

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5853**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 208b, 239, 312a, 325, 624b, 677a, 682c, 698,
707c, and 907 (MCL 257.208b, 257.239, 257.312a, 257.325, 257.624b,
257.677a, 257.682c, 257.698, 257.707c, and 257.907), section 208b
as amended by 2019 PA 88, section 312a as amended by 2016 PA 318,
section 624b as amended by 2003 PA 61, section 682c as added by
2012 PA 262, section 698 as amended by 2018 PA 342, and section 907
as amended by 2015 PA 126.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 208b. (1) The secretary of state may provide a commercial
- 2 look-up service of records maintained under this act. For each
- 3 individual record looked up, the secretary of state shall charge a



1 fee specified annually by the legislature, or if the legislature
2 does not specify a fee, a market-based price established by the
3 secretary of state. The secretary of state shall process a
4 commercial look-up request only if the request is in a form or
5 format prescribed by the secretary of state. Until October 1, 2023,
6 fees collected under this subsection must be credited to the
7 transportation administration collection fund created in section
8 810b.

9 (2) A driver education provider shall subscribe to the
10 commercial look-up service maintained by the secretary of state.

11 (3) A driver education provider shall maintain on its premises
12 the most current copy of all nonpersonal information related to his
13 or her driving record and the driving record of each instructor
14 employed by the driver education provider for review by any
15 prospective customer or the parent or guardian of a prospective
16 customer.

17 (4) A prospective customer or the parent or guardian of a
18 prospective customer may review a copy of all nonpersonal
19 information related to the driving record of the driver education
20 provider or an instructor employed by the driver education
21 provider.

22 (5) A driver education provider shall include in its contract
23 with each client, as prescribed by the secretary of state, a notice
24 that nonpersonal information related to the driving record of each
25 individual instructor is available for review by the general
26 public. A driver education provider who fails to include the
27 information required by this subsection is ~~subject to a fine~~
28 **responsible for a civil infraction and shall be ordered to pay a**
29 **civil fine** of not more than ~~\$500.00~~ **\$100.00**.



1 (6) Each limo carrier of passengers shall subscribe to the
2 commercial look-up service maintained by the secretary of state.

3 (7) ~~A person~~ **An individual** who drives a limousine for hire for
4 a limo carrier of passengers shall maintain a most current copy of
5 all nonpersonal information related to the ~~person's~~ **individual's**
6 driving record in the limousine available for review by any
7 prospective passenger.

8 (8) A prospective passenger may review a copy of all
9 nonpersonal information related to the driving record of the driver
10 of a limousine from a limo carrier of passengers or from the driver
11 of the limousine.

12 (9) The secretary of state shall not provide an entire
13 computerized central file or other file of records maintained under
14 this act to a nongovernmental person or entity, unless the person
15 or entity pays the prescribed fee for each individual record
16 contained within the computerized file.

17 (10) A driver training school operator who fails to provide
18 the information required to be maintained by this section is
19 ~~subject to a fine~~ **responsible for a civil infraction and shall be**
20 **ordered to pay a civil fine** of not more than ~~\$500.00.~~ **\$100.00.** Each
21 failure to provide information constitutes a separate offense.

22 (11) A limo carrier of passengers who fails to provide the
23 information required to be maintained by this section is ~~subject to~~
24 ~~a fine~~ **responsible for a civil infraction and shall be ordered to**
25 **pay a civil fine** of not more than ~~\$500.00.~~ **\$100.00.** Each failure to
26 provide information constitutes a separate offense.

27 (12) The driver of a limousine who fails to provide the
28 information required by this section is ~~subject to a fine~~
29 **responsible for a civil infraction and shall be ordered to pay a**



1 **civil fine** of not more than ~~\$500.00.~~ **\$100.00**. Each failure to
 2 provide information constitutes a separate offense.

3 (13) As used in this section:

4 (a) "Driver education provider" means that term as defined in
 5 section 5 of the driver education provider and instructor act, 2006
 6 PA 384, MCL 256.625.

7 (b) "Limousine carrier" and "limousine" mean those terms as
 8 defined in section 2 of the limousine, taxicab, and transportation
 9 network company act, 2016 PA 345, MCL 257.2102.

