

Act No. 382
Public Acts of 2020
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**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2020**

Introduced by Reps. Kahle, Yancey, Lasinski, Brenda Carter, Tyrone Carter, Hope, Whitsett, Hood, Sneller, Sabo, Warren, Sowerby, Cambensy, Clemente, Cherry, Manoogian, Kuppa, Hoadley, Brann, Gay-Dagnogo, Guerra, O'Malley, Wozniak, Brixie, Peterson, Bolden, Meerman, Ellison, Wittenberg, Hammoud, Kennedy and Chirkun

ENROLLED HOUSE BILL No. 5853

AN ACT to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of manufacturers, the manufacturers of certain devices, the manufacturers of automated technology, upfitters, owners, and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to regulate and certify the manufacturers of certain devices; to provide for approval and certification of installers and servicers of certain devices; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending sections 208b, 239, 312a, 325, 624b, 677a, 682c, 698, 707c, and 907 (MCL 257.208b, 257.239, 257.312a, 257.325, 257.624b, 257.677a, 257.682c, 257.698, 257.707c, and 257.907), section 208b as amended by 2019 PA 88, section 312a as amended by 2016 PA 318, section 624b as amended by 2003 PA 61, section 682c as added by 2012 PA 262, section 698 as amended by 2018 PA 342, and section 907 as amended by 2015 PA 126.

The People of the State of Michigan enact:

Sec. 208b. (1) The secretary of state may provide a commercial look-up service of records maintained under this act. For each individual record looked up, the secretary of state shall charge a fee specified annually by the legislature, or if the legislature does not specify a fee, a market-based price established by the secretary of state. The secretary of state shall process a commercial look-up request only if the request is in a form or format prescribed by the secretary of state. Until October 1, 2023, fees collected under this subsection must be credited to the transportation administration collection fund created in section 810b.

(2) A driver education provider shall subscribe to the commercial look-up service maintained by the secretary of state.

(3) A driver education provider shall maintain on its premises the most current copy of all nonpersonal information related to his or her driving record and the driving record of each instructor employed by the driver education provider for review by any prospective customer or the parent or guardian of a prospective customer.

(4) A prospective customer or the parent or guardian of a prospective customer may review a copy of all nonpersonal information related to the driving record of the driver education provider or an instructor employed by the driver education provider.

(5) A driver education provider shall include in its contract with each client, as prescribed by the secretary of state, a notice that nonpersonal information related to the driving record of each individual instructor is available for review by the general public. A driver education provider who fails to include the information required by this subsection is responsible for a civil infraction and shall be ordered to pay a civil fine of not more than \$100.00.

(6) Each limo carrier of passengers shall subscribe to the commercial look-up service maintained by the secretary of state.

(7) An individual who drives a limousine for hire for a limo carrier of passengers shall maintain a most current copy of all nonpersonal information related to the individual's driving record in the limousine available for review by any prospective passenger.

(8) A prospective passenger may review a copy of all nonpersonal information related to the driving record of the driver of a limousine from a limo carrier of passengers or from the driver of the limousine.

(9) The secretary of state shall not provide an entire computerized central file or other file of records maintained under this act to a nongovernmental person or entity, unless the person or entity pays the prescribed fee for each individual record contained within the computerized file.

(10) A driver training school operator who fails to provide the information required to be maintained by this section is responsible for a civil infraction and shall be ordered to pay a civil fine of not more than \$100.00. Each failure to provide information constitutes a separate offense.

(11) A limo carrier of passengers who fails to provide the information required to be maintained by this section is responsible for a civil infraction and shall be ordered to pay a civil fine of not more than \$100.00. Each failure to provide information constitutes a separate offense.

(12) The driver of a limousine who fails to provide the information required by this section is responsible for a civil infraction and shall be ordered to pay a civil fine of not more than \$100.00. Each failure to provide information constitutes a separate offense.

(13) As used in this section:

(a) "Driver education provider" means that term as defined in section 5 of the driver education provider and instructor act, 2006 PA 384, MCL 256.625.

(b) "Limousine carrier" and "limousine" mean those terms as defined in section 2 of the limousine, taxicab, and transportation network company act, 2016 PA 345, MCL 257.2102.

