

**SUBSTITUTE FOR  
HOUSE BILL NO. 4279**

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending sections 602c, 732, and 907 (MCL 257.602c, 257.732, and  
257.907), section 602c as added by 2012 PA 592, section 732 as  
amended by 2017 PA 160, and section 907 as amended by 2020 PA 382.

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

1           Sec. 602c. (1) Except as provided in this section, **and in**  
2 **addition to the requirements of section 602b**, an individual issued  
3 a level 1 or level 2 graduated license under section 310e shall not  
4 use a cellular telephone while operating a motor vehicle upon a  
5 highway or street. For purposes of this subsection, "use" means to  
6 initiate a call; answer a call; or listen to or engage in verbal  
7 communication through the cellular telephone.

1 (2) Subsection (1) does not apply to an individual who is  
2 using a cellular telephone to do any of the following:

3 (a) Report a traffic accident, medical emergency, or serious  
4 road hazard.

5 (b) Report a situation in which the ~~person~~**individual** believes  
6 his or her personal safety is in jeopardy.

7 (c) Report or avert the perpetration or potential perpetration  
8 of a criminal act against the individual or another  
9 ~~person~~**individual**.

10 ~~(3) Subsection (1) does not apply to an individual using a~~  
11 ~~voice-operated system that is integrated into the motor vehicle.~~

12 **(4)** ~~(4)~~An individual who violates this section is responsible  
13 for a civil infraction.

14 **(4)** ~~(5)~~This section supersedes all local ordinances  
15 regulating the use of a cellular telephone by an individual issued  
16 a level 1 or level 2 graduated license while operating a motor  
17 vehicle in motion on a highway or street, except that a unit of  
18 local government may adopt an ordinance or enforce an existing  
19 ordinance substantially corresponding to this section.

20 **(5)** ~~(6)~~This section ~~shall be known and~~ may be cited as  
21 "Kelsey's Law".

22 **(6)** **Forty-two months after the effective date of the**  
23 **amendatory act that added this subsection, the department of state**  
24 **police shall submit a report, using available data, to the senate**  
25 **majority leader, speaker of the house of representatives, and**  
26 **governor that includes all of the following information related to**  
27 **violations of this section and section 602b:**

28 **(a) The number of citations given.**

29 **(b) The race and ethnicity of the individuals given citations.**

1           (c) The number of the following caused by violations of this  
2 section or section 602b:

3           (i) Vehicle crashes.

4           (ii) Serious injuries.

5           (iii) Deaths.

6           Sec. 732. (1) Each municipal judge and each clerk of a court  
7 of record shall keep a full record of every case in which ~~a person~~  
8 **an individual** is charged with or cited for a violation of this act  
9 or a local ordinance substantially corresponding to this act  
10 regulating the operation of vehicles on highways and with those  
11 offenses pertaining to the operation of ORVs or snowmobiles for  
12 which points are assessed under section 320a(1)(c) or (i). Except  
13 as provided in subsection (16), the municipal judge or clerk of the  
14 court of record shall prepare and forward to the secretary of state  
15 an abstract of the court record as follows:

16           (a) Not more than 5 days after a conviction, forfeiture of  
17 bail, or entry of a civil infraction determination or default  
18 judgment upon a charge of or citation for violating or attempting  
19 to violate this act or a local ordinance substantially  
20 corresponding to this act regulating the operation of vehicles on  
21 highways.

22           (b) Immediately for each case charging a violation of section  
23 625(1), (3), (4), (5), (6), (7), or (8) or section 625m or a local  
24 ordinance substantially corresponding to section 625(1), (3), (6),  
25 or (8) or section 625m in which the charge is dismissed or the  
26 defendant is acquitted.

27           (c) Immediately for each case charging a violation of section  
28 82127(1) or (3) or 81134 of the natural resources and environmental  
29 protection act, 1994 PA 451, MCL 324.82127 and 324.81134, or a

1 local ordinance substantially corresponding to those sections.

2 (2) If a city or village department, bureau, or person is  
3 authorized to accept a payment of money as a settlement for a  
4 violation of a local ordinance substantially corresponding to this  
5 act, the city or village department, bureau, or person shall send a  
6 full report of each case in which ~~a person~~**an individual** pays any  
7 amount of money to the city or village department, bureau, or  
8 person to the secretary of state upon a form prescribed by the  
9 secretary of state.

