

# SENATE BILL No. 852

March 10, 2016, Introduced by Senator JOHNSON and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending sections 319, 682, and 907 (MCL 257.319, 257.682, and  
257.907), section 319 as amended by 2015 PA 11, section 682 as  
amended by 2012 PA 263, and section 907 as amended by 2015 PA 126.

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

1           Sec. 319. (1) The secretary of state shall immediately suspend  
2 a person's license as provided in this section upon receiving a  
3 record of the person's conviction for a crime described in this  
4 section, whether the conviction is under a law of this state, a  
5 local ordinance substantially corresponding to a law of this state,  
6 a law of another state substantially corresponding to a law of this  
7 state, or, beginning October 31, 2010, a law of the United States

1 substantially corresponding to a law of this state.

2 (2) The secretary of state shall suspend the person's license  
3 for 1 year for any of the following crimes:

4 (a) Fraudulently altering or forging documents pertaining to  
5 motor vehicles in violation of section 257.

6 (b) A violation of section 413 of the Michigan penal code,  
7 1931 PA 328, MCL 750.413.

8 (c) A violation of section 1 of former 1931 PA 214, MCL  
9 752.191, or former section 626c.

10 (d) A felony in which a motor vehicle was used. As used in  
11 this section, "felony in which a motor vehicle was used" means a  
12 felony during the commission of which the person convicted operated  
13 a motor vehicle and while operating the vehicle presented real or  
14 potential harm to persons or property and 1 or more of the  
15 following circumstances existed:

16 (i) The vehicle was used as an instrument of the felony.

17 (ii) The vehicle was used to transport a victim of the felony.

18 (iii) The vehicle was used to flee the scene of the felony.

19 (iv) The vehicle was necessary for the commission of the  
20 felony.

21 (e) A violation of section 602a(2) or (3) of this act or  
22 section 479a(2) or (3) of the Michigan penal code, 1931 PA 328, MCL  
23 750.479a.

24 (f) Beginning October 31, 2010, a violation of section 601d.

25 (3) The secretary of state shall suspend the person's license  
26 for 90 days for any of the following crimes:

27 (a) Failing to stop and disclose identity at the scene of an

1 accident resulting in injury in violation of section 617a.

2 (b) A violation of section 601b(2), section 601c(1), section  
3 653a(3), section 626 before October 31, 2010, or, beginning October  
4 31, 2010, section 626(2).

5 (c) Malicious destruction resulting from the operation of a  
6 vehicle under section 382(1)(b), (c), or (d) of the Michigan penal  
7 code, 1931 PA 328, MCL 750.382.

8 (d) A violation of section 703(2) of the Michigan liquor  
9 control code of 1998, 1998 PA 58, MCL 436.1703.

10 (4) The secretary of state shall suspend the person's license  
11 for 30 days for malicious destruction resulting from the operation  
12 of a vehicle under section 382(1)(a) of the Michigan penal code,  
13 1931 PA 328, MCL 750.382.

14 (5) For perjury or making a false certification to the  
15 secretary of state under any law requiring the registration of a  
16 motor vehicle or regulating the operation of a vehicle on a  
17 highway, or for conduct prohibited under section 324(1) or a local  
18 ordinance substantially corresponding to section 324(1), the  
19 secretary **OF STATE** shall suspend the person's license as follows:

20 (a) If the person has no prior conviction for an offense  
21 described in this subsection within 7 years, for 90 days.

22 (b) If the person has 1 or more prior convictions for an  
23 offense described in this subsection within 7 years, for 1 year.

24 (6) For a violation of section 414 of the Michigan penal code,  
25 1931 PA 328, MCL 750.414, the secretary of state shall suspend the  
26 person's license as follows:

27 (a) If the person has no prior conviction for that offense

1 within 7 years, for 90 days.

2 (b) If the person has 1 or more prior convictions for that  
3 offense within 7 years, for 1 year.

4 (7) For a violation of section 624a or 624b of this act or  
5 section 703(1) of the Michigan liquor control code of 1998, 1998 PA  
6 58, MCL 436.1703, the secretary of state shall suspend the person's  
7 license as follows:

8 (a) If the person has 1 prior conviction for an offense  
9 described in this subsection or section 33b(1) of former 1933 (Ex  
10 Sess) PA 8, for 90 days. The secretary of state may issue the  
11 person a restricted license after the first 30 days of suspension.

