

# HOUSE BILL NO. 5688

March 17, 2020, Introduced by Reps. LaGrand and Filler and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 255, 256, and 907 (MCL 257.255, 257.256, and 257.907), section 255 as amended by 2018 PA 64, section 256 as amended by 1987 PA 34, and section 907 as amended by 2015 PA 126.

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

1           Sec. 255. (1) Except as otherwise provided in this chapter, a  
2 person shall not operate, nor shall an owner knowingly permit to be  
3 operated, upon any highway, a vehicle required to be registered  
4 under this act unless, except as otherwise provided in this  
5 subsection, no later than 30 days after the vehicle is registered



1 or the vehicle's registration is renewed, a valid registration  
2 plate issued for the vehicle by the department for the current  
3 registration year is attached to and displayed on the vehicle as  
4 required by this chapter. For purposes of this subsection, a  
5 printed or electronic copy of a valid registration or verification  
6 of a valid registration through the ~~L.E.I.N.~~ **law enforcement**  
7 **information network** is proof that the vehicle is registered or that  
8 the vehicle's registration has been renewed. A registration plate  
9 is not required upon any wrecked or disabled vehicle, or vehicle  
10 destined for repair or junking, ~~which~~ **that** is being transported or  
11 drawn upon a highway by a wrecker or a registered motor vehicle.  
12 The 30-day period described in this subsection does not apply to  
13 the first registration of a vehicle after a transfer of ownership  
14 or to a transfer registration under section 809.

15 (2) ~~Except as otherwise provided in this section, a~~ **A** person  
16 who violates subsection (1) is responsible for a civil infraction.  
17 ~~However, if the vehicle is a commercial vehicle which is required~~  
18 ~~to be registered according to the schedule of elected gross vehicle~~  
19 ~~weights under section 801(1)(k), the person is guilty of a~~  
20 ~~misdemeanor punishable by imprisonment for not more than 90 days or~~  
21 ~~a fine of not more than \$500.00, or both.~~

22 (3) A person who operates a vehicle licensed under the  
23 international registration plan and does not have a valid  
24 registration due to nonpayment of the apportioned fee is ~~guilty of~~  
25 ~~a misdemeanor, punishable by imprisonment for not more than 90~~  
26 ~~days, or by a fine of not more than \$100.00, or both.~~ **responsible**  
27 **for a civil infraction.** In addition, a police officer may impound  
28 the vehicle until a valid registration is obtained. If the vehicle  
29 is impounded, the towing and storage costs of the vehicle, and the



1 care or preservation of the load in the vehicle are the owner's  
2 responsibility. Vehicles impounded are subject to a lien in the  
3 amount of the apportioned fee and any fine and costs incurred under  
4 this subsection, subject to a valid lien of prior record. If the  
5 apportioned fee, fine, and costs are not paid within 90 days after  
6 impoundment, then following a hearing before the judge or  
7 magistrate who imposed the fine and costs, the judge or magistrate  
8 shall certify the unpaid judgment to the prosecuting attorney of  
9 the county in which the violation occurred. The prosecuting  
10 attorney shall enforce the lien by foreclosure sale in accordance  
11 with the procedure authorized by law for chattel mortgage  
12 foreclosures.

13       Sec. 256. (1) A person shall not lend to another person, or  
14 knowingly permit the use of, any certificate of title, registration  
15 certificate, registration plate, special plate, or permit issued to  
16 him or her if the person receiving or using the certificate of  
17 title, registration certificate, registration plate, special plate,  
18 or permit would not be entitled to the use thereof. A person shall  
19 not carry or display upon a vehicle any registration certificate or  
20 registration plate not issued for the vehicle or not otherwise  
21 lawfully used under this act. **A person who violates this subsection**  
22 **is responsible for a civil infraction.**

23       ~~(2) Except as otherwise provided in this section, a person who~~  
24 ~~violates this section is guilty of a misdemeanor, punishable by~~  
25 ~~imprisonment for not more than 90 days, or by a fine of not more~~  
26 ~~than \$100.00, or both.~~

27       **(2) (3)** ~~A person who displays~~ **shall not display** upon a  
28 commercial vehicle ~~which~~ **that** is required to be registered  
29 according to the schedule of elected gross vehicle weights under



1 section 801(1)(k) any registration plate not issued for the vehicle  
 2 or not otherwise lawfully used under this act. ~~is guilty of a~~  
 3 ~~misdemeanor, punishable by imprisonment for not more than 90 days,~~  
 4 ~~or by a fine of not more than \$500.00, or both.~~ **A person who**  
 5 **violates this subsection is responsible for a civil infraction.**