10 (3) The abstract or report required under this section ~~shall~~  
11 **must** be made upon a form furnished by the secretary of state. An  
12 abstract ~~shall~~**must** be certified by signature, stamp, or facsimile  
13 signature of the ~~person~~**individual** required to prepare the abstract  
14 as correct. An abstract or report ~~shall~~**must** include all of the  
15 following:

16 (a) The name, address, and date of birth of the ~~person~~  
17 **individual** charged or cited.

18 (b) The number of the ~~person's~~**individual's** operator's or  
19 chauffeur's license, if any.

20 (c) The date and nature of the violation.

21 (d) The type of vehicle driven at the time of the violation  
22 and, if the vehicle is a commercial motor vehicle, that vehicle's  
23 group designation.

24 (e) The date of the conviction, finding, forfeiture, judgment,  
25 or civil infraction determination.

26 (f) Whether bail was forfeited.

27 (g) Any license restriction, suspension, or denial ordered by  
28 the court as provided by law.

29 (h) The vehicle identification number and registration plate

1 number of all vehicles that are ordered immobilized or forfeited.

2 (i) Other information considered necessary to the secretary of  
3 state.

4 (4) The clerk of the court also shall forward an abstract of  
5 the court record to the secretary of state upon ~~a person's~~ **an**  
6 **individual's** conviction or, for the purposes of subdivision (d), a  
7 finding or admission of responsibility, involving any of the  
8 following:

9 (a) A violation of section 413, 414, or 479a of the Michigan  
10 penal code, 1931 PA 328, MCL 750.413, 750.414, and 750.479a.

11 (b) A violation of section 1 of former 1931 PA 214.

12 (c) Negligent homicide, manslaughter, or murder resulting from  
13 the operation of a vehicle.

14 (d) A violation of sections 701(1) and 703 of the Michigan  
15 liquor control code of 1998, 1998 PA 58, MCL 436.1701 and 436.1703,  
16 or a local ordinance substantially corresponding to those sections.

17 (e) A violation of section 411a(2) of the Michigan penal code,  
18 1931 PA 328, MCL 750.411a.

19 (f) A violation of motor carrier safety regulations 49 CFR  
20 392.10 or 392.11 as adopted by section 1a of the motor carrier  
21 safety act of 1963, 1963 PA 181, MCL 480.11a.

22 (g) A violation of section 57 of the pupil transportation act,  
23 1990 PA 187, MCL 257.1857.

24 (h) An attempt to violate, a conspiracy to violate, or a  
25 violation of part 74 of the public health code, 1978 PA 368, MCL  
26 333.7401 to 333.7461, or a local ordinance that prohibits conduct  
27 prohibited under part 74 of the public health code, 1978 PA 368,  
28 MCL 333.7401 to 333.7461, unless the convicted ~~person~~ **individual** is  
29 sentenced to life imprisonment or a minimum term of imprisonment

1 that exceeds 1 year for the offense.

2 (i) An attempt to commit an offense described in subdivisions  
3 (a) to (g).

4 (j) A violation of chapter LXXXIII-A of the Michigan penal  
5 code, 1931 PA 328, MCL 750.543a to 750.543z.

6 (k) A violation of section 3101, 3102(1), or 3103 of the  
7 insurance code of 1956, 1956 PA 218, MCL 500.3101, 500.3102, and  
8 500.3103.

9 (l) A violation listed as a disqualifying offense under 49 CFR  
10 383.51.

11 (5) The clerk of the court shall also forward an abstract of  
12 the court record to the secretary of state if ~~a person~~  
13 **individual** has pled guilty to, or offered a plea of admission in a  
14 juvenile proceeding for, a violation of section 703 of the Michigan  
15 liquor control code of 1998, 1998 PA 58, MCL 436.1703, or a local  
16 ordinance substantially corresponding to that section, and has had  
17 further proceedings deferred under that section. If the ~~person~~  
18 **individual** is sentenced to a term of probation and terms and  
19 conditions of probation are fulfilled and the court discharges the  
20 individual and dismisses the proceedings, the court shall also  
21 report the dismissal to the secretary of state.