Sec. 239. A person shall not fail or neglect to properly endorse and deliver a certificate of title to a transferee or owner lawfully entitled to the title. A person who violates this section is responsible for a civil infraction and shall be ordered to pay a civil fine of not more than \$100.00.

Sec. 312a. (1) An individual, before operating a motorcycle, other than an autocycle, upon a public street or highway in this state, shall procure a motorcycle indorsement on his or her operator's or chauffeur's license. The license must be issued, suspended, revoked, canceled, or renewed in accordance with and governed by this act.

(2) An individual, before operating a moped upon a highway, shall procure a special restricted license to operate a moped unless the individual has a valid operator's or chauffeur's license. A special restricted license to operate a moped may be issued to an individual 15 years of age or older if the individual satisfies the secretary of state that he or she is competent to operate a moped with safety. The secretary of state shall not require a road test before issuance of a special restricted license to operate a moped.

(3) A special restricted license to operate a moped expires on the birthday of the individual it is issued to in the fourth year following the date of issuance. A license must not be issued for a period longer than 4 years. An individual issued a license to operate a moped shall pay \$7.50 for an original license and \$6.00 for a renewal license. The money received and collected under this subsection must be deposited in the state treasury to the credit of the general fund. The secretary of state shall refund out of the fees collected to each county or municipality, acting as an examining officer, \$2.50 for each applicant examined for an original license and \$1.00 for a renewal license.

(4) An individual who violates subsection (1) is responsible for a civil infraction or guilty of a misdemeanor punishable as follows:

(a) For a first violation, the individual is responsible for a civil infraction and shall be ordered to pay a civil fine of not more than \$250.00.

(b) For a violation that occurs after 1 or more prior judgments, the individual is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$500.00, or both.

Sec. 325. An individual shall not cause or knowingly permit any minor to drive a motor vehicle upon a highway as an operator, unless the minor has first obtained a license to drive a motor vehicle under the provisions of this chapter. An individual who violates this section is responsible for a civil infraction and shall be ordered to pay a civil fine of not more than \$100.00.

Sec. 624b. (1) An individual less than 21 years of age shall not knowingly transport or possess alcoholic liquor in a motor vehicle as an operator or occupant unless the individual is employed by a licensee under the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, a common carrier designated by the liquor control commission under the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, the liquor control commission, or an agent of the liquor control commission and is transporting or having the alcoholic liquor in a motor vehicle under the individual's control during regular working hours and in the course of the individual's employment. This section does not prevent an individual less than 21 years of age from knowingly transporting alcoholic liquor in a motor vehicle if an individual at least 21 years of age is present inside the motor vehicle. An individual who violates this subsection is guilty of a misdemeanor. As part of the sentence, the individual may be ordered to perform community service and undergo substance abuse screening and assessment at his or her own expense as described in section 703(1) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703.

(2) Within 30 days after the conviction for a violation of subsection (1) by the operator of a motor vehicle, which conviction has become final, the arresting law enforcement officer or the officer's superior may make a complaint before the court from which the warrant was issued. The complaint must be under oath and must describe the motor vehicle in which alcoholic liquor was possessed or transported by the operator, who is less than 21 years of age, in committing the violation and requesting that the motor vehicle be impounded as provided in this section. Upon the filing of the complaint, the court shall issue to the owner of the motor vehicle an order to show cause why the motor vehicle should not be impounded. The order to show cause must fix a date and time for a hearing, that is not less than 10 days after the issuance of the order. The order must be served by delivering a true copy to the owner not less than 3 full days before the date of hearing or, if the owner cannot be located, by sending a true copy by certified mail to the last known address of the owner. If the owner is a nonresident of the state, service may be made upon the secretary of state as provided in section 403.

(3) If the court determines upon the hearing of the order to show cause, from competent and relevant evidence, that at the time of the commission of the violation the motor vehicle was being driven by the individual less than 21 years of age with the express or implied consent or knowledge of the owner in violation of subsection (1), and that the use of the motor vehicle is not needed by the owner in the direct pursuit of the owner's employment or the actual operation of the owner's business, the court may authorize the impounding of the vehicle for a period of not less than 15 days or more than 30 days. The court's order authorizing the impounding of the vehicle must authorize a law enforcement officer to take possession without other process of the motor vehicle wherever located and to store the vehicle in a public or private garage at the expense and risk of the owner of the vehicle. The owner of the vehicle may appeal the order to the circuit court and the provisions governing the taking of appeals from judgments for damages apply to the appeal. This section does not prevent a bona fide lienholder from exercising rights under a lien.