10 Sec. 239. ~~It is a misdemeanor for any~~ **A person to shall not**
 11 fail or neglect to properly endorse and deliver a certificate of
 12 title to a transferee or owner lawfully entitled ~~thereto to the~~
 13 **title. A person who violates this section is responsible for a**
 14 **civil infraction and shall be ordered to pay a civil fine of not**
 15 **more than \$100.00.**

16 Sec. 312a. (1) ~~A person,~~ **An individual**, before operating a
 17 motorcycle, other than an autocycle, upon a public street or
 18 highway in this state, shall procure a motorcycle indorsement on
 19 his or her operator's or chauffeur's license. The license ~~shall~~
 20 **must** be issued, suspended, revoked, canceled, or renewed in
 21 accordance with and governed by this act.

22 (2) ~~A person,~~ **An individual**, before operating a moped upon a
 23 highway, shall procure a special restricted license to operate a
 24 moped unless the ~~person~~ **individual** has a valid operator's or
 25 chauffeur's license. A special restricted license to operate a
 26 moped may be issued to ~~a person~~ **an individual** 15 years of age or
 27 older if the ~~person~~ **individual** satisfies the secretary of state
 28 that he **or she** is competent to operate a moped with safety. The
 29 secretary of state shall not require a road test before issuance of



1 a special restricted license to operate a moped.

2 (3) A special restricted license to operate a moped ~~shall~~
 3 ~~expire~~ **expires** on the birthday of the ~~person to whom~~ **individual** it
 4 is issued **to** in the fourth year following the date of issuance. A
 5 license ~~shall~~ **must** not be issued for a period longer than 4 years.
 6 ~~A person~~ **An individual** issued a license to operate a moped shall
 7 pay \$7.50 for an original license and \$6.00 for a renewal license.
 8 The money received and collected under this subsection ~~shall~~ **must**
 9 be deposited in the state treasury to the credit of the general
 10 fund. The secretary of state shall refund out of the fees collected
 11 to each county or municipality, acting as an examining officer,
 12 \$2.50 for each applicant examined for an original license and \$1.00
 13 for a renewal license.

14 (4) ~~A person~~ **An individual** who violates subsection (1) is
 15 **responsible for a civil infraction or** guilty of a misdemeanor
 16 punishable as follows:

17 (a) For a first violation, ~~by imprisonment for not more than~~
 18 ~~90 days or a fine of not more than \$500.00, or both.~~ **the individual**
 19 **is responsible for a civil infraction and shall be ordered to pay a**
 20 **civil fine of not more than \$250.00.**

21 (b) For a violation that occurs after ~~a~~ **1 or more** prior
 22 ~~conviction, judgments,~~ **the individual is guilty of a misdemeanor**
 23 **punishable** by imprisonment for not more than 1 year or a fine of
 24 not more than ~~\$1,000.00,~~ **\$500.00**, or both.

25 Sec. 325. ~~It shall be unlawful for any person to~~ **An individual**
 26 **shall not** cause or knowingly permit any minor to drive a motor
 27 vehicle upon a highway as an operator, unless the minor has first
 28 obtained a license to drive a motor vehicle under the provisions of
 29 this chapter. **An individual who violates this section is**



1 **responsible for a civil infraction and shall be ordered to pay a**
 2 **civil fine of not more than \$100.00.**

3 Sec. 624b. (1) ~~A person~~**An individual** less than 21 years of
 4 age shall not knowingly transport or possess alcoholic liquor in a
 5 motor vehicle as an operator or occupant unless the ~~person~~
 6 **individual** is employed by a licensee under the Michigan liquor
 7 control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, a
 8 common carrier designated by the liquor control commission under
 9 the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1101
 10 to 436.2303, the liquor control commission, or an agent of the
 11 liquor control commission and is transporting or having the
 12 alcoholic liquor in a motor vehicle under the ~~person's-individual's~~
 13 control during regular working hours and in the course of the
 14 ~~person's-individual's~~ employment. This section does not prevent a
 15 ~~person~~**an individual** less than 21 years of age from knowingly
 16 transporting alcoholic liquor in a motor vehicle if ~~a person~~**an**
 17 **individual** at least 21 years of age is present inside the motor
 18 vehicle. ~~A person~~**An individual** who violates this subsection is
 19 guilty of a misdemeanor. As part of the sentence, the ~~person~~
 20 **individual** may be ordered to perform community service and undergo
 21 substance abuse screening and assessment at his or her own expense
 22 as described in section 703(1) of the Michigan liquor control code
 23 of 1998, 1998 PA 58, MCL 436.1703.