12 (b) If the person has 2 or more prior convictions for an  
13 offense described in this subsection or section 33b(1) of former  
14 1933 (Ex Sess) PA 8, for 1 year. The secretary of state may issue  
15 the person a restricted license after the first 60 days of  
16 suspension.

17 (8) The secretary of state shall suspend the person's license  
18 for a violation of section 625 or 625m as follows:

19 (a) For 180 days for a violation of section 625(1) or (8)  
20 before October 31, 2010 or, beginning October 31, 2010, section  
21 625(1)(a) or (b) or (8) if the person has no prior convictions  
22 within 7 years. The secretary of state may issue the person a  
23 restricted license during a specified portion of the suspension,  
24 except that the secretary of state shall not issue a restricted  
25 license during the first 30 days of suspension.

26 (b) For 90 days for a violation of section 625(3) if the  
27 person has no prior convictions within 7 years. However, if the

1 person is convicted of a violation of section 625(3), for operating  
2 a vehicle when, due to the consumption of a controlled substance or  
3 a combination of alcoholic liquor and a controlled substance, the  
4 person's ability to operate the vehicle was visibly impaired, the  
5 secretary of state shall suspend the person's license under this  
6 subdivision for 180 days. The secretary of state may issue the  
7 person a restricted license during all or a specified portion of  
8 the suspension.

9 (c) For 30 days for a violation of section 625(6) if the  
10 person has no prior convictions within 7 years. The secretary of  
11 state may issue the person a restricted license during all or a  
12 specified portion of the suspension.

13 (d) For 90 days for a violation of section 625(6) if the  
14 person has 1 or more prior convictions for that offense within 7  
15 years.

16 (e) For 180 days for a violation of section 625(7) if the  
17 person has no prior convictions within 7 years. The secretary of  
18 state may issue the person a restricted license after the first 90  
19 days of suspension.

20 (f) For 90 days for a violation of section 625m if the person  
21 has no prior convictions within 7 years. The secretary of state may  
22 issue the person a restricted license during all or a specified  
23 portion of the suspension.

24 (g) Beginning October 31, 2010, for 1 year for a violation of  
25 section 625(1)(c) if the person has no prior convictions within 7  
26 years or not more than 2 convictions within 10 years. The secretary  
27 of state may issue the person a restricted license, except that the

1 secretary of state shall not issue a restricted license during the  
2 first 45 days of suspension.

3 (h) Beginning October 31, 2010, the department shall order a  
4 person convicted of violating section 625(1)(c) not to operate a  
5 motor vehicle under a restricted license issued under subdivision  
6 (g) unless the vehicle is equipped with an ignition interlock  
7 device approved, certified, and installed as required under  
8 sections 625k and ~~625l.~~ **625l**. The ignition interlock device may be  
9 removed after the interlock device provider provides the department  
10 with verification that the person has operated the vehicle with no  
11 instances of reaching or exceeding a blood alcohol level of 0.025  
12 grams per 210 liters of breath. This subdivision does not prohibit  
13 the removal of the ignition interlock device for any of the  
14 following:

15 (i) ~~(i)~~ A start-up test failure that occurs within the first 2  
16 months after installation of the device. As used in this  
17 subdivision, "start-up test failure" means that the ignition  
18 interlock device has prevented the motor vehicle from being  
19 started. Multiple unsuccessful attempts at 1 time to start the  
20 vehicle shall be treated as 1 start-up test failure only under this  
21 subparagraph.

22 (ii) A start-up test failure occurring more than 2 months  
23 after installation of the device, if not more than 15 minutes after  
24 detecting the start-up test failure the person delivers a breath  
25 sample that the ignition interlock device analyzes as having an  
26 alcohol level of less than 0.025 grams per 210 liters of breath.

27 (iii) A retest prompted by the device, if not more than 5

1 minutes after detecting the retest failure the person delivers a  
2 breath sample that the ignition interlock device analyzes as having  
3 an alcohol level of less than 0.025 grams per 210 liters of breath.