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

10 (2) If a person is determined under sections 741 to 750 to be  
 11 responsible or responsible "with explanation" for a civil  
 12 infraction under this act or a local ordinance substantially  
 13 corresponding to a provision of this act, the judge or district  
 14 court magistrate may order the person to pay a civil fine of not  
 15 more than \$100.00 and costs as provided in subsection (4). However,  
 16 if the civil infraction was a moving violation that resulted in an  
 17 at-fault collision with another vehicle, a person, or any other  
 18 object, the civil fine ordered under this section ~~shall~~ **must** be  
 19 increased by \$25.00 but the total civil fine ~~shall~~ **must** not exceed  
 20 \$100.00. However, for a violation of section 602b, the person ~~shall~~  
 21 **must** be ordered to pay costs as provided in subsection (4) and a  
 22 civil fine of \$100.00 for a first offense and \$200.00 for a second  
 23 or subsequent offense. For a violation of section 674(1)(s) or a  
 24 local ordinance substantially corresponding to section 674(1)(s),  
 25 the person ~~shall~~ **must** be ordered to pay costs as provided in  
 26 subsection (4) and a civil fine of not less than \$100.00 or more  
 27 than \$250.00. For a violation of section 676c, the person ~~shall~~  
 28 **must** be ordered to pay costs as provided in subsection (4) and a  
 29 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~~ **must not**  
2 **exceed** \$50.00. For a violation of section 710d, the civil fine  
3 ordered under this subsection ~~shall~~ **must** not exceed \$10.00, subject  
4 to subsection (12). For a violation of section 710e, the civil fine  
5 and court costs ordered under this subsection ~~shall be~~ **is** \$25.00.  
6 For a violation of section 682 or a local ordinance substantially  
7 corresponding to section 682, the person ~~shall~~ **must** be ordered to  
8 pay costs as provided in subsection (4) and a civil fine of not  
9 less than \$100.00 or more than \$500.00. For a violation of section  
10 240, the civil fine ordered under this subsection ~~shall be~~ **is**  
11 \$15.00. For a violation of section 252a(1), the civil fine ordered  
12 under this subsection ~~shall be~~ **is** \$50.00. For a violation of  
13 section 676a(3), the civil fine ordered under this section ~~shall be~~  
14 ~~not more than~~ **must not exceed** \$10.00. For a first violation of  
15 section 319f(1), the civil fine ordered under this section ~~shall~~  
16 **must** be not less than \$2,500.00 or more than \$2,750.00; for a  
17 second or subsequent violation, the civil fine ~~shall~~ **must** be not  
18 less than \$5,000.00 or more than \$5,500.00. For a violation of  
19 section 319g(1)(a), the civil fine ordered under this section ~~shall~~  
20 ~~be not more than~~ **must not exceed** \$10,000.00. For a violation of  
21 section 319g(1)(g), the civil fine ordered under this section ~~shall~~  
22 **must** be not less than \$2,750.00 or more than \$25,000.00. **For a**  
23 **violation of section 255 or 256(1), the civil fine ordered under**  
24 **this subsection is \$150.00. For a violation of section 256(2), the**  
25 **civil fine ordered under this subsection is \$500.00.** Permission may  
26 be granted for payment of a civil fine and costs to be made within  
27 a specified period of time or in specified installments, but unless  
28 permission is included in the order or judgment, the civil fine and  
29 costs ~~shall~~ **must** be payable immediately.



1           (3) Except as provided in this ~~subsection,~~**section**, if a  
2 person is determined to be responsible or responsible "with  
3 explanation" for a civil infraction under this act or a local  
4 ordinance substantially corresponding to a provision of this act  
5 while driving a commercial motor vehicle, he or she ~~shall-~~**must** be  
6 ordered to pay costs as provided in subsection (4) and a civil fine  
7 of not more than \$250.00.

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

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

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

28           (7) Each district of the district court and each municipal  
29 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~~**must** 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 (13), 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  
28 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or  
29 under chapter 60 of the revised judicature act of 1961, 1961 PA



1 236, MCL 600.6001 to 600.6098.

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

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

14 (13) In addition to any civil fines or costs ordered to be  
15 paid under this section, the judge or district court magistrate  
16 shall order the defendant to pay a justice system assessment of  
17 \$40.00 for each civil infraction determination, except for a  
18 parking violation or a violation for which the total fine and costs  
19 imposed are \$10.00 or less. Upon payment of the assessment, the  
20 clerk of the court shall transmit the assessment collected to the  
21 state treasury to be deposited into the justice system fund created  
22 in section 181 of the revised judicature act of 1961, 1961 PA 236,  
23 MCL 600.181. An assessment levied under this subsection is not a  
24 civil fine for purposes of section 909.

25 (14) If a person has received a citation for a violation of  
26 section 223, the court shall waive any civil fine, costs, and  
27 assessment, upon receipt of certification by a law enforcement  
28 agency that the person, before the appearance date on the citation,  
29 produced a valid registration certificate that was valid on the





1 date the violation of section 223 occurred.

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

12 (16) If a person is determined to be responsible or  
13 responsible "with explanation" for a civil infraction under this  
14 act or a local ordinance substantially corresponding to a provision  
15 of this act and the civil infraction arises out of the ownership or  
16 operation of a commercial quadricycle, he or she ~~shall~~**must** be  
17 ordered to pay costs as provided in subsection (4) and a civil fine  
18 of not more than \$500.00.

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