24 (2) Within 30 days after the conviction for a violation of
 25 subsection (1) by the operator of a motor vehicle, which conviction
 26 has become final, the arresting law enforcement officer or the
 27 officer's superior may make a complaint before the court from which
 28 the warrant was issued. The complaint ~~shall~~**must** be under oath and
 29 ~~shall~~**must** describe the motor vehicle in which alcoholic liquor was



1 possessed or transported by the operator, who is less than 21 years
2 of age, in committing the violation and requesting that the motor
3 vehicle be impounded as provided in this section. Upon the filing
4 of the complaint, the court shall issue to the owner of the motor
5 vehicle an order to show cause why the motor vehicle should not be
6 impounded. The order to show cause ~~shall~~**must** fix a date and time
7 for a hearing, ~~which shall~~**that is** not be less than 10 days after
8 the issuance of the order. The order ~~shall~~**must** be served by
9 delivering a true copy to the owner not less than 3 full days
10 before the date of hearing or, if the owner cannot be located, by
11 sending a true copy by certified mail to the last known address of
12 the owner. If the owner is a nonresident of the state, service may
13 be made upon the secretary of state as provided in section 403.

14 (3) If the court determines upon the hearing of the order to
15 show cause, from competent and relevant evidence, that at the time
16 of the commission of the violation the motor vehicle was being
17 driven by the ~~person~~**individual** less than 21 years of age with the
18 express or implied consent or knowledge of the owner in violation
19 of subsection (1), and that the use of the motor vehicle is not
20 needed by the owner in the direct pursuit of the owner's employment
21 or the actual operation of the owner's business, the court may
22 authorize the impounding of the vehicle for a period of not less
23 than 15 days or more than 30 days. The court's order authorizing
24 the impounding of the vehicle ~~shall~~**must** authorize a law
25 enforcement officer to take possession without other process of the
26 motor vehicle wherever located and to store the vehicle in a public
27 or private garage at the expense and risk of the owner of the
28 vehicle. The owner of the vehicle may appeal the order to the
29 circuit court and the provisions governing the taking of appeals



1 from judgments for damages apply to the appeal. This section does
2 not prevent a bona fide lienholder from exercising rights under a
3 lien.

4 (4) A person who knowingly transfers title to a motor vehicle
5 for the purpose of avoiding this section is ~~guilty of a~~
6 ~~misdemeanor~~. **responsible for a civil infraction and shall be ordered**
7 **to pay a civil fine of not more than \$100.00.**

8 (5) A law enforcement agency, upon determining that ~~a person~~
9 **an individual** less than 18 years of age allegedly violated this
10 section, shall notify the parent or parents, custodian, or guardian
11 of the ~~person~~**individual** as to the nature of the violation if the
12 name of a parent, guardian, or custodian is reasonably
13 ascertainable by the law enforcement agency. The notice required by
14 this subsection ~~shall~~**must** be made not later than 48 hours after
15 the law enforcement agency determines that the ~~person~~**individual**
16 who allegedly violated this section is less than 18 years of age
17 and may be made in person, by telephone, or by first-class mail.

18 Sec. 677a. (1) As used in this section:

19 (a) "Person" ~~shall~~**does** not include the state or a political
20 subdivision of the state or an employee of the state or a political
21 subdivision of the state operating within the scope of his duties.

22 (b) "Safety vision" means an unobstructed line of sight
23 enabling a driver to travel upon, enter, or exit a roadway in a
24 safe manner.

25 (2) A person shall not remove, or cause to be removed, snow,
26 ice, or slush onto or across a roadway or the shoulder of the
27 roadway in a manner which obstructs the safety vision of the driver
28 of a motor vehicle other than off-road vehicles.

29 (3) A person shall not deposit, or cause to be deposited,



1 snow, ice, or slush onto or across a roadway or the shoulder of the
 2 roadway in a manner which obstructs the safety vision of the driver
 3 of a motor vehicle.

4 (4) A person shall not deposit, or cause to be deposited,
 5 snow, ice or slush on any roadway or highway.

6 **(5) A person who violates this section is responsible for a**
 7 **civil infraction and shall be ordered to pay a civil fine of not**
 8 **more than \$100.00.**

9 Sec. 682c. (1) A person shall not operate a commercial snow
 10 removal vehicle to remove snow or ice on a public street or highway
 11 or in a parking lot accessible for use by the public unless the
 12 vehicle is operated with at least 1 flashing, rotating, or
 13 oscillating yellow or amber light that is clearly visible in a 360-
 14 degree arc from a distance of 500 feet when in use.

15 (2) A person who owns or leases a commercial snow removal
 16 vehicle shall not knowingly allow a person to operate that vehicle
 17 in violation of subsection (1).