(4) A person who knowingly transfers title to a motor vehicle for the purpose of avoiding this section is responsible for a civil infraction and shall be ordered to pay a civil fine of not more than \$100.00.

(5) A law enforcement agency, upon determining that an individual less than 18 years of age allegedly violated this section, shall notify the parent or parents, custodian, or guardian of the individual as to the nature of the violation if the name of a parent, guardian, or custodian is reasonably ascertainable by the law enforcement agency. The notice required by this subsection must be made not later than 48 hours after the law enforcement agency determines that the individual who allegedly violated this section is less than 18 years of age and may be made in person, by telephone, or by first-class mail.

Sec. 677a. (1) As used in this section:

(a) "Person" does not include the state or a political subdivision of the state or an employee of the state or a political subdivision of the state operating within the scope of his duties.

(b) "Safety vision" means an unobstructed line of sight enabling a driver to travel upon, enter, or exit a roadway in a safe manner.

(2) A person shall not remove, or cause to be removed, snow, ice, or slush onto or across a roadway or the shoulder of the roadway in a manner which obstructs the safety vision of the driver of a motor vehicle other than off-road vehicles.

(3) A person shall not deposit, or cause to be deposited, snow, ice, or slush onto or across a roadway or the shoulder of the roadway in a manner which obstructs the safety vision of the driver of a motor vehicle.

(4) A person shall not deposit, or cause to be deposited, snow, ice or slush on any roadway or highway.

(5) A person who violates this section is responsible for a civil infraction and shall be ordered to pay a civil fine of not more than \$100.00.

Sec. 682c. (1) A person shall not operate a commercial snow removal vehicle to remove snow or ice on a public street or highway or in a parking lot accessible for use by the public unless the vehicle is operated with at least 1 flashing, rotating, or oscillating yellow or amber light that is clearly visible in a 360-degree arc from a distance of 500 feet when in use.

(2) A person who owns or leases a commercial snow removal vehicle shall not knowingly allow a person to operate that vehicle in violation of subsection (1).

(3) A person who violates this section is responsible for a civil infraction and shall be ordered to pay a civil fine of not more than \$100.00.

(4) As used in this section:

(a) "Commercial snow removal vehicle" means a vehicle equipped with a plow or other device that is used to remove snow or ice for payment or other remuneration.

(b) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

Sec. 698. (1) A motor vehicle may be equipped with not more than 2 side cowl or fender lamps that emit an amber or white light without glare.

(2) A motor vehicle may be equipped with not more than 1 running board courtesy lamp on each side that emits a white or amber light without glare.

(3) Backing lights of red, amber, or white may be mounted on the rear of a motor vehicle if the switch controlling the light is so arranged that the light may be turned on only if the vehicle is in reverse gear. The backing lights when unlighted must be covered or otherwise arranged so as not to reflect objectionable glare in the eyes of an operator of a vehicle approaching from the rear.

(4) Unless both covered and unlit, a vehicle operated on the highways of this state must not be equipped with a lamp or a part designed to be a reflector unless expressly required or permitted by this chapter or that meets the standards prescribed in 49 CFR 571.108. Except as otherwise provided, a lamp or a part designed to be a reflector, if visible from the front, must display or reflect a white or amber light; if visible from either side, must display or reflect an amber or red light; and if visible from the rear, must display or reflect a red light.

(5) The use or possession of flashing, oscillating, or rotating lights of any color is prohibited except as otherwise provided by law or under the following circumstances:

(a) A police vehicle must be equipped with flashing, rotating, or oscillating red or blue lights, for use in the performance of police duties.

(b) A fire vehicle or ambulance available for public use or for use of the United States, this state, or any unit of this state, whether publicly or privately owned, must be equipped with flashing, rotating, or oscillating red lights and used as required for safety.

