

# SENATE BILL No. 819

November 10, 2011, Introduced by Senators HOPGOOD, WARREN, YOUNG, BIEDA and ANDERSON and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 605, 675d, 742, 907, and 909 (MCL 257.605, 257.675d, 257.742, 257.907, and 257.909), sections 605 and 907 as amended by 2011 PA 159, section 675d as amended by 2010 PA 211, section 742 as amended by 2008 PA 171, and section 909 as amended by 2000 PA 94, and by adding section 674b.

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

1           Sec. 605. (1) This chapter and chapter VIII apply uniformly  
2 throughout this state and in all political subdivisions and  
3 municipalities in the state. A local authority shall not adopt,  
4 enact, or enforce a local law that provides lesser penalties or  
5 that is otherwise in conflict with this chapter or chapter VIII.

1 (2) A local law or portion of a local law that imposes a  
2 criminal penalty for an act or omission that is a civil infraction  
3 under this act, or that imposes a criminal penalty or civil  
4 sanction in excess of that prescribed in this act, is in conflict  
5 with this act and is void to the extent of the conflict.

6 ~~— (3) Except for a case in which the citation is dismissed~~  
7 ~~pursuant to subsection (4), proceeds of a civil fine imposed by a~~  
8 ~~local authority for violation of a local law regulating the~~  
9 ~~operation of a commercial motor vehicle and substantially~~  
10 ~~corresponding to a provision of this act shall be paid to the~~  
11 ~~county treasurer and allocated as follows:~~

12 ~~— (a) Seventy percent to the local unit of government in which~~  
13 ~~the citation is issued.~~

14 ~~— (b) Thirty percent for library purposes as provided by law.~~

15 (3) ~~(4)~~—The owner or operator of a commercial motor vehicle  
16 shall not be issued more than 1 citation for each violation of a  
17 code or ordinance regulating the operation of a commercial motor  
18 vehicle and substantially corresponding to a provision of sections  
19 683 to 725a of the Michigan vehicle code, 1949 PA 300, MCL 257.683  
20 to 257.725a, within a 24-hour period. If the owner or operator of a  
21 commercial motor vehicle is issued a citation for an equipment  
22 violation pursuant to section 683 that does not result in the  
23 vehicle being placed out of service, the court shall dismiss the  
24 citation if the owner or operator of that commercial motor vehicle  
25 provides written proof to the court within 14 days after the  
26 citation is issued showing that the defective equipment indicated  
27 in the citation has been repaired.

1           (4) ~~(5)~~As used in this section, "local law" includes a local  
2 charter provision, ordinance, rule, or regulation.

3           SEC. 674B. (1) AS USED IN THIS SECTION:

4           (A) "HYBRID VEHICLE" MEANS A VEHICLE THAT USES AN ONBOARD  
5 RENEWABLE ENERGY STORAGE SYSTEM AND A FUEL-BASED POWER SOURCE FOR  
6 PROPULSION.

7           (B) "LOAD/UNLOAD LOCATION" OR "LOCATION" MEANS A LOCATION  
8 WHERE VEHICLES LOAD OR UNLOAD.

9           (C) "VEHICLE" MEANS A VEHICLE THAT MEETS ALL OF THE FOLLOWING  
10 REQUIREMENTS:

11           (i) IS GASOLINE OR DIESEL POWERED.

12           (ii) IS DESIGNED TO OPERATE ON A HIGHWAY.

13           (iii) WEIGHS OVER 8,500 POUNDS.

14           (iv) IS NOT A HYBRID VEHICLE.

15           (D) "WRECKER" MEANS THAT TERM AS DEFINED IN SECTION 79C.

16           (2) THE OWNER OR OPERATOR OF A VEHICLE SHALL NOT CAUSE OR  
17 PERMIT THE VEHICLE TO STAND OR PARK AT IDLE FOR MORE THAN 5 TOTAL  
18 MINUTES IN ANY 60-MINUTE PERIOD EXCEPT AS PROVIDED IN SUBSECTION

19 (3).

20           (3) SUBSECTION (2) DOES NOT APPLY TO A VEHICLE THAT IDLES  
21 UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

22           (A) WHILE FORCED TO REMAIN MOTIONLESS BECAUSE OF ON-HIGHWAY  
23 TRAFFIC OR AN OFFICIAL TRAFFIC CONTROL DEVICE OR SIGNAL OR AT THE  
24 DIRECTION OF A LAW ENFORCEMENT OFFICIAL.