18 (3) A person who violates this section is ~~guilty of a~~
 19 ~~misdemeanor punishable by imprisonment for not more than 90 days or~~
 20 ~~a fine of not more than \$500.00, or both.~~ **responsible for a civil**
 21 **infraction and shall be ordered to pay a civil fine of not more**
 22 **than \$100.00.**

23 (4) As used in this section:

24 (a) "Commercial snow removal vehicle" means a vehicle equipped
 25 with a plow or other device that is used to remove snow or ice for
 26 payment or other remuneration.

27 (b) "Person" means an individual, partnership, corporation,
 28 association, governmental entity, or other legal entity.

29 Sec. 698. (1) A motor vehicle may be equipped with not more



1 than 2 side cowl or fender lamps that emit an amber or white light
2 without glare.

3 (2) A motor vehicle may be equipped with not more than 1
4 running board courtesy lamp on each side that emits a white or
5 amber light without glare.

6 (3) Backing lights of red, amber, or white may be mounted on
7 the rear of a motor vehicle if the switch controlling the light is
8 so arranged that the light may be turned on only if the vehicle is
9 in reverse gear. The backing lights when unlighted ~~shall~~**must** be
10 covered or otherwise arranged so as not to reflect objectionable
11 glare in the eyes of an operator of a vehicle approaching from the
12 rear.

13 (4) Unless both covered and unlit, a vehicle operated on the
14 highways of this state ~~shall~~**must** not be equipped with a lamp or a
15 part designed to be a reflector unless expressly required or
16 permitted by this chapter or that meets the standards prescribed in
17 49 CFR 571.108. ~~A~~**Except as otherwise provided, a** lamp or a part
18 designed to be a reflector, if visible from the front, ~~shall~~**must**
19 display or reflect a white or amber light; if visible from either
20 side, ~~shall~~**must** display or reflect an amber or red light; and if
21 visible from the rear, ~~shall~~**must** display or reflect a red light. ~~r~~
22 ~~except as otherwise provided by law.~~

23 (5) The use or possession of flashing, oscillating, or
24 rotating lights of any color is prohibited except as otherwise
25 provided by law ~~r~~ or under the following circumstances:

26 (a) A police vehicle ~~shall~~**must** be equipped with flashing,
27 rotating, or oscillating red or blue lights, for use in the
28 performance of police duties.

29 (b) A fire vehicle or ambulance available for public use or



1 for use of the United States, this state, or any unit of this
2 state, whether publicly or privately owned, ~~shall~~**must** be equipped
3 with flashing, rotating, or oscillating red lights and used as
4 required for safety.

5 (c) An authorized emergency vehicle may be equipped with
6 flashing, rotating, or oscillating red lights for use when
7 responding to an emergency call if when in use the flashing,
8 rotating, or oscillating red lights are clearly visible in a 360-
9 degree arc from a distance of 500 feet. ~~when in use. A person
10 operating lights under this subdivision at any time other than when
11 responding to an emergency call is guilty of a misdemeanor.~~

12 (d) Flashing, rotating, or oscillating amber or green lights,
13 placed in a position as to be visible throughout an arc of 360
14 degrees, ~~shall~~**must** be used by a state, county, or municipal
15 vehicle engaged in the removal of ice, snow, or other material from
16 the highway and in other operations designed to control ice and
17 snow, or engaged in other non-winter operations. This subdivision
18 does not prohibit the use of a flashing, rotating, or oscillating
19 green light by a fire service.

20 (e) A vehicle used for the cleanup of spills or a necessary
21 emergency response action taken ~~pursuant to~~**under** state or federal
22 law or a vehicle operated by an employee of the department of
23 natural resources or the department of ~~environmental quality~~
24 **environment, Great Lakes, and energy** that responds to a spill,
25 emergency response action, complaint, or compliance activity may be
26 equipped with flashing, rotating, or oscillating amber or green
27 lights. The lights described in this subdivision ~~shall~~**must** not be
28 activated unless the vehicle is at the scene of a spill, emergency
29 response action, complaint, or compliance activity. This



1 subdivision does not prohibit the use of a flashing, rotating, or
2 oscillating green light by a fire service.

