipt of  
4 certification by a law enforcement agency that the person, before  
5 the appearance date on the citation, has produced his or her  
6 operator's or chauffeur's license and that the license was valid  
7 on the date the violation of section 311 occurred.

8       Sec. 907. (1) A violation of this act, or a local ordinance  
9 substantially corresponding to a provision of this act, ~~which~~

1 **that** is designated a civil infraction shall not be considered a  
2 lesser included offense of a criminal offense.

3 (2) If a person is determined pursuant to sections 741 to 750  
4 to be responsible or responsible "with explanation" for a civil  
5 infraction under this act or a local ordinance substantially  
6 corresponding to a provision of this act, the judge or district  
7 court magistrate may order the person to pay a civil fine of not  
8 more than \$100.00 and costs as provided in subsection (4).  
9 However, for a violation of section 674(1)(s) or a local  
10 ordinance substantially corresponding to section 674(1)(s), the  
11 person shall be ordered to pay costs as provided in subsection  
12 (4) and a civil fine of not less than \$100.00 or more than  
13 \$250.00. For a violation of section 328 or 710d, the civil fine  
14 ordered under this subsection shall not exceed \$10.00. For a  
15 violation of section 710e, the civil fine and court costs ordered  
16 under this subsection shall be \$25.00. For a violation of  
17 section 682 or a local ordinance substantially corresponding to  
18 section 682, the person shall be ordered to pay costs as provided  
19 in subsection (4) and a civil fine of not less than \$100.00 or  
20 more than \$500.00. Permission may be granted for payment of a  
21 civil fine and costs to be made within a specified period of time  
22 or in specified installments, but unless permission is included  
23 in the order or judgment, the civil fine and costs shall be  
24 payable immediately.

25 (3) Except as provided in this subsection, if a person is  
26 determined to be responsible or responsible "with explanation"  
27 for a civil infraction under this act or a local ordinance

1 substantially corresponding to a provision of this act while  
2 driving a commercial motor vehicle, he or she shall be ordered to  
3 pay costs as provided in subsection (4) and a civil fine of not  
4 more than \$250.00. If a person is determined to be responsible  
5 or responsible "with explanation" for a civil infraction under  
6 section 319g or a local ordinance substantially corresponding to  
7 section 319g, that person shall be ordered to pay costs as  
8 provided in subsection (4) and a civil fine of not more than  
9 \$10,000.00.

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

21 (5) In addition to a civil fine and costs ordered under  
22 subsection (2) or (3) and subsection (4) and the justice system  
23 assessment ordered under subsection (14), the judge or district  
24 court magistrate may order the person to attend and complete a  
25 program of treatment, education, or rehabilitation.

26 (6) A district court magistrate shall impose the sanctions  
27 permitted under subsections (2), (3), and (5) only to the extent

1 expressly authorized by the chief judge or only judge of the  
2 district court district.

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

14 (8) The state court administrator shall annually publish and  
15 distribute to each district and court a recommended range of  
16 civil 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  
19 guide for judges and district court magistrates and a basis for  
20 public evaluation of disparities in the imposition of civil fines  
21 and 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, **except**  
25 **for a \$25.00 fee to the court**, upon receipt of certification by a  
26 law enforcement agency that repair of the defective equipment was  
27 made before the appearance date on the citation.

1 (10) A default in the payment of a civil fine or costs  
2 ordered under subsection (2), (3), or (4) or a justice system  
3 assessment ordered under subsection (14), or an installment of  
4 the fine, costs, or assessment, may be collected by a means  
5 authorized for the enforcement of a judgment under chapter 40 of  
6 the revised judicature act of 1961, 1961 PA 236, MCL 600.4001 to  
7 600.4065, or under chapter 60 of the revised judicature act of  
8 1961, 1961 PA 236, MCL 600.6001 to 600.6098.

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

15 (12) The court shall waive any civil fine, cost, or  
16 assessment, **except for a \$25.00 fee to the court**, against a  
17 person who received a civil infraction citation for a violation  
18 of section 710d if the person, before the appearance date on the  
19 citation, supplies the court with evidence of acquisition,  
20 purchase, or rental of a child seating system meeting the  
21 requirements of section 710d.

22 (13) Until October 1, 2003, in addition to any civil fines  
23 and costs ordered to be paid under this section, the judge or  
24 district court magistrate shall levy an assessment of \$5.00 for  
25 each civil infraction determination, except for a parking  
26 violation or a violation for which the total fine and costs  
27 imposed are \$10.00 or less. An assessment paid before October 1,

1 2003 shall be transmitted by the clerk of the court to the state  
2 treasurer to be deposited into the Michigan justice training  
3 fund. An assessment ordered before October 1, 2003 but collected  
4 on or after October 1, 2003 shall be transmitted by the clerk of  
5 the court to the state treasurer for deposit in the justice  
6 system fund created in section 181 of the revised judicature act  
7 of 1961, 1961 PA 236, MCL 600.181. An assessment levied under  
8 this subsection is not a civil fine for purposes of section 909.

9 (14) Effective October 1, 2003, in addition to any civil  
10 fines and costs ordered to be paid under this section, the judge  
11 or district court magistrate shall order the defendant to pay a  
12 justice system assessment of \$40.00 for each civil infraction  
13 determination, except for a parking violation or a violation for  
14 which the total fine and costs imposed are \$10.00 or less. Upon  
15 payment of the assessment, the clerk of the court shall transmit  
16 the assessment collected to the state treasury to be deposited  
17 into the justice system fund created in section 181 of the  
18 revised judicature act of 1961, 1961 PA 236, MCL 600.181. An  
19 assessment levied under this subsection is not a civil fine for  
20 purposes of section 909.

21 (15) If a person has received a citation for a violation of  
22 section 223, the court shall waive any civil fine, costs, and  
23 assessment, **except for a \$25.00 fee to the court**, upon receipt of  
24 certification by a law enforcement agency that the person, before  
25 the appearance date on the citation, produced a valid  
26 registration certificate that was valid on the date the violation  
27 of section 223 occurred.