25           (B) WHEN OPERATING A DEFROSTER, HEATER, OR AIR CONDITIONER, OR  
26 DURING INSTALLATION OF EQUIPMENT, SOLELY TO PREVENT A SAFETY OR  
27 HEALTH EMERGENCY AND NOT AS PART OF THE OPERATOR'S REST OR SLEEP

1 PERIOD.

2 (C) IF THE VEHICLE IS AN AMBULANCE OR A POLICE, FIRE, PUBLIC  
3 SAFETY, MILITARY, OR OTHER VEHICLE, WHILE BEING USED IN AN  
4 EMERGENCY OR EMERGENCY TRAINING CAPACITY AND NOT FOR THE  
5 CONVENIENCE OF THE VEHICLE OPERATOR.

6 (D) IF THE VEHICLE IS A WRECKER, AT A SITE TO WHICH IT HAS  
7 BEEN SUMMONED BY A LAW ENFORCEMENT AGENCY.

8 (E) AS REQUIRED FOR VEHICLE MAINTENANCE, SERVICE, REPAIR, OR  
9 DIAGNOSTIC PURPOSES, IF IDLING IS REQUIRED FOR THE ACTIVITY.

10 (F) AS REQUIRED AS PART OF A STATE OR FEDERAL INSPECTION TO  
11 VERIFY THAT ALL EQUIPMENT IS IN GOOD WORKING ORDER.

12 (G) TO POWER WORK-RELATED MECHANICAL OR ELECTRICAL OPERATIONS  
13 OTHER THAN PROPULSION, SUCH AS OPERATION OF A HOIST OR OTHER  
14 VEHICLE RECOVERY EQUIPMENT BY A WRECKER, MIXING OR PROCESSING  
15 CARGO, OR STRAIGHT TRUCK REFRIGERATION, IF THE VEHICLE IS NOT  
16 EQUIPPED WITH AN AUXILIARY POWER UNIT. THIS SUBDIVISION DOES NOT  
17 APPLY TO IDLING FOR CABIN COMFORT OR THE OPERATION OF NONESSENTIAL  
18 ONBOARD EQUIPMENT.

19 (H) TO POWER A MEDICAL DEVICE, SUCH AS A CONTINUOUS POSITIVE  
20 AIRWAY PRESSURE MACHINE, BEING USED BY A PERSON PRESENT IN A  
21 SLEEPING BIRTH DURING A SLEEP OR REST PERIOD, IF THE VEHICLE IS NOT  
22 EQUIPPED WITH A FUNCTIONING AUXILIARY POWER UNIT.

23 (I) IF THE VEHICLE IS AN ARMORED VEHICLE, WHILE A PERSON  
24 REMAINS INSIDE THE VEHICLE TO GUARD THE CONTENTS OR WHILE THE  
25 VEHICLE IS BEING LOADED OR UNLOADED.

26 (J) BECAUSE OF MECHANICAL DIFFICULTIES OVER WHICH THE DRIVER  
27 HAS NO CONTROL IF, WITHIN 30 DAYS AFTER RECEIVING A CITATION UNDER

1 SECTION 6911, THE VEHICLE OWNER SUBMITS TO THE APPROPRIATE LAW  
2 ENFORCEMENT AUTHORITY THE REPAIR PAPERWORK OR PRODUCT RECEIPT  
3 VERIFYING THAT THE MECHANICAL PROBLEM HAS BEEN FIXED.

4 (K) IF THE VEHICLE IS A PASSENGER BUS, INCLUDING A SCHOOL BUS,  
5 FOR NOT MORE THAN 15 TOTAL MINUTES IN ANY 60-MINUTE PERIOD TO  
6 MAINTAIN PASSENGER COMFORT WHILE NONDRIVER PASSENGERS ARE ON BOARD.

7 (l) FOR MORE THAN 30 TOTAL MINUTES WHILE WAITING TO LOAD OR  
8 UNLOAD AT A LOAD/UNLOAD LOCATION.