4 (i) Beginning October 31, 2010, if an individual violates the  
5 conditions of the restricted license issued under subdivision (g)  
6 or operates or attempts to operate a motor vehicle with a blood  
7 alcohol level of 0.025 grams per 210 liters of breath, the  
8 secretary of state shall impose an additional like period of  
9 suspension and restriction as prescribed under subdivision (g).  
10 This subdivision does not require an additional like period of  
11 suspension and restriction for any of the following:

12 (i) A start-up test failure within the first 2 months after  
13 installation of the ignition interlock device. As used in this  
14 subdivision, "start-up test failure" means that the ignition  
15 interlock device has prevented the motor vehicle from being  
16 started. Multiple unsuccessful attempts at 1 time to start the  
17 vehicle shall be treated as 1 start-up test failure only under this  
18 subparagraph.

19 (ii) A start-up test failure occurring more than 2 months  
20 after installation of the device, if not more than 15 minutes after  
21 detecting the start-up test failure the person delivers a breath  
22 sample that the ignition interlock device analyzes as having an  
23 alcohol level of less than 0.025 grams per 210 liters of breath.

24 (iii) Any retest prompted by the device, if not more than 5  
25 minutes after detecting the retest failure the person delivers a  
26 breath sample that the ignition interlock device analyzes as having  
27 an alcohol level of less than 0.025 grams per 210 liters of breath.

1 (9) For a violation of section 367c of the Michigan penal  
2 code, 1931 PA 328, MCL 750.367c, the secretary of state shall  
3 suspend the person's license as follows:

4 (a) If the person has no prior conviction for an offense  
5 described in this subsection within 7 years, for 6 months.

6 (b) If the person has 1 or more convictions for an offense  
7 described in this subsection within 7 years, for 1 year.

8 (10) For a violation of section 315(4), the secretary of state  
9 may suspend the person's license for 6 months.

10 (11) For a violation or attempted violation of section 411a(2)  
11 of the Michigan penal code, 1931 PA 328, MCL 750.411a, involving a  
12 school, the secretary of state shall suspend the license of a  
13 person 14 years of age or over but less than 21 years of age until  
14 3 years after the date of the conviction or juvenile disposition  
15 for the violation. The secretary of state may issue the person a  
16 restricted license after the first 365 days of suspension.

17 (12) For a second or subsequent violation of section 701(1) of  
18 the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701,  
19 by an individual who is not a retail licensee or a retail  
20 licensee's clerk, agent, or employee, the secretary of state shall  
21 suspend the person's license for 180 days. The secretary of state  
22 may issue a person a restricted license during all or a specified  
23 portion of the suspension.

24 (13) Except as provided in subsection (15), a suspension under  
25 this section shall be imposed notwithstanding a court order unless  
26 the court order complies with section 323.

27 (14) If the secretary of state receives records of more than 1



1 conviction of a person resulting from the same incident, a  
2 suspension shall be imposed only for the violation to which the  
3 longest period of suspension applies under this section.

4 (15) The secretary of state may waive a restriction,  
5 suspension, or revocation of a person's license imposed under this  
6 act if the person submits proof that a court in another state  
7 revoked, suspended, or restricted his or her license for a period  
8 equal to or greater than the period of a restriction, suspension,  
9 or revocation prescribed under this act for the violation and that  
10 the revocation, suspension, or restriction was served for the  
11 violation, or may grant a restricted license.

12 (16) The secretary of state shall not issue a restricted  
13 license to a person whose license is suspended under this section  
14 unless a restricted license is authorized under this section and  
15 the person is otherwise eligible for a license.

16 (17) The secretary of state shall not issue a restricted  
17 license to a person under subsection (8) that would permit the  
18 person to operate a commercial motor vehicle.

19 (18) Except as provided in subsection (17), a restricted  
20 license issued under this section shall permit the person to whom  
21 it is issued to take any driving skills test required by the  
22 secretary of state and to operate a vehicle under 1 or more of the  
23 following circumstances:

24 (a) In the course of the person's employment or occupation.

25 (b) To and from any combination of the following:

26 (i) The person's residence.

27 (ii) The person's work location.

1           (iii) An alcohol or drug education or treatment program as  
2 ordered by the court.

3           (iv) The court probation department.

4           (v) A court-ordered community service program.

5           (vi) An educational institution at which the person is  
6 enrolled as a student.

7           (vii) A place of regularly occurring medical treatment for a  
8 serious condition for the person or a member of the person's  
9 household or immediate family.

10          (viii) An ignition interlock service provider as required.

11          (19) While driving with a restricted license, the person shall  
12 carry proof of his or her destination and the hours of any  
13 employment, class, or other reason for traveling and shall display  
14 that proof upon a peace officer's request.