(c) An authorized emergency vehicle may be equipped with flashing, rotating, or oscillating red lights for use when responding to an emergency call if when in use the flashing, rotating, or oscillating red lights are clearly visible in a 360-degree arc from a distance of 500 feet.

(d) Flashing, rotating, or oscillating amber or green lights, placed in a position as to be visible throughout an arc of 360 degrees, must be used by a state, county, or municipal vehicle engaged in the removal of ice, snow, or other material from the highway and in other operations designed to control ice and snow, or engaged in other non-winter operations. This subdivision does not prohibit the use of a flashing, rotating, or oscillating green light by a fire service.

(e) A vehicle used for the cleanup of spills or a necessary emergency response action taken under state or federal law or a vehicle operated by an employee of the department of natural resources or the department of environment, Great Lakes, and energy that responds to a spill, emergency response action, complaint, or compliance activity may be equipped with flashing, rotating, or oscillating amber or green lights. The lights described in this subdivision must not be activated unless the vehicle is at the scene of a spill, emergency response

action, complaint, or compliance activity. This subdivision does not prohibit the use of a flashing, rotating, or oscillating green light by a fire service.

(f) A vehicle to perform public utility service, a vehicle owned or leased by and licensed as a business for use in the collection and hauling of refuse, an automobile service car or wrecker, a vehicle of a peace officer, a vehicle operated by a rural letter carrier or a person under contract to deliver newspapers or other publications by motor route, a vehicle utilized for snow or ice removal under section 682c, a private security guard vehicle as authorized in subsection (7), a motor vehicle while engaged in escorting or transporting an oversize load that has been issued a permit by the state transportation department or a local authority with respect to highways under its jurisdiction, a vehicle owned by the National Guard or a United States military vehicle while traveling under the appropriate recognized military authority, a motor vehicle while towing an implement of husbandry, or an implement of husbandry may be equipped with flashing, rotating, or oscillating amber lights. However, a wrecker may be equipped with flashing, rotating, or oscillating red lights that must be activated only when the wrecker is engaged in removing or assisting a vehicle at the scene of a traffic accident or disablement. The flashing, rotating, or oscillating amber lights must not be activated except when the warning produced by the lights is required for public safety. A vehicle engaged in authorized highway repair or maintenance may be equipped with flashing, rotating, or oscillating amber or green lights. This subdivision does not prohibit the operator of a vehicle utilized for snow or ice removal under section 682c that is equipped with flashing, rotating, or oscillating amber lights from activating the flashing, rotating, or oscillating amber lights when that vehicle is traveling between locations at which it is being utilized for snow or ice removal.

(g) A vehicle engaged in leading or escorting a funeral procession or any vehicle that is part of a funeral procession may be equipped with flashing, rotating, or oscillating purple or amber lights that must not be activated except during a funeral procession.

(h) An authorized emergency vehicle may display flashing, rotating, or oscillating white lights in conjunction with an authorized emergency light as prescribed in this section.

(i) A private motor vehicle of a physician responding to an emergency call may be equipped with and the physician may use flashing, rotating, or oscillating red lights mounted on the roof section of the vehicle either as a permanent installation or by means of magnets or suction cups and clearly visible in a 360-degree arc from a distance of 500 feet when in use. The physician shall first obtain written authorization from the county sheriff.

(j) A public transit vehicle may be equipped with a flashing, oscillating, or rotating light mounted on the roof of the vehicle approximately 6 feet from the rear of the vehicle that displays a white light to the front, side, and rear of the vehicle, which light may be actuated by the driver for use only in inclement weather such as fog, rain, or snow, when boarding or discharging passengers, from 1/2 hour before sunset until 1/2 hour after sunrise, or when conditions hinder the visibility of the public transit vehicle. As used in this subdivision, "public transit vehicle" means a motor vehicle, other than a station wagon or passenger van, with a gross vehicle weight rating of more than 10,000 pounds.

(k) A person engaged in the manufacture, sale, or repair of flashing, rotating, or oscillating lights governed by this subsection may possess the lights for the purpose of employment, but shall not activate the lights upon the highway unless authorized to do so under subsection (6).

(l) A vehicle used as part of a neighborhood watch program may be equipped with flashing, rotating, or oscillating amber lights, if the vehicle is clearly identified as a neighborhood watch vehicle and the neighborhood watch program is working in cooperation with local law enforcement. The lights described in this subdivision must not be activated when the vehicle is not being used to perform neighborhood watch program duties.