9 (4) THE OWNER OF A LOAD/UNLOAD LOCATION SHALL NOT CAUSE A  
10 VEHICLE TO STAND OR PARK FOR MORE THAN 30 TOTAL MINUTES WHILE  
11 WAITING TO LOAD OR UNLOAD AT THE LOCATION IF IT IS NECESSARY FOR  
12 THE VEHICLE TO STAND OR PARK AT IDLE TO POWER STRAIGHT TRUCK  
13 REFRIGERATION OR FOR SIMILAR PURPOSES.

14 (5) THIS SECTION DOES NOT PROHIBIT OPERATING AN AUXILIARY  
15 POWER UNIT, GENERATOR SET, OR OTHER MOBILE IDLE REDUCTION  
16 TECHNOLOGY AS A MEANS TO HEAT, AIR-CONDITION, OR PROVIDE ELECTRICAL  
17 POWER AS AN ALTERNATIVE TO IDLING A VEHICLE'S PRIMARY PROPULSION  
18 ENGINE. HOWEVER, IF THE VEHICLE IS EQUIPPED WITH A MODEL YEAR 2007  
19 OR NEWER ENGINE AND A WAIVER HAS BEEN GRANTED BY THE UNITED STATES  
20 ENVIRONMENTAL PROTECTION AGENCY FOR 1 OR MORE OF THE FOLLOWING  
21 REQUIREMENTS, THE EXEMPTION IN THIS SUBSECTION DOES NOT APPLY  
22 UNLESS 1 OR MORE OF THE FOLLOWING REQUIREMENTS ARE MET:

23 (A) THE MOBILE IDLE REDUCTION TECHNOLOGY IS EQUIPPED FOR A  
24 VERIFIED LEVEL 3 IN-USE STRATEGY FOR PARTICULATE MATTER CONTROL.

25 (B) THE MOBILE IDLE REDUCTION TECHNOLOGY'S EXHAUST IS ROUTED  
26 DIRECTLY INTO THE VEHICLE'S EXHAUST PIPE, UPSTREAM OF THE DIESEL  
27 PARTICULATE MATTER AFTERTREATMENT DEVICE.

1           (6) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A  
2 CIVIL INFRACTION. FOR A VIOLATION OF SUBSECTION (2), THE PERSON MAY  
3 BE ORDERED TO PAY A FINE OF NOT MORE THAN \$500.00 AND COSTS AS  
4 PROVIDED IN SECTION 907(4). FOR A VIOLATION OF SUBSECTION (4), THE  
5 PERSON MAY BE ORDERED TO PAY A FINE OF NOT MORE THAN \$150.00 AND  
6 COSTS AS PROVIDED IN SECTION 907(4). HOWEVER, FOR VIOLATIONS  
7 OCCURRING WITHIN 6 MONTHS AFTER THE EFFECTIVE DATE OF THE  
8 AMENDATORY ACT THAT ADDED THIS SECTION, THE MAXIMUM FINE FOR A  
9 VIOLATION OF SUBSECTION (2) IS \$250.00 AND THE MAXIMUM FINE FOR A  
10 VIOLATION OF SUBSECTION (4) IS \$75.00.

11           (7) THIS SECTION PREEMPTS A LOCAL ORDINANCE THAT WOULD EXTEND,  
12 REVISE, OR CONFLICT WITH THIS SECTION. HOWEVER, A CITY, VILLAGE, OR  
13 TOWNSHIP MAY ADOPT AN ORDINANCE THAT SUBSTANTIALLY CORRESPONDS TO  
14 THIS SECTION.

15           Sec. 675d. (1) Except as provided in subsection (2), a law  
16 enforcement agency or a local unit of government may implement and  
17 administer a program to authorize and utilize persons other than  
18 police officers as volunteers to issue citations for the following  
19 violations:

20           (a) Parking on a sidewalk in violation of section 674(1)(a) or  
21 a local ordinance substantially corresponding to section 674(1)(a).

22           (b) Parking in front of a public or private driveway in  
23 violation of section 674(1)(b) or a local ordinance substantially  
24 corresponding to section 674(1)(b).

25           (c) Parking within 15 feet of a fire hydrant in violation of  
26 section 674(1)(d) or a local ordinance substantially corresponding  
27 to section 674(1)(d).