15          (20) Subject to subsection (22), as used in subsection (8),  
16 "prior conviction" means a conviction for any of the following,  
17 whether under a law of this state, a local ordinance substantially  
18 corresponding to a law of this state, or a law of another state  
19 substantially corresponding to a law of this state:

20           (a) Except as provided in subsection (21), a violation or  
21 attempted violation of any of the following:

22           (i) Section 625, except a violation of section 625(2), or a  
23 violation of any prior enactment of section 625 in which the  
24 defendant operated a vehicle while under the influence of  
25 intoxicating or alcoholic liquor or a controlled substance, or a  
26 combination of intoxicating or alcoholic liquor and a controlled  
27 substance, or while visibly impaired, or with an unlawful bodily

1 alcohol content.

2 (ii) Section 625m.

3 (iii) Former section 625b.

4 (b) Negligent homicide, manslaughter, or murder resulting from  
5 the operation of a vehicle or an attempt to commit any of those  
6 crimes.

7 (c) Beginning October 31, 2010, a violation of section 601d or  
8 section 626(3) or (4).

9 (21) Except for purposes of the suspensions described in  
10 subsection (8)(c) and (d), only 1 violation or attempted violation  
11 of section 625(6), a local ordinance substantially corresponding to  
12 section 625(6), or a law of another state substantially  
13 corresponding to section 625(6) may be used as a prior conviction.

14 (22) If 2 or more convictions described in subsection (20) are  
15 convictions for violations arising out of the same transaction,  
16 only 1 conviction shall be used to determine whether the person has  
17 a prior conviction.

18 **(23) THE SECRETARY OF STATE SHALL SUSPEND A PERSON'S LICENSE**  
19 **FOR AN UNPAID CITATION FOR A VIOLATION OF SECTION 682.**

20 Sec. 682. (1) The operator of a vehicle overtaking or meeting  
21 a school bus that has stopped and is displaying 2 alternately  
22 flashing red lights located at the same level shall bring the  
23 vehicle to a full stop not less than 20 feet from the school bus  
24 and shall not proceed until the school bus resumes motion or the  
25 visual signals are no longer actuated. The operator of a vehicle  
26 who fails to stop for a school bus as required by this subsection,  
27 who passes a school bus in violation of this subsection, or who

1 fails to stop for a school bus in violation of an ordinance that is  
2 substantially similar to this subsection, is responsible for a  
3 civil infraction.

4 (2) The operator of a vehicle upon a highway that has been  
5 divided into 2 roadways by leaving an intervening space, or by a  
6 physical barrier, or clearly indicated dividing sections so  
7 constructed as to impede vehicular traffic, is not required to stop  
8 upon meeting a school bus that has stopped across the dividing  
9 space, barrier, or section.

10 (3) In a proceeding for a violation of subsection (1), proof  
11 that the particular vehicle described in the citation was in  
12 violation of subsection (1), together with proof that the defendant  
13 named in the citation was, at the time of the violation, the  
14 registered owner of the vehicle, constitutes a rebuttable  
15 presumption that the registered owner of the vehicle was the driver  
16 of the vehicle at the time of the violation.

17 **(4) ANY EVIDENCE OF A CIVIL INFRACTION ISSUED UNDER THIS**  
18 **SECTION CAPTURED BY AN AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICE**  
19 **IS ADMISSIBLE INTO EVIDENCE AS AN OFFICIAL RECORD OR A BUSINESS**  
20 **RECORD WITHOUT THE NEED FOR ADDITIONAL FOUNDATION.**

21 (5) ~~(4)~~—In addition to the civil fine and costs provided for a  
22 civil infraction under section 907, the judge, district court  
23 referee, or district court magistrate may order a person who  
24 violates this section to perform not more than 100 hours of  
25 community service at a school.

26 **(6) A CITY WITH A POPULATION OF MORE THAN 500,000 MAY ALLOW A**  
27 **SCHOOL DISTRICT THAT HAS A PUPIL MEMBERSHIP OF MORE THAN 30,000**

1 PUPILS TO OPERATE AN AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICE  
2 PROGRAM AND MAY PROSECUTE VIOLATIONS OF THIS SECTION DETECTED BY AN  
3 AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICE UPON ENACTING AN  
4 ORDINANCE OR ADOPTING A RESOLUTION AUTHORIZING THE INSTALLATION AND  
5 OPERATION OF AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICES AFTER  
6 CONSULTATION WITH THE GOVERNING BOARD OF SCHOOLS WITHIN THAT CITY.