3 (f) A vehicle to perform public utility service, a vehicle
4 owned or leased by and licensed as a business for use in the
5 collection and hauling of refuse, an automobile service car or
6 wrecker, a vehicle of a peace officer, a vehicle operated by a
7 rural letter carrier or a person under contract to deliver
8 newspapers or other publications by motor route, a vehicle utilized
9 for snow or ice removal under section 682c, a private security
10 guard vehicle as authorized in subsection (7), a motor vehicle
11 while engaged in escorting or transporting an oversize load that
12 has been issued a permit by the state transportation department or
13 a local authority with respect to highways under its jurisdiction,
14 a vehicle owned by the National Guard or a United States military
15 vehicle while traveling under the appropriate recognized military
16 authority, a motor vehicle while towing an implement of husbandry,
17 or an implement of husbandry may be equipped with flashing,
18 rotating, or oscillating amber lights. However, a wrecker may be
19 equipped with flashing, rotating, or oscillating red lights that
20 ~~shall~~**must** be activated only when the wrecker is engaged in
21 removing or assisting a vehicle at the scene of a traffic accident
22 or disablement. The flashing, rotating, or oscillating amber lights
23 ~~shall~~**must** not be activated except when the warning produced by the
24 lights is required for public safety. A vehicle engaged in
25 authorized highway repair or maintenance may be equipped with
26 flashing, rotating, or oscillating amber or green lights. This
27 subdivision does not prohibit the operator of a vehicle utilized
28 for snow or ice removal under section 682c that is equipped with
29 flashing, rotating, or oscillating amber lights from activating the



1 flashing, rotating, or oscillating amber lights when that vehicle
2 is traveling between locations at which it is being utilized for
3 snow or ice removal.

4 (g) A vehicle engaged in leading or escorting a funeral
5 procession or any vehicle that is part of a funeral procession may
6 be equipped with flashing, rotating, or oscillating purple or amber
7 lights that ~~shall~~**must** not be activated except during a funeral
8 procession.

9 (h) An authorized emergency vehicle may display flashing,
10 rotating, or oscillating white lights in conjunction with an
11 authorized emergency light as prescribed in this section.

12 (i) A private motor vehicle of a physician responding to an
13 emergency call may be equipped with and the physician may use
14 flashing, rotating, or oscillating red lights mounted on the roof
15 section of the vehicle either as a permanent installation or by
16 means of magnets or suction cups and clearly visible in a 360-
17 degree arc from a distance of 500 feet when in use. The physician
18 shall first obtain written authorization from the county sheriff.

19 (j) A public transit vehicle may be equipped with a flashing,
20 oscillating, or rotating light mounted on the roof of the vehicle
21 approximately 6 feet from the rear of the vehicle that displays a
22 white light to the front, side, and rear of the vehicle, which
23 light may be actuated by the driver for use only in inclement
24 weather such as fog, rain, or snow, when boarding or discharging
25 passengers, from 1/2 hour before sunset until 1/2 hour after
26 sunrise, or when conditions hinder the visibility of the public
27 transit vehicle. As used in this subdivision, "public transit
28 vehicle" means a motor vehicle, other than a station wagon or
29 passenger van, with a gross vehicle weight rating of more than



1 10,000 pounds.

2 (k) A person engaged in the manufacture, sale, or repair of
3 flashing, rotating, or oscillating lights governed by this
4 subsection may possess the lights for the purpose of employment,
5 but shall not activate the lights upon the highway unless
6 authorized to do so under subsection (6).

7 (l) A vehicle used as part of a neighborhood watch program may
8 be equipped with flashing, rotating, or oscillating amber lights,
9 if the vehicle is clearly identified as a neighborhood watch
10 vehicle and the neighborhood watch program is working in
11 cooperation with local law enforcement. The lights described in
12 this subdivision ~~shall~~**must** not be activated when the vehicle is
13 not being used to perform neighborhood watch program duties.

14 (6) A person shall not sell, loan, or otherwise furnish a
15 flashing, rotating, or oscillating blue or red light designed
16 primarily for installation on an authorized emergency vehicle to a
17 person except a police officer, sheriff, deputy sheriff, authorized
18 physician, volunteer or paid fire fighter, volunteer ambulance
19 driver, licensed ambulance driver or attendant of this state, a
20 county or municipality within this state, a person engaged in the
21 business of operating an ambulance or wrecker service, or a
22 federally recognized nonprofit charitable organization that owns
23 and operates an emergency support vehicle used exclusively for
24 emergencies. This subsection does not prohibit an authorized
25 emergency vehicle, equipped with flashing, rotating, or oscillating
26 blue or red lights, from being operated by a person other than a
27 person described in this section if the person receives
28 authorization to operate the authorized emergency vehicle from a
29 police officer, sheriff, deputy sheriff, authorized physician,