1 (d) Parking on a crosswalk in violation of section 674(1)(e)  
2 or a local ordinance substantially corresponding to section  
3 674(1)(e).

4 (e) Parking within 20 feet of a crosswalk or, if there is not  
5 a crosswalk, within 15 feet of the intersection of property lines  
6 at an intersection of highways, in violation of section 674(1)(f)  
7 or a local ordinance substantially corresponding to section  
8 674(1)(f).

9 (f) Parking at a place where an official sign prohibits  
10 stopping or parking in violation of section 674(1)(n) or a local  
11 ordinance substantially corresponding to section 674(1)(n). This  
12 subdivision does not authorize a volunteer to issue a citation for  
13 any other violation set forth in section 674 or a local ordinance  
14 substantially corresponding to section 674.

15 (g) Parking in a space reserved for use by disabled persons in  
16 violation of section 674(1)(s) or a local ordinance substantially  
17 corresponding to section 674(1)(s).

18 (h) Parking in an access aisle or access lane immediately  
19 adjacent to a space designated for parking by persons with  
20 disabilities in violation of section 674(1)(t) or a local ordinance  
21 substantially corresponding to section 674(1)(t).

22 (i) Parking in violation of an official sign restricting the  
23 period of time for or manner of parking in violation of section  
24 674(1)(w) or a local ordinance substantially corresponding to  
25 section 674(1)(w). This subdivision does not authorize a volunteer  
26 to issue a citation for any other violation set forth in section  
27 674 or a local ordinance substantially corresponding to section

1 674.

2 (j) Parking in a space or in a manner that blocks access to a  
3 fire lane in violation of section 674(1)(aa) or a local ordinance  
4 substantially corresponding to section 674(1)(aa).

5 **(K) IDLING IN VIOLATION OF SECTION 674B OR A LOCAL ORDINANCE**  
6 **SUBSTANTIALLY CORRESPONDING TO SECTION 674B.**

7 (2) Before authorizing and utilizing persons other than police  
8 officers to issue citations, the law enforcement agency or local  
9 unit of government shall implement a program to train the persons  
10 to properly issue citations as provided in this section, of which  
11 not less than 8 hours shall be in parking enforcement, conducted by  
12 that law enforcement agency or the law enforcement agency for that  
13 local unit of government or, if the local unit of government does  
14 not have a law enforcement agency, by the county sheriff. A person  
15 who successfully completes a program of training implemented under  
16 this section may issue citations as provided in this section as  
17 authorized by the law enforcement agency or local unit of  
18 government. A law enforcement agency of a local unit of government  
19 shall not implement or administer a program under this section  
20 without the specific authorization of the governing body of that  
21 local unit of government. A law enforcement agency shall not  
22 implement or administer a program under this section that would  
23 allow volunteers to issue citations under subsection (1)(a), (b),  
24 (c), (d), (e), (f), ~~or (i)~~, **OR (K)** for any violations for which the  
25 use of volunteers is prohibited under a collective bargaining  
26 agreement between that local unit of government and any law  
27 enforcement officers of that local unit of government.

1 (3) As used in this section:

2 (a) "Law enforcement agency" means any of the following:

3 (i) A police agency of a city, village, or township.

4 (ii) A sheriff's department.

5 (iii) The department of state police.

6 (iv) Any other governmental law enforcement agency in this  
7 state.

8 (b) "Local unit of government" means a state university or  
9 college or a county, city, village, or township.

10 Sec. 742. (1) A police officer who witnesses a person  
11 violating this act or a local ordinance substantially corresponding  
12 to this act, which violation is a civil infraction, may stop the  
13 person, detain the person temporarily for purposes of making a  
14 record of vehicle check, and prepare and subscribe, as soon as  
15 possible and as completely as possible, an original and 3 copies of  
16 a written citation, which shall be a notice to appear in court for  
17 1 or more civil infractions. If a police officer of a village,  
18 city, township, or county, or a police officer who is an authorized  
19 agent of a county road commission, witnesses a person violating  
20 this act or a local ordinance substantially corresponding to this  
21 act within that village, city, township, or county and that  
22 violation is a civil infraction, that police officer may pursue,  
23 stop, and detain the person outside the village, city, township, or  
24 county where the violation occurred for the purpose of exercising  
25 the authority and performing the duties prescribed in this section  
26 and section 749, as applicable.