7 (7) A CITY THAT ENACTS AN ORDINANCE OR ADOPTS A RESOLUTION AS  
8 PROVIDED IN SUBSECTION (6) MAY DO ALL OF THE FOLLOWING:

9 (A) MAIL TO THE OWNER OF A MOTOR VEHICLE BY FIRST-CLASS UNITED  
10 STATES MAIL A CITATION FOR A VIOLATION OF THIS SECTION OR A LOCAL  
11 ORDINANCE SUBSTANTIALLY SIMILAR TO THIS SECTION IF AN AUTOMATED  
12 TRAFFIC ENFORCEMENT SAFETY DEVICE PRODUCES A RECORDED IMAGE OR  
13 VIDEO OF THE MOTOR VEHICLE BEING OPERATED SO AS TO COMMIT A CIVIL  
14 INFRACTION UNDER THIS SECTION OR A VIOLATION OF A LOCAL ORDINANCE  
15 SUBSTANTIALLY SIMILAR TO A CIVIL INFRACTION UNDER THIS SECTION.

16 (B) PROVIDE FOR DISTRIBUTION OF MONEY COLLECTED FOR A  
17 VIOLATION OF THIS SECTION OR A LOCAL ORDINANCE SUBSTANTIALLY  
18 SIMILAR TO THIS SECTION USING AN AUTOMATED TRAFFIC ENFORCEMENT  
19 SAFETY DEVICE TO A SCHOOL DISTRICT DESCRIBED IN SUBSECTION (6) FOR  
20 THE PURPOSE OF PAYING A THIRD-PARTY PRIVATE VENDOR FOR THE  
21 INSTALLATION OF AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICES AND,  
22 IF ANY SURPLUS IN FUNDS REMAINS AFTER PAYING THE THIRD-PARTY  
23 PRIVATE VENDOR, FOR REIMBURSEMENT OF LAW ENFORCEMENT EXPENSES AND  
24 FUNDING OTHER COMMUNITY STUDENT SAFETY PROGRAMS.

25 (C) COLLECT A \$100.00 LATE FEE FROM AN INDIVIDUAL WHO IS FOUND  
26 RESPONSIBLE FOR A CIVIL INFRACTION UNDER THIS SECTION OR A LOCAL  
27 ORDINANCE SUBSTANTIALLY SIMILAR TO THIS SECTION IF HE OR SHE DOES

1 NOT PAY THE AMOUNT DUE WITHIN THE TIME PRESCRIBED BY THE COURT.

2 (8) AS USED IN THIS SECTION, "AUTOMATED TRAFFIC ENFORCEMENT  
3 SAFETY DEVICE" MEANS A DEVICE THAT SATISFIES ALL OF THE FOLLOWING  
4 REQUIREMENTS:

5 (A) IT IS AFFIXED TO A SCHOOL BUS.

6 (B) IT IS CAPABLE OF DETECTING A MOTOR VEHICLE OVERTAKING OR  
7 PASSING A SCHOOL BUS IN VIOLATION OF THIS SECTION.

8 (C) IT IS CAPABLE OF PRODUCING A PHOTOGRAPHICALLY RECORDED  
9 STILL OR VIDEO IMAGE OF THE REAR OF A MOTOR VEHICLE, OR THE REAR OF  
10 A MOTOR VEHICLE BEING TOWED BY ANOTHER MOTOR VEHICLE, INCLUDING AN  
11 IMAGE OF THE MOTOR VEHICLE'S REAR REGISTRATION PLATE.

12 (D) IT INDICATES WITH 1 OR MORE OF THE IMAGES PRODUCED THE  
13 DATE, TIME, AND LOCATION OF THE VIOLATION.

