

SUBSTITUTE FOR  
HOUSE BILL NO. 4403

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending sections 328 and 907 (MCL 257.328 and 257.907), as  
amended by 1995 PA 287.

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

1       Sec. 328. (1) The owner of a motor vehicle who operates or  
2 permits the operation of the motor vehicle upon the highways of  
3 this state or the operator of the motor vehicle shall produce,  
4 pursuant to subsection (2), upon the request of a police officer,  
5 evidence that the motor vehicle is insured under chapter 31 of  
6 the insurance code of 1956, ~~Act No. 218 of the Public Acts of~~  
7 ~~1956, being sections 500.3101 to 500.3179 of the Michigan~~  
8 ~~Compiled Laws~~ 1956 PA 218, MCL 500.3101 TO 500.3179. An owner  
9 or operator of a motor vehicle who fails to produce evidence of  
10 insurance under this subsection when requested to produce that

**HB4403, As Passed House, April 17, 1997**

House Bill No. 4403

2

1 evidence or who fails to have motor vehicle insurance for the  
2 vehicle as required under chapter 31 of ~~Act No. 218 of the~~  
3 ~~Public Acts of 1956~~ THE INSURANCE CODE OF 1956, 1956 PA 218, MCL  
4 500.3101 TO 500.3179, is responsible for a civil infraction.

5 (2) A certificate of insurance, if issued by an insurance  
6 company, ~~which certificate~~ THAT states ~~that~~ THE security  
7 ~~which meets~~ MEETING the requirements of sections 3101 and 3102  
8 of ~~Act No. 218 of the Public Acts of 1956, being sections~~  
9 ~~500.3101 and 500.3102 of the Michigan Compiled Laws~~ THE INSUR-  
10 ANCE CODE OF 1956, 1956 PA 218, MCL 500.3101 AND 500.3102, is in  
11 force shall be accepted as prima facie evidence that insurance is  
12 in force for the motor vehicle described in the certificate of  
13 insurance until the expiration date shown on the certificate.  
14 The certificate, in addition to describing the motor vehicles for  
15 which insurance is in effect, shall state the name of each person  
16 named on the policy, policy declaration, or a declaration certif-  
17 icate whose operation of the vehicle would cause the liability  
18 coverage of that insurance to become void.

19 (3) If an owner or operator of a motor vehicle is determined  
20 to be responsible for a violation of subsection (1) OR A LOCAL  
21 ORDINANCE SUBSTANTIALLY CORRESPONDING TO SUBSECTION (1), the  
22 court in which the civil infraction determination is entered may  
23 require the person to surrender his or her operator's or  
24 chauffeur's license unless proof that the vehicle has insurance  
25 meeting the requirements of sections 3101 and 3102 of ~~Act~~  
26 ~~No. 218 of the Public Acts of 1956~~ THE INSURANCE CODE OF 1956,  
27 1956 PA 218, MCL 500.3101 AND 500.3102, is submitted to the

**HB4403, As Passed House, April 17, 1997**

Sub. H.B. 4403 (H-1) as amended April 16, 1997

3

1 court. ~~If~~ EXCEPT AS OTHERWISE PROVIDED IN SECTION 907(15), IF  
2 the person submits proof to the court that the vehicle has insur-  
3 ance meeting the requirements of sections 3101 and 3102 of ~~Act~~  
4 ~~No. 218 of the Public Acts of 1956~~ THE INSURANCE CODE OF 1956,  
5 1956 PA 218, MCL 500.3101 AND 500.3102, in addition to the civil  
6 fine and costs provided by section 907, the court shall assess a  
7 fee of \$25.00 WHICH SHALL BE CREDITED TO THE GENERAL FUND OF THE  
8 LOCAL FUNDING UNIT [OR TO THE GENERAL FUND OF THE CITY FUNDING A  
MUNICIPAL COURT]. If the court requires the license to be sur-  
9 rendered, the court shall order the secretary of state to suspend  
10 the person's license. The court shall immediately destroy the  
11 license and shall forward to the secretary of state an abstract  
12 of the court record as required by section 732. Upon receipt of  
13 the abstract, the secretary of state shall suspend the person's  
14 license beginning with the date on which a person is determined  
15 to be responsible for the civil infraction for a period of 30  
16 days or until proof of insurance which meets the requirements of  
17 sections 3101 and 3102 of ~~Act No. 218 of the Public Acts of~~  
18 ~~1956~~ THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.3101 AND  
19 500.3102, is submitted to the secretary of state, whichever  
20 occurs later. A person who submits proof of insurance to the  
21 secretary of state under this subsection shall pay a service fee  
22 of \$25.00 to the secretary of state. The person shall not be  
23 required to be examined as set forth in section 320c and shall  
24 not be required to pay a replacement license fee.