27 (2) Any police officer, having reason to believe that the

1 load, weight, height, length, or width of a vehicle or load are in  
2 violation of section 717, 719, 719a, 722, 724, 725, or 726 which  
3 violation is a civil infraction, may require the driver of the  
4 vehicle to stop, and the officer may investigate, weigh, or measure  
5 the vehicle or load. If, after personally investigating, weighing,  
6 or measuring the vehicle or load, the officer determines that the  
7 load, weight, height, length, or width of the vehicle or load are  
8 in violation of section 717, 719, 719a, 722, 724, 725, or 726, the  
9 officer may temporarily detain the driver of the vehicle for  
10 purposes of making a record or vehicle check and issue a citation  
11 to the driver or owner of the vehicle as provided in those  
12 sections.

13 (3) A police officer may issue a citation to a person who is a  
14 driver of a motor vehicle involved in an accident when, based upon  
15 personal investigation, the officer has reasonable cause to believe  
16 that the person is responsible for a civil infraction in connection  
17 with the accident. A police officer may issue a citation to a  
18 person who is a driver of a motor vehicle when, based upon personal  
19 investigation by the police officer of a complaint by someone who  
20 witnessed the person violating this act or a local ordinance  
21 substantially corresponding to this act, which violation is a civil  
22 infraction, the officer has reasonable cause to believe that the  
23 person is responsible for a civil infraction and if the prosecuting  
24 attorney or attorney for the political subdivision approves in  
25 writing the issuance of the citation.

26 (4) The form of a citation issued under subsection (1), (2),  
27 or (3) shall be as prescribed in sections 727c and 743.

1 (5) The officer shall inform the person of the alleged civil  
2 infraction or infractions and shall deliver the third copy of the  
3 citation to the alleged offender.

4 (6) In a civil infraction action involving the parking or  
5 standing of a motor vehicle **OR IDLING IN VIOLATION OF SECTION 674B**  
6 **OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 674B**, a  
7 copy of the citation is not required to be served personally upon  
8 the defendant but may be served upon the registered owner by  
9 attaching the copy to the vehicle. A city may authorize personnel  
10 other than a police officer to issue and serve a citation for a  
11 violation of its ordinance involving the parking or standing of a  
12 motor vehicle. A city may authorize a person other than personnel  
13 or a police officer to issue and serve a citation for parking  
14 violations described in section 675d if the city has complied with  
15 the requirements of section 675d. State security personnel  
16 receiving authorization under section 6c of 1935 PA 59, MCL 28.6c,  
17 may issue and serve citations for violations involving the parking  
18 or standing of vehicles on land owned by the state or land of which  
19 the state is the lessee when authorized to do so by the director of  
20 the department of state police. **A CITY, VILLAGE, OR TOWNSHIP OR A**  
21 **STATE UNIVERSITY OR COLLEGE MAY AUTHORIZE PARKING VIOLATIONS BUREAU**  
22 **PERSONNEL TO ISSUE AND SERVE A CITATION FOR A VIOLATION OF AN**  
23 **ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 674B.**

24 (7) If a parking violation notice other than a citation is  
25 attached to a motor vehicle, and if an admission of responsibility  
26 is not made and the civil fine and costs, if any, prescribed by  
27 ordinance for the violation are not paid at the parking violations

1 bureau, a citation may be filed with the court described in section  
2 741(4) and a copy of the citation may be served by first-class mail  
3 upon the registered owner of the vehicle at the owner's last known  
4 address. A parking violation notice may be issued by a police  
5 officer, including a limited duty officer, or other personnel duly  
6 authorized by the city, village, township, college, or university  
7 to issue such a notice under its ordinance. The citation filed with  
8 the court pursuant to this subsection need not comply in all  
9 particulars with sections 727c and 743 but shall consist of a sworn  
10 complaint containing the allegations stated in the parking  
11 violation notice and shall fairly inform the defendant how to  
12 respond to the citation.

13 (8) A citation issued under subsection (6) or (7) for a  
14 parking or standing violation shall be processed in the same manner  
15 as a citation issued personally to a defendant under subsection (1)  
16 or (3).