22 (6) As used in subsections (7) to (9), "felony in which a  
23 motor vehicle was used" means a felony during the commission of  
24 which the ~~person~~**individual** operated a motor vehicle and while  
25 operating the vehicle presented real or potential harm to ~~persons~~  
26 **individuals** or property and 1 or more of the following  
27 circumstances existed:

28 (a) The vehicle was used as an instrument of the felony.

29 (b) The vehicle was used to transport a victim of the felony.

1 (c) The vehicle was used to flee the scene of the felony.

2 (d) The vehicle was necessary for the commission of the  
3 felony.

4 (7) If a ~~person~~**an individual** is charged with a felony in  
5 which a motor vehicle was used, other than a felony specified in  
6 subsection (4) or section 319, the prosecuting attorney shall  
7 include the following statement on the complaint and information  
8 filed in district or circuit court:

9 "You are charged with the commission of a felony in which a  
10 motor vehicle was used. If you are convicted and the judge finds  
11 that the conviction is for a felony in which a motor vehicle was  
12 used, as defined in section 319 of the Michigan vehicle code, 1949  
13 PA 300, MCL 257.319, your driver's license shall be suspended by  
14 the secretary of state."

15 (8) If a juvenile is accused of an act, the nature of which  
16 constitutes a felony in which a motor vehicle was used, other than  
17 a felony specified in subsection (4) or section 319, the  
18 prosecuting attorney or family division of circuit court shall  
19 include the following statement on the petition filed in the court:

20 "You are accused of an act the nature of which constitutes a  
21 felony in which a motor vehicle was used. If the accusation is  
22 found to be true and the judge or referee finds that the nature of  
23 the act constitutes a felony in which a motor vehicle was used, as  
24 defined in section 319 of the Michigan vehicle code, 1949 PA 300,  
25 MCL 257.319, your driver's license shall be suspended by the  
26 secretary of state."

27 (9) If the court determines as part of the sentence or  
28 disposition that the felony for which the ~~person~~**individual** was  
29 convicted or adjudicated and with respect to which notice was given

1 under subsection (7) or (8) is a felony in which a motor vehicle  
2 was used, the clerk of the court shall forward an abstract of the  
3 court record of that conviction to the secretary of state.

4 (10) As used in subsections (11) and (12), "felony in which a  
5 commercial motor vehicle was used" means a felony during the  
6 commission of which the ~~person~~**individual** operated a commercial  
7 motor vehicle and while the ~~person~~**individual** was operating the  
8 vehicle 1 or more of the following circumstances existed:

9 (a) The vehicle was used as an instrument of the felony.

10 (b) The vehicle was used to transport a victim of the felony.

11 (c) The vehicle was used to flee the scene of the felony.

12 (d) The vehicle was necessary for the commission of the  
13 felony.

14 (11) If a ~~person~~**an individual** is charged with a felony in  
15 which a commercial motor vehicle was used and for which a vehicle  
16 group designation on a license is subject to suspension or  
17 revocation under section 319b(1)(c) *(iii)*, 319b(1)(d), 319b(1)(e) *(iii)*,  
18 or 319b(1)(f) *(i)*, the prosecuting attorney shall include the  
19 following statement on the complaint and information filed in  
20 district or circuit court:

21 "You are charged with the commission of a felony in which a  
22 commercial motor vehicle was used. If you are convicted and the  
23 judge finds that the conviction is for a felony in which a  
24 commercial motor vehicle was used, as defined in section 319b of  
25 the Michigan vehicle code, 1949 PA 300, MCL 257.319b, all vehicle  
26 group designations on your driver's license shall be suspended or  
27 revoked by the secretary of state."

28 (12) If the judge determines as part of the sentence that the  
29 felony for which the defendant was convicted and with respect to



1 which notice was given under subsection (11) is a felony in which a  
2 commercial motor vehicle was used, the clerk of the court shall  
3 forward an abstract of the court record of that conviction to the  
4 secretary of state.