1 volunteer or paid fire fighter, volunteer ambulance driver,
 2 licensed ambulance driver or attendant, a person operating an
 3 ambulance or wrecker service, or a federally recognized nonprofit
 4 charitable organization that owns and operates an emergency support
 5 vehicle used exclusively for emergencies, except that the
 6 authorization ~~shall~~ **must** not permit the person to operate lights as
 7 described in subsection (5) (a), (b), (c), (i), or (j), or to
 8 exercise the privileges described in section 603. ~~A person who~~
 9 ~~operates an authorized emergency vehicle in violation of the terms~~
 10 ~~of an authorization is guilty of a misdemeanor punishable by~~
 11 ~~imprisonment for not more than 90 days or a fine of not more than~~
 12 ~~\$100.00, or both.~~

13 (7) A private motor vehicle of a security guard agency or
 14 alarm company licensed under the private security business and
 15 security alarm act, 1968 PA 330, MCL 338.1051 to 338.1092, may
 16 display flashing, rotating, or oscillating amber lights. The
 17 flashing, rotating, or oscillating amber lights ~~shall~~ **must** not be
 18 activated on a public highway when a vehicle is in motion.

19 (8) This section does not prohibit, restrict, or limit the use
 20 of lights authorized or required under sections 697, 697a, and
 21 698a.

22 (9) A person who operates a vehicle in violation of ~~subsection~~
 23 ~~(1), (2), (3), or (4)~~ **this section** is responsible for a civil
 24 infraction **and shall be ordered to pay a civil fine of not more**
 25 **than \$100.00.**

26 Sec. 707c. (1) ~~After April 1, 1978, a~~ **A** motor vehicle ~~shall~~
 27 **must** not be operated or driven on a highway or street if the motor
 28 vehicle produces total noise exceeding 1 of the following limits at
 29 a distance of 50 feet except as provided in subdivisions (b) (iii) and



1 (c) (iii) :

2 (a) A motor vehicle with a gross weight or gross vehicle
3 weight rating of 8,500 pounds or more, combination vehicle with
4 gross weight or gross vehicle weight ratings of 8,500 pounds or
5 more.

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

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

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

11 (b) A motorcycle or a moped:

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

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

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

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

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

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

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

25 (2) A dealer shall not sell or offer for sale for use upon a
26 street or highway in this state a new motor vehicle ~~manufactured~~
27 ~~after April 1, 1978, which~~ **that** produces a maximum noise exceeding
28 the following limits:



1 (a) A motor vehicle with a gross vehicle weight rating of
2 8,500 pounds or more—83 DBA.

3 (b) A motorcycle or a moped—83 DBA.

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

6 (3) A person shall not operate a vehicle on a highway or
7 street if the vehicle has a defect in the exhaust system ~~which—that~~
8 affects sound reduction, is not equipped with a muffler or other
9 noise dissipative device, or is equipped with a cutout, bypass,
10 amplifier, or a similar device.

11 (4) A person, either acting for himself or herself or as the
12 agent or employee of another, shall not sell, install, or replace a
13 muffler or exhaust part that causes the motor vehicle to which the
14 muffler or exhaust part is attached to exceed the noise limits
15 established by this act or a rule promulgated under this act.

16 (5) A person shall not modify, repair, replace, or remove a
17 part of an exhaust system causing the motor vehicle to which the
18 system is attached to produce noise in excess of the levels
19 established by this act, or operate a motor vehicle so altered on a
20 street or highway.

21 (6) A dealer shall not sell a used or secondhand motor vehicle
22 for use upon a street or highway ~~which—that~~ is not in compliance
23 with this act.

24 **(7) A person who violates this section is responsible for a**
25 **civil infraction and shall be ordered to pay a civil fine of not**
26 **more than \$100.00.**

27 Sec. 907. (1) A violation of this act, or a local ordinance
28 ~~that~~ substantially ~~corresponding~~ **corresponds** to a provision of this
29 act, that is designated a civil infraction ~~shall—must~~ not be



1 considered a lesser included offense of a criminal offense.