17 (9) As used in subsection (7):

18 (a) "Parking violation notice" means a notice, other than a  
19 citation, directing a person to appear at a parking violations  
20 bureau in the city, village, or township in which, or of the  
21 college or university for which, the notice is issued and to pay  
22 the fine and costs, if any, prescribed by ordinance for the parking  
23 or standing of a motor vehicle in violation of the ordinance.

24 (b) "Parking violations bureau" means a parking violations  
25 bureau established pursuant to section 8395 of the revised  
26 judicature act of 1961, 1961 PA 236, MCL 600.8395, or a comparable  
27 parking violations bureau established in a city or village served

1 by a municipal court or established pursuant to law by the  
2 governing board of a state university or college.

3 Sec. 907. (1) A violation of this act, or a local ordinance  
4 substantially corresponding to a provision of this act, that is  
5 designated a civil infraction shall not be considered a lesser  
6 included offense of a criminal offense.

7 (2) If a person is determined pursuant to sections 741 to 750  
8 to be responsible or responsible "with explanation" for a civil  
9 infraction under this act or a local ordinance substantially  
10 corresponding to a provision of this act, the judge or district  
11 court magistrate may order the person to pay a civil fine of not  
12 more than \$100.00 and costs as provided in subsection (4). However,  
13 beginning October 31, 2010, if the civil infraction was a moving  
14 violation that resulted in an at-fault collision with another  
15 vehicle, a person, or any other object, the civil fine ordered  
16 under this section shall be increased by \$25.00 but the total civil  
17 fine shall not exceed \$100.00. However, for a violation of section  
18 602b, the person shall be ordered to pay costs as provided in  
19 subsection (4) and a civil fine of \$100.00 for a first offense and  
20 \$200.00 for a second or subsequent offense. For a violation of  
21 section 674(1)(s) or a local ordinance substantially corresponding  
22 to section 674(1)(s), the person shall be ordered to pay costs as  
23 provided in subsection (4) and a civil fine of not less than  
24 \$100.00 or more than \$250.00. **FOR A VIOLATION OF SECTION 674B OR A  
25 LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 674B, THE  
26 PERSON MAY BE ORDERED TO PAY A CIVIL FINE AND COSTS AS PROVIDED IN  
27 THAT SECTION.** For a violation of section 328, the civil fine

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

26 (3) ~~Except as provided in this subsection, if~~ **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~~**OPERATING** a commercial motor vehicle, he or she shall be  
4 ordered to pay costs as provided in subsection (4) and a civil fine  
5 of not more than \$250.00. **THIS SUBSECTION DOES NOT APPLY TO A**  
6 **VIOLATION OF SECTION 674B.**

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

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

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

27 (7) Each district of the district court and each municipal

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

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

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

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

1 the enforcement of a judgment under chapter 40 of the revised  
2 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or  
3 under chapter 60 of the revised judicature act of 1961, 1961 PA  
4 236, MCL 600.6001 to 600.6098.

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

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

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

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

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

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

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

1 date on the citation, produced valid proof of insurance that was in  
2 effect at the time the violation of section 328(1) occurred.  
3 Insurance obtained subsequent to the time of the violation does not  
4 make the person eligible for a waiver under this subsection.

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

9 Sec. 909. (1) ~~Except as provided in subsection (2), a~~ A civil  
10 fine which is ordered under section 907 for a violation of this act  
11 or other state statute shall be exclusively applied to the support  
12 of public libraries and county law libraries in the same manner as  
13 is provided by law for penal fines assessed and collected for  
14 violation of a penal law of the state.

15 (2) A civil fine ordered for a violation of a code or  
16 ordinance of a local authority regulating the operation of  
17 commercial motor vehicles and substantially corresponding to a  
18 provision of this act shall be paid to the county treasurer and  
19 shall be allocated as follows:

20 (a) Seventy percent to the local authority in which the  
21 citation is issued.

22 (b) Thirty percent for library purposes as provided by law.

23 (3) ~~(2)~~ Subsection ~~(1)~~ **is (2) DOES NOT APPLY TO A VIOLATION OF**  
24 **A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 674B.**  
25 **SUBSECTIONS (1) AND (2) ARE** intended to maintain a source of  
26 revenue for public libraries which previously received penal fines  
27 for misdemeanor violations of this act which are now civil

1 infractions.