(6) A person shall not sell, loan, or otherwise furnish a flashing, rotating, or oscillating blue or red light designed primarily for installation on an authorized emergency vehicle to a person except a police officer, sheriff, deputy sheriff, authorized physician, volunteer or paid fire fighter, volunteer ambulance driver, licensed ambulance driver or attendant of this state, a county or municipality within this state, a person engaged in the business of operating an ambulance or wrecker service, or a federally recognized nonprofit charitable organization that owns and operates an emergency support vehicle used exclusively for emergencies. This subsection does not prohibit an authorized emergency vehicle, equipped with flashing, rotating, or oscillating blue or red lights, from being operated by a person other than a person described in this section if the person receives authorization to operate the authorized emergency vehicle from a police officer, sheriff, deputy sheriff, authorized physician, volunteer or paid fire fighter, volunteer ambulance driver, licensed ambulance driver or attendant, a person operating an ambulance or wrecker service, or a federally recognized nonprofit charitable organization that owns and operates an emergency support vehicle used exclusively for emergencies, except that the authorization must not permit the person to operate lights as described in subsection (5)(a), (b), (c), (i), or (j), or to exercise the privileges described in section 603.

(7) A private motor vehicle of a security guard agency or alarm company licensed under the private security business and security alarm act, 1968 PA 330, MCL 338.1051 to 338.1092, may display flashing, rotating, or oscillating amber lights. The flashing, rotating, or oscillating amber lights must not be activated on a public highway when a vehicle is in motion.

(8) This section does not prohibit, restrict, or limit the use of lights authorized or required under sections 697, 697a, and 698a.

(9) A person who operates a vehicle in violation of this section is responsible for a civil infraction and shall be ordered to pay a civil fine of not more than \$100.00.

Sec. 707c. (1) A motor vehicle must not be operated or driven on a highway or street if the motor vehicle produces total noise exceeding 1 of the following limits at a distance of 50 feet except as provided in subdivisions (b)(iii) and (c)(iii):

(a) A motor vehicle with a gross weight or gross vehicle weight rating of 8,500 pounds or more, combination vehicle with gross weight or gross vehicle weight ratings of 8,500 pounds or more.

(i) Ninety DBA if the maximum lawful speed on the highway or street is greater than 35 miles per hour.

(ii) Eighty-six DBA if the maximum lawful speed on the highway or street is not more than 35 miles per hour.

(iii) Eighty-eight DBA under stationary run-up test.

(b) A motorcycle or a moped:

(i) Eighty-six DBA if the maximum lawful speed on the highway or street is greater than 35 miles per hour.

(ii) Eighty-two DBA if the maximum lawful speed on the highway or street is not more than 35 miles per hour.

(iii) Ninety-five DBA under stationary run-up test at 75 inches.

(c) A motor vehicle or a combination of vehicles towed by a motor vehicle not covered in subdivision (a) or (b):

(i) Eighty-two DBA if the maximum lawful speed on the highway or street is greater than 35 miles per hour.

(ii) Seventy-six DBA if the maximum lawful speed on the highway or street is not more than 35 miles per hour.

(iii) Ninety-five DBA under stationary run-up test 20 inches from the end of the tailpipe.

(2) A dealer shall not sell or offer for sale for use upon a street or highway in this state a new motor vehicle that produces a maximum noise exceeding the following limits:

(a) A motor vehicle with a gross vehicle weight rating of 8,500 pounds or more—83 DBA.

(b) A motorcycle or a moped—83 DBA.

(c) A motor vehicle not covered in subdivision (a) or (b)—80 DBA.

(3) A person shall not operate a vehicle on a highway or street if the vehicle has a defect in the exhaust system that affects sound reduction, is not equipped with a muffler or other noise dissipative device, or is equipped with a cutout, bypass, amplifier, or a similar device.

(4) A person, either acting for himself or herself or as the agent or employee of another, shall not sell, install, or replace a muffler or exhaust part that causes the motor vehicle to which the muffler or exhaust part is attached to exceed the noise limits established by this act or a rule promulgated under this act.