2 (2) ~~If a person is determined under sections 741 to 750 to be~~
 3 ~~responsible or responsible "with explanation" for a civil~~
 4 ~~infraction under this act or a local ordinance substantially~~
 5 ~~corresponding to a provision of this act, the judge or district~~
 6 ~~court magistrate may order the person to pay a civil fine of not~~
 7 ~~more than \$100.00 and costs as provided in subsection (4). However,~~
 8 ~~if the civil infraction was a moving violation that resulted in an~~
 9 ~~at-fault collision with another vehicle, a person, or any other~~
 10 ~~object, the civil fine ordered under this section shall be~~
 11 ~~increased by \$25.00 but the total civil fine shall not exceed~~
 12 ~~\$100.00. However, for a violation of section 602b, the person shall~~
 13 ~~be ordered to pay costs as provided in subsection (4) and a civil~~
 14 ~~fine of \$100.00 for a first offense and \$200.00 for a second or~~
 15 ~~subsequent offense. For a violation of section 674(1)(s) or a local~~
 16 ~~ordinance substantially corresponding to section 674(1)(s), the~~
 17 ~~person shall be ordered to pay costs as provided in subsection (4)~~
 18 ~~and a civil fine of not less than \$100.00 or more than \$250.00. For~~
 19 ~~a violation of section 676c, the person shall be ordered to pay~~
 20 ~~costs as provided in subsection (4) and a civil fine of \$1,000.00.~~
 21 ~~For a violation of section 328, the civil fine ordered under this~~
 22 ~~subsection shall be not more than \$50.00. For a violation of~~
 23 ~~section 710d, the civil fine ordered under this subsection shall~~
 24 ~~not exceed \$10.00, subject to subsection (12). For a violation of~~
 25 ~~section 710e, the civil fine and court costs ordered under this~~
 26 ~~subsection shall be \$25.00. For a violation of section 682 or a~~
 27 ~~local ordinance substantially corresponding to section 682, the~~
 28 ~~person shall be ordered to pay costs as provided in subsection (4)~~
 29 ~~and a civil fine of not less than \$100.00 or more than \$500.00. For~~



1 ~~a violation of section 240, the civil fine ordered under this~~
 2 ~~subsection shall be \$15.00. For a violation of section 252a(1), the~~
 3 ~~civil fine ordered under this subsection shall be \$50.00. For a~~
 4 ~~violation of section 676a(3), the civil fine ordered under this~~
 5 ~~section shall be not more than \$10.00. For a first violation of~~
 6 ~~section 319f(1), the civil fine ordered under this section shall be~~
 7 ~~not less than \$2,500.00 or more than \$2,750.00; for a second or~~
 8 ~~subsequent violation, the civil fine shall be not less than~~
 9 ~~\$5,000.00 or more than \$5,500.00. For a violation of section~~
 10 ~~319g(1)(a), the civil fine ordered under this section shall be not~~
 11 ~~more than \$10,000.00. For a violation of section 319g(1)(g), the~~
 12 ~~civil fine ordered under this section shall be not less than~~
 13 ~~\$2,750.00 or more than \$25,000.00. Permission may be granted for~~
 14 ~~payment of a civil fine and costs to be made within a specified~~
 15 ~~period of time or in specified installments, but unless permission~~
 16 ~~is included in the order or judgment, the civil fine and costs~~
 17 ~~shall be payable immediately.~~**Permission may be granted for payment**
 18 **of a civil fine and costs to be made within a specified period of**
 19 **time or in specified installments but, unless permission is**
 20 **included in the order or judgment, the civil fine and costs must be**
 21 **payable immediately. Except as otherwise provided, a person found**
 22 **responsible or responsible "with explanation" for a civil**
 23 **infraction must pay costs as provided in subsection (4) and 1 or**
 24 **more of the following civil fines, as applicable:**

25 (a) Except as otherwise provided, for a civil infraction under
 26 this act or a local ordinance that substantially corresponds to a
 27 provision of this act, the person shall be ordered to pay a civil
 28 fine of not more than \$100.00.

29 (b) If the civil infraction was a moving violation that



1 resulted in an at-fault collision with another vehicle, a person,
2 or any other object, the civil fine ordered under this section is
3 increased by \$25.00 but the total civil fine must not be more than
4 \$100.00.

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

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

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

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

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

18 (h) For a violation of section 602b, the civil fine ordered
19 under this section must not be more than \$100.00 for a first
20 offense and \$200.00 for a second or subsequent offense.

21 (i) For a violation of section 674(1) (s) or a local ordinance
22 that substantially corresponds to section 674(1) (s), the civil fine
23 ordered under this section must not be less than \$100.00 or more
24 than \$250.00.

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

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

29 (l) For a violation of section 682 or a local ordinance that



1 substantially corresponds to section 682, the civil fine ordered
 2 under this section must not be less than \$100.00 or more than
 3 \$500.00.