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

18 (2) If a person is determined under sections 741 to 750 to be  
19 responsible or responsible "with explanation" for a civil  
20 infraction under this act or a local ordinance substantially  
21 corresponding to a provision of this act, the judge or district  
22 court magistrate may order the person to pay a civil fine of not  
23 more than \$100.00 and costs as provided in subsection (4). However,  
24 if the civil infraction was a moving violation that resulted in an  
25 at-fault collision with another vehicle, a person, or any other  
26 object, the civil fine ordered under this section shall be  
27 increased by \$25.00 but the total civil fine shall not exceed

1 \$100.00. However, for a violation of section 602b, the person shall  
2 be ordered to pay costs as provided in subsection (4) and a civil  
3 fine of \$100.00 for a first offense and \$200.00 for a second or  
4 subsequent offense. For a violation of section 674(1)(s) or a local  
5 ordinance substantially corresponding to section 674(1)(s), the  
6 person shall be ordered to pay costs as provided in subsection (4)  
7 and a civil fine of not less than \$100.00 or more than \$250.00. For  
8 a violation of section 676c, the person shall be ordered to pay  
9 costs as provided in subsection (4) and a civil fine of \$1,000.00.  
10 For a violation of section 328, the civil fine ordered under this  
11 subsection shall be not more than \$50.00. For a violation of  
12 section 710d, the civil fine ordered under this subsection shall  
13 not exceed \$10.00, subject to subsection (12). For a violation of  
14 section 710e, the civil fine and court costs ordered under this  
15 subsection shall be \$25.00. For a violation of section 682 or a  
16 local ordinance substantially corresponding to section 682, 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 \$500.00.~~  
19 **\$300.00 FOR A FIRST OFFENSE, A CIVIL FINE OF \$500.00 FOR A SECOND**  
20 **OFFENSE, AND A CIVIL FINE OF \$1,000.00 FOR A THIRD OFFENSE.** For a  
21 violation of section 240, the civil fine ordered under this  
22 subsection shall be \$15.00. For a violation of section 252a(1), the  
23 civil fine ordered under this subsection shall be \$50.00. For a  
24 violation of section 676a(3), the civil fine ordered under this  
25 section shall be not more than \$10.00. For a first violation of  
26 section 319f(1), the civil fine ordered under this section shall be  
27 not less than \$2,500.00 or more than \$2,750.00; for a second or

1 subsequent violation, the civil fine shall be not less than  
2 \$5,000.00 or more than \$5,500.00. For a violation of section  
3 319g(1)(a), the civil fine ordered under this section shall be not  
4 more than \$10,000.00. For a violation of section 319g(1)(g), the  
5 civil fine ordered under this section shall be not less than  
6 \$2,750.00 or more than \$25,000.00. Permission may be granted for  
7 payment of a civil fine and costs to be made within a specified  
8 period of time or in specified installments, but unless permission  
9 is included in the order or judgment, the civil fine and costs  
10 shall be payable immediately.

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

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



1 plaintiff.

2 (5) In addition to a civil fine and costs ordered under  
3 subsection (2) or (3) and subsection (4) and the justice system  
4 assessment ordered under subsection (13), the judge or district  
5 court magistrate may order the person to attend and complete a  
6 program of treatment, education, or rehabilitation.

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

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

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

1 costs throughout the state.

2 (9) If a person has received a civil infraction citation for  
3 defective safety equipment on a vehicle under section 683, the  
4 court shall waive a civil fine, costs, and assessments upon receipt  
5 of certification by a law enforcement agency that repair of the  
6 defective equipment was made before the appearance date on the  
7 citation.

8 (10) A default in the payment of a civil fine or costs ordered  
9 under subsection (2), (3), or (4) or a justice system assessment  
10 ordered under subsection (13), or an installment of the fine,  
11 costs, or assessment, may be collected by a means authorized for  
12 the enforcement of a judgment under chapter 40 of the revised  
13 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or  
14 under chapter 60 of the revised judicature act of 1961, 1961 PA  
15 236, MCL 600.6001 to 600.6098.

16 (11) If a person fails to comply with an order or judgment  
17 issued under this section within the time prescribed by the court,  
18 the driver's license of that person shall be suspended under  
19 section 321a until full compliance with that order or judgment  
20 occurs. In addition to this suspension, the court may also proceed  
21 under section 908.

22 (12) The court may waive any civil fine, cost, or assessment  
23 against a person who received a civil infraction citation for a  
24 violation of section 710d if the person, before the appearance date  
25 on the citation, supplies the court with evidence of acquisition,  
26 purchase, or rental of a child seating system meeting the  
27 requirements of section 710d.

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

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

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

1           (16) 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 provision  
4 of this act and the civil infraction arises out of the ownership or  
5 operation of a commercial quadricycle, he or she shall be ordered  
6 to pay costs as provided in subsection (4) and a civil fine of not  
7 more than \$500.00.

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

12           Enacting section 1. This amendatory act takes effect 90 days  
13 after the date it is enacted into law.