25 (4) If an owner or operator of a motor vehicle is determined  
26 to be responsible for a violation of subsection (1) OR A LOCAL  
27 ORDINANCE SUBSTANTIALLY CORRESPONDING TO SUBSECTION (1), the

00967'97 (H-1)

**HB4403, As Passed House, April 17, 1997**

House Bill No. 4403

4

1 court in which the civil infraction determination is entered  
2 shall notify the secretary of state of the vehicle registration  
3 number and the year and make of the motor vehicle being operated  
4 at the time of the violation UNLESS THE CIVIL FINE AND COSTS ARE  
5 WAIVED BY THE COURT BECAUSE THE PERSON, BEFORE THE APPEARANCE  
6 DATE ON THE CITATION, PRESENTED TO THE COURT A CERTIFICATE OF  
7 INSURANCE MEETING THE REQUIREMENTS OF SECTIONS 3101 AND 3102 OF  
8 THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.3101 AND  
9 500.3102, SHOWING THAT INSURANCE WAS IN FORCE AT THE TIME OF THE  
10 CITATION AS PERMITTED UNDER SECTION 907(15). This notification  
11 shall be made on the abstract or on a form approved by the  
12 supreme court administrator. Upon receipt, the secretary of  
13 state shall immediately enter this information in the records of  
14 the department. The secretary of state shall not renew, trans-  
15 fer, or replace the registration plate of the vehicle involved in  
16 the violation or allow the purchase of a new registration plate  
17 for the vehicle involved in the violation until the owner meets  
18 the requirements of section 227a or unless the vehicle involved  
19 in the violation is transferred or sold to a person other than  
20 the owner's spouse, mother, father, sister, brother, or child.

21 (5) An owner or operator of a motor vehicle who knowingly  
22 produces false evidence under this section is guilty of a misde-  
23 meanor, punishable by imprisonment for not more than 1 year, or a  
24 fine of not more than \$1,000.00, or both.

25 (6) Points shall not be entered on a driver's record pursu-  
26 ant to section 320a for a violation of this section.

**HB4403, As Passed House, April 17, 1997**

Sub. H.B. 4403 (H-1) as amended April 16, 1997

5

1 (7) This section does not apply to the owner or operator of  
2 a motor vehicle that is registered in a state other than this  
3 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~~  
6 THAT is designated a civil infraction shall not be considered a  
7 lesser 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 section  
19 [~~328 or~~ 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.

00967'97 (H-1)

**HB4403, As Passed House, April 17, 1997**

House Bill No. 4403

6

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  
14 judgment. Except in a civil infraction for a parking violation,  
15 costs of not less than \$5.00 shall be ordered. Costs shall not  
16 be ordered in excess of \$100.00. Except as otherwise provided by  
17 law, costs shall be payable to the general fund of the  
18 plaintiff.

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

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

**HB4403, As Passed House, April 17, 1997**

House Bill No. 4403

7

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~~ THAT occur within the  
4 respective district or city. If a schedule is established, it  
5 shall be prominently posted and readily available for public  
6 inspection. A schedule need not include all violations ~~which~~  
7 THAT are designated by law or ordinance as civil infractions. A  
8 schedule may exclude cases on the basis of a defendant's prior  
9 record of civil infractions or traffic offenses, or a combination  
10 of civil infractions 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~~ IS not ~~be~~ binding upon the courts having  
15 jurisdiction over civil infractions but is intended to act as a  
16 normative 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) A default in the payment of a civil fine or costs  
26 ordered under subsection (2), (3), or (4) or an installment of  
27 the fine or costs may be collected by a means authorized for the

**HB4403, As Passed House, April 17, 1997**

House Bill No. 4403

8

1 enforcement of a judgment under chapter 40 of the revised  
2 judicature act of 1961, ~~Act No. 236 of the Public Acts of 1961,~~  
3 ~~being sections 600.4001 to 600.4065 of the Michigan Compiled~~  
4 ~~Laws~~ 1961 PA 236, MCL 600.4001 TO 600.4065, or under chapter 60  
5 of ~~Act No. 236 of the Public Acts of 1961, being~~  
6 ~~sections 600.6001 to 600.6098 of the Michigan Compiled Laws~~ THE  
7 REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.6001 TO  
8 600.6098.

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 or cost against a  
16 person who received a civil infraction citation for a violation  
17 of section 710d if the person, before the appearance date on the  
18 citation, supplies the court with evidence of acquisition, pur-  
19 chase, or rental of a child seating system meeting the require-  
20 ments of section 710d.

21       (13) In addition to any fines and costs ordered to be paid  
22 under this section, the judge, district court referee, or dis-  
23 trict court magistrate shall levy an assessment of \$5.00 for each  
24 civil infraction determination, except for a parking violation or  
25 a violation for which the total fine and costs imposed are \$10.00  
26 or less. Upon payment of the assessment, the clerk of the court  
27 shall transmit the assessment levied to the state treasury to be

**HB4403, As Passed House, April 17, 1997**

Sub. H.B. 4403 (H-1) as amended April 16, 1997

9

1 deposited into the Michigan justice training fund. An assessment  
2 levied under this subsection shall not be considered a civil fine  
3 for purposes of section 909.

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

10 (15) IF A PERSON HAS RECEIVED A CITATION UNDER SECTION 328  
11 OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 328  
12 FOR FAILURE TO PRODUCE EVIDENCE THAT A MOTOR VEHICLE IS INSURED  
13 UNDER CHAPTER 31 OF THE INSURANCE CODE OF 1956, 1956 PA 218, MCL  
14 500.3101 TO 500.3179, THE COURT SHALL WAIVE ANY CIVIL FINE OR  
15 COSTS IMPOSED UNDER THIS SECTION OR FEES IMPOSED UNDER SECTION  
16 328 IF THE PERSON, BEFORE THE APPEARANCE DATE ON THE CITATION,  
17 PRESENTS TO THE COURT A CERTIFICATE OF INSURANCE MEETING THE  
18 REQUIREMENTS OF SECTIONS 3101 AND 3102 OF THE INSURANCE CODE OF  
19 1956, 1956 PA 218, MCL 500.3101 AND 500.3102, SHOWING THAT THE  
20 INSURANCE WAS IN FORCE AT THE TIME OF THE CITATION.

[Enacting section 1. This amendatory act shall apply to all  
violations occurring on or after July 1, 1997.]