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

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

9 (3) Except as provided in this ~~subsection,~~**section**, if a
 10 person is determined to be responsible or responsible "with
 11 explanation" for a civil infraction under this act or a local
 12 ordinance **that** substantially ~~corresponding~~**corresponds** to a
 13 provision of this act while driving a commercial motor vehicle, he
 14 or she ~~shall~~**must** be ordered to pay costs as provided in subsection
 15 (4) and a civil fine of not more than \$250.00.

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

27 (5) In addition to a civil fine and costs ordered under
 28 subsection (2) or (3) and subsection (4) and the justice system
 29 assessment ordered under subsection ~~(13),~~**(12)**, the judge or



1 district court magistrate may order the person to attend and
2 complete a program of treatment, education, or rehabilitation.

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

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

17 (8) The state court administrator shall annually publish and
18 distribute to each district and court a recommended range of civil
19 fines and costs for first-time civil infractions. This
20 recommendation is not binding ~~upon~~**on** the courts having
21 jurisdiction over civil infractions but is intended to act as a
22 normative guide for judges and district court magistrates and a
23 basis for public evaluation of disparities in the imposition of
24 civil fines and costs throughout ~~the~~**this** state.

25 (9) If a person has received a civil infraction citation for
26 defective safety equipment on a vehicle under section 683, the
27 court shall waive a civil fine, costs, and assessments ~~upon~~**on**
28 receipt of certification by a law enforcement agency that repair of
29 the defective equipment was made before the appearance date on the



1 citation.

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

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

16 **(11)** ~~(12)~~—The court may waive any civil fine, cost, or
 17 assessment against a person who received a civil infraction
 18 citation for a violation of section 710d if the person, before the
 19 appearance date on the citation, supplies the court with evidence
 20 of acquisition, purchase, or rental of a child seating system
 21 meeting the requirements of section 710d.

22 **(12)** ~~(13)~~—In addition to any civil fines or costs ordered to
 23 be paid under this section, the judge or district court magistrate
 24 shall order the defendant to pay a justice system assessment of
 25 \$40.00 for each civil infraction determination, except for a
 26 parking violation or a violation for which the total fine and costs
 27 imposed are \$10.00 or less. ~~Upon~~ **On** payment of the assessment, the
 28 clerk of the court shall transmit the assessment collected to the
 29 state treasury to be deposited into the justice system fund created



1 in section 181 of the revised judicature act of 1961, 1961 PA 236,
 2 MCL 600.181. An assessment levied under this subsection is not a
 3 civil fine for purposes of section 909.

4 (13) ~~(14)~~—If a person has received a citation for a violation
 5 of section 223, the court shall waive any civil fine, costs, and
 6 assessment, ~~upon~~**on** receipt of certification by a law enforcement
 7 agency that the person, before the appearance date on the citation,
 8 produced a valid registration certificate that was valid on the
 9 date the violation of section 223 occurred.

10 (14) ~~(15)~~—If a person has received a citation for a violation
 11 of section 328(1) for failing to produce a certificate of insurance
 12 under section 328(2), the court may waive the fee described in
 13 section 328(3) (c) and shall waive any fine, costs, and any other
 14 fee or assessment otherwise authorized under this act ~~upon~~**on**
 15 receipt of verification by the court that the person, before the
 16 appearance date on the citation, produced valid proof of insurance
 17 that was in effect at the time the violation of section 328(1)
 18 occurred. Insurance obtained subsequent to the time of the
 19 violation does not make the person eligible for a waiver under this
 20 subsection.

21 (15) ~~(16)~~—If a person is determined to be responsible or
 22 responsible "with explanation" for a civil infraction under this
 23 act or a local ordinance **that** substantially ~~corresponding~~
 24 **corresponds** to a provision of this act and the civil infraction
 25 arises out of the ownership or operation of a commercial
 26 quadricycle, he or she ~~shall~~**must** be ordered to pay costs as
 27 provided in subsection (4) and a civil fine of not more than
 28 \$500.00.

29 (16) ~~(17)~~—As used in this section, "moving violation" means an



1 act or omission prohibited under this act or a local ordinance **that**
2 substantially ~~corresponding~~ **corresponds** to this act that involves
3 the operation of a motor vehicle and for which a fine may be
4 assessed.

5 Enacting section 1. This amendatory act takes effect October
6 1, 2021.

7 Enacting section 2. This amendatory act does not take effect
8 unless House Bill No. 5846 of the 100th Legislature is enacted into
9 law.