(5) A person shall not modify, repair, replace, or remove a part of an exhaust system causing the motor vehicle to which the system is attached to produce noise in excess of the levels established by this act, or operate a motor vehicle so altered on a street or highway.

(6) A dealer shall not sell a used or secondhand motor vehicle for use upon a street or highway that is not in compliance with this act.

(7) A person who violates this section is responsible for a civil infraction and shall be ordered to pay a civil fine of not more than \$100.00.

Sec. 907. (1) A violation of this act, or a local ordinance that substantially corresponds to a provision of this act, that is designated a civil infraction must not be considered a lesser included offense of a criminal offense.

(2) Permission may be granted for payment of a civil fine and costs to be made within a specified period of time or in specified installments but, unless permission is included in the order or judgment, the civil fine and costs must be payable immediately. Except as otherwise provided, a person found responsible or responsible "with explanation" for a civil infraction must pay costs as provided in subsection (4) and 1 or more of the following civil fines, as applicable:

(a) Except as otherwise provided, for a civil infraction under this act or a local ordinance that substantially corresponds to a provision of this act, the person shall be ordered to pay a civil fine of not more than \$100.00.

(b) If the civil infraction was a moving violation that resulted in an at-fault collision with another vehicle, a person, or any other object, the civil fine ordered under this section is increased by \$25.00 but the total civil fine must not be more than \$100.00.

(c) For a violation of section 240, the civil fine ordered under this subsection is \$15.00.

(d) For a violation of section 312a(4)(a), the civil fine ordered under this section must not be more than \$250.00.

(e) For a first violation of section 319f(1), the civil fine ordered under this section must not be less than \$2,500.00 or more than \$2,750.00; for a second or subsequent violation, the civil fine must not be less than \$5,000.00 or more than \$5,500.00.

(f) For a violation of section 319g(1)(a), the civil fine ordered under this section must not be more than \$10,000.00.

(g) For a violation of section 319g(1)(g), the civil fine ordered under this section must not be less than \$2,750.00 or more than \$25,000.00.

(h) For a violation of section 602b, the civil fine ordered under this section must not be more than \$100.00 for a first offense and \$200.00 for a second or subsequent offense.

(i) For a violation of section 674(1)(s) or a local ordinance that substantially corresponds to section 674(1)(s), the civil fine ordered under this section must not be less than \$100.00 or more than \$250.00.

(j) For a violation of section 676a(3), the civil fine ordered under this section must not be more than \$10.00.

(k) For a violation of section 676c, the civil fine ordered under this section is \$1,000.00.

(l) For a violation of section 682 or a local ordinance that substantially corresponds to section 682, the civil fine ordered under this section must not be less than \$100.00 or more than \$500.00.

(m) For a violation of section 710d, the civil fine ordered under this section must not be more than \$10.00, subject to subsection (11).

(n) For a violation of section 710e, the civil fine and court costs ordered under this subsection must be \$25.00.

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

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

(5) In addition to a civil fine and costs ordered under subsection (2) or (3) and subsection (4) and the justice system assessment ordered under subsection (12), the judge or district court magistrate may order the person to attend and complete a program of treatment, education, or rehabilitation.

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

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

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

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

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

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

(12) In addition to any civil fines or costs ordered to be paid under this section, the judge or district court magistrate shall order the defendant to pay a justice system assessment of \$40.00 for each civil infraction determination, except for a parking violation or a violation for which the total fine and costs imposed are \$10.00 or less. On payment of the assessment, the clerk of the court shall transmit the assessment collected to the state

treasury to be deposited into the justice system fund created in section 181 of the revised judicature act of 1961, 1961 PA 236, MCL 600.181. An assessment levied under this subsection is not a civil fine for purposes of section 909.

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

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

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

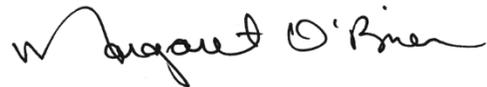
(16) As used in this section, "moving violation" means an act or omission prohibited under this act or a local ordinance that substantially corresponds to this act that involves the operation of a motor vehicle and for which a fine may be assessed.

Enacting section 1. This amendatory act takes effect October 1, 2021.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 5846 of the 100th Legislature is enacted into law.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor