

HOUSE BILL No. 5478

March 15, 2012, Introduced by Reps. Zorn, Goike, Ouimet, Pettalia, Lori, Huuki, Roy Schmidt, Dillon, Olson, Wayne Schmidt and Daley and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 907 (MCL 257.907), as amended by 2011 PA 159, and by adding section 676c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 676C. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), A PERSON**
2 **SHALL NOT TRAVEL TO THE SCENE OF A MOTOR VEHICLE ACCIDENT OR A**
3 **DISABLED VEHICLE LOCATED ON PUBLIC PROPERTY, PROPERTY OPEN TO THE**
4 **PUBLIC, OR A STATE TRUNK LINE HIGHWAY AND SOLICIT BUSINESS FOR A**
5 **WRECKER, RECOVERY, OR TOWING SERVICE. A PERSON WHO VIOLATES THIS**
6 **SUBSECTION IS RESPONSIBLE FOR A CIVIL INFRACTION AND SHALL BE**
7 **ORDERED TO PAY A CIVIL FINE OF \$1,000.00.**

8 **(2) SUBSECTION (1) DOES NOT APPLY IF A LAW ENFORCEMENT AGENCY**
9 **HAVING JURISDICTION OVER THE SCENE OF THE ACCIDENT OR DISABLED**

1 VEHICLE, OR AN INDIVIDUAL INVOLVED IN THAT ACCIDENT OR DISABLED
2 VEHICLE, REQUESTS THE OWNER OR OPERATOR OF A WRECKER OR TOWING
3 SERVICE TO COME TO THE SCENE.

4 Sec. 907. (1) A violation of this act, or a local ordinance
5 substantially corresponding to a provision of this act, that 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 750
9 to be responsible or responsible "with explanation" for a civil
10 infraction under this act or a local ordinance substantially
11 corresponding to a provision of this act, the judge or district
12 court magistrate may order the person to pay a civil fine of not
13 more than \$100.00 and costs as provided in subsection (4). However,
14 beginning October 31, 2010, if the civil infraction was a moving
15 violation that resulted in an at-fault collision with another
16 vehicle, a person, or any other object, the civil fine ordered
17 under this section shall be increased by \$25.00 but the total civil
18 fine shall not exceed \$100.00. However, for a violation of section
19 602b, the person shall be ordered to pay costs as provided in
20 subsection (4) and a civil fine of \$100.00 for a first offense and
21 \$200.00 for a second or subsequent offense. For a violation of
22 section 674(1)(s) or a local ordinance substantially corresponding
23 to section 674(1)(s), the person shall be ordered to pay costs as
24 provided in subsection (4) and a civil fine of not less than
25 \$100.00 or more than \$250.00. **FOR A VIOLATION OF 676C, THE PERSON**
26 **SHALL BE ORDERED TO PAY COSTS AS PROVIDED IN SUBSECTION (4) AND A**
27 **CIVIL FINE OF \$1,000.00.** For a violation of section 328, the civil

1 fine ordered under this subsection shall be not more than \$50.00.
2 ~~For~~ **SUBJECT TO SUBSECTION (12), FOR** a violation of section 710d,
3 the civil fine ordered under this subsection shall not exceed
4 \$10.00. For a violation of section 710e, the civil fine and court
5 costs ordered under this subsection shall be \$25.00. For a
6 violation of section 682 or a local ordinance substantially
7 corresponding to section 682, the person shall be ordered to pay
8 costs as provided in subsection (4) and a civil fine of not less
9 than \$100.00 or more than \$500.00. For a violation of section 240,
10 the civil fine ordered under this subsection shall be \$15.00. For a
11 violation of section 252a(1), the civil fine ordered under this
12 subsection shall be \$50.00. For a violation of section 676a(3), the
13 civil fine ordered under this section shall be not more than
14 \$10.00. For a first violation of section 319f(1), the civil fine
15 ordered under this section shall be not less than \$2,500.00 or more
16 than \$2,750.00; for a second or subsequent violation, the civil
17 fine shall be not less than \$5,000.00 or more than \$5,500.00. For a
18 violation of section 319g(1)(a), the civil fine ordered under this
19 section shall be not more than \$10,000.00. For a violation of
20 section 319g(1)(g), the civil fine ordered under this section shall
21 be not less than \$2,750.00 or more than \$25,000.00. Permission may
22 be granted for payment of a civil fine and costs to be made within
23 a specified period of time or in specified installments, but unless
24 permission is included in the order or judgment, the civil fine and
25 costs shall be payable immediately.

26 (3) Except as provided in this subsection, if a person is
27 determined to be responsible or responsible "with explanation" for

1 a civil infraction under this act or a local ordinance
2 substantially corresponding to a provision of this act while
3 driving a commercial motor vehicle, he or she shall be ordered to
4 pay costs as provided in subsection (4) and a civil fine of not
5 more than \$250.00.

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

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

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

26 (7) Each district of the district court and each municipal
27 court may establish a schedule of civil fines, costs, and

1 assessments to be imposed for civil infractions that occur within
2 the respective district or city. If a schedule is established, it
3 shall be prominently posted and readily available for public
4 inspection. A schedule need not include all violations that are
5 designated by law or ordinance as civil infractions. A schedule may
6 exclude cases on the basis of a defendant's prior record of civil
7 infractions or traffic offenses, or a combination of civil
8 infractions and traffic offenses.

9 (8) The state court administrator shall annually publish and
10 distribute to each district and court a recommended range of civil
11 fines and costs for first-time civil infractions. This
12 recommendation is not binding upon the courts having jurisdiction
13 over civil infractions but is intended to act as a normative guide
14 for judges and district court magistrates and a basis for public
15 evaluation of disparities in the imposition of civil fines and
16 costs throughout the state.

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

23 (10) A default in the payment of a civil fine or costs ordered
24 under subsection (2), (3), or (4) or a justice system assessment
25 ordered under subsection (14), or an installment of the fine,
26 costs, or assessment, may be collected by a means authorized for
27 the enforcement of a judgment under chapter 40 of the revised

1 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or
2 under chapter 60 of the revised judicature act of 1961, 1961 PA
3 236, MCL 600.6001 to 600.6098.

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

10 (12) The court shall waive any civil fine, cost, or assessment
11 against a person who received a civil infraction citation for a
12 violation of section 710d if the person, before the appearance date
13 on the citation, supplies the court with evidence of acquisition,
14 purchase, or rental of a child seating system meeting the
15 requirements of section 710d.

16 (13) Until October 1, 2003, in addition to any civil fines and
17 costs ordered to be paid under this section, the judge or district
18 court magistrate shall levy an assessment of \$5.00 for each civil
19 infraction determination, except for a parking violation or a
20 violation for which the total fine and costs imposed are \$10.00 or
21 less. An assessment paid before October 1, 2003 shall be
22 transmitted by the clerk of the court to the state treasurer to be
23 deposited into the Michigan justice training fund. An assessment
24 ordered before October 1, 2003 but collected on or after October 1,
25 2003 shall be transmitted by the clerk of the court to the state
26 treasurer for deposit in the justice system fund created in section
27 181 of the revised judicature act of 1961, 1961 PA 236, MCL

1 600.181. An assessment levied under this subsection is not a civil
2 fine for purposes of section 909.

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

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

21 (16) If a person has received a citation for a violation of
22 section 328(1) for failing to produce a certificate of insurance
23 pursuant to section 328(2), the court may waive the fee described
24 in section 328(3)(c) and shall waive any fine, costs, and any other
25 fee or assessment otherwise authorized under this act upon receipt
26 of verification by the court that the person, before the appearance
27 date on the citation, produced valid proof of insurance that was in

1 effect at the time the violation of section 328(1) occurred.
2 Insurance obtained subsequent to the time of the violation does not
3 make the person eligible for a waiver under this subsection.

4 (17) As used in this section, "moving violation" means an act
5 or omission prohibited under this act or a local ordinance
6 substantially corresponding to this act that involves the operation
7 of a motor vehicle and for which a fine may be assessed.