5 (13) Every ~~person~~**individual** required to forward abstracts to  
6 the secretary of state under this section shall certify for the  
7 period from January 1 through June 30 and for the period from July  
8 1 through December 31 that all abstracts required to be forwarded  
9 during the period have been forwarded. The certification ~~shall~~**must**  
10 be filed with the secretary of state not later than 28 days after  
11 the end of the period covered by the certification. The  
12 certification ~~shall~~**must** be made upon a form furnished by the  
13 secretary of state and ~~shall~~**must** include all of the following:

14 (a) The name and title of the ~~person~~**individual** required to  
15 forward abstracts.

16 (b) The court for which the certification is filed.

17 (c) The time period covered by the certification.

18 (d) The following statement:

19 "I certify that all abstracts required by section 732 of the  
20 Michigan vehicle code, **1949 PA 300**, MCL 257.732, ~~MSA 9.2432~~, for  
21 the period \_\_\_\_\_ through \_\_\_\_\_ have been  
22 forwarded to the secretary of state."

23 (e) Other information the secretary of state considers  
24 necessary.

25 (f) The signature of the ~~person~~**individual** required to forward  
26 abstracts.

27 (14) The failure, refusal, or neglect of a ~~person~~**an**  
28 **individual** to comply with this section constitutes misconduct in  
29 office and is grounds for removal from office.

1 (15) Except as provided in subsection (16), the secretary of  
2 state shall keep all abstracts received under this section at the  
3 secretary of state's main office and the abstracts ~~shall~~**must** be  
4 open for public inspection during the office's usual business  
5 hours. Each abstract ~~shall~~**must** be entered upon the master driving  
6 record of the ~~person~~**individual** to whom it pertains.

7 (16) Except for controlled substance offenses described in  
8 subsection (4), the court shall not submit, and the secretary of  
9 state shall discard and not enter on the master driving record, an  
10 abstract for a conviction or civil infraction determination for any  
11 of the following violations:

12 (a) The parking or standing of a vehicle.

13 (b) A nonmoving violation that is not the basis for the  
14 secretary of state's suspension, revocation, or denial of an  
15 operator's or chauffeur's license.

16 (c) A violation of chapter II that is not the basis for the  
17 secretary of state's suspension, revocation, or denial of an  
18 operator's or chauffeur's license.

19 (d) A pedestrian, passenger, or bicycle violation, other than  
20 a violation of section 703(1) or (2) of the Michigan liquor control  
21 code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance  
22 substantially corresponding to section 703(1) or (2) of the  
23 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or  
24 section 624a or 624b or a local ordinance substantially  
25 corresponding to section 624a or 624b.

26 (e) A violation of section 710e or a local ordinance  
27 substantially corresponding to section 710e.

28 (f) A violation of section 328(1) if, before the appearance  
29 date on the citation, the ~~person~~**individual** submits proof to the

1 court that the motor vehicle had insurance meeting the requirements  
2 of sections 3101 and 3102 of the insurance code of 1956, 1956 PA  
3 218, MCL 500.3101 and 500.3102, at the time the citation was  
4 issued. Insurance obtained subsequent to the time of the violation  
5 does not make the violation an exception under this subsection.

6 (g) A violation described in section 319b(10) (b) (vii) if,  
7 before the court appearance date or date fines are to be paid, the  
8 ~~person~~**individual** submits proof to the court that he or she held a  
9 valid commercial driver license on the date the citation was  
10 issued.

11 (h) A violation of section 311 if the ~~person~~**individual** was  
12 driving a noncommercial vehicle and, before the court appearance  
13 date or the date fines are to be paid, the ~~person~~**individual**  
14 submits proof to the court that he or she held a valid driver  
15 license on the date the citation was issued.

16 ~~(i) A violation of section 602b(1) or 602c.~~

17 (17) Except as otherwise provided in this subsection, the  
18 secretary of state shall discard and not enter on the master  
19 driving record an abstract for a bond forfeiture that occurred  
20 outside this state. The secretary of state shall enter on the  
21 master driving record an abstract for a conviction as defined in  
22 section 8a(b) that occurred outside this state in connection with  
23 the operation of a commercial motor vehicle or for a conviction of  
24 ~~a person~~**an individual** licensed as a commercial motor vehicle  
25 driver.

26 (18) The secretary of state shall inform the courts of this  
27 state of the nonmoving violations and violations of chapter II that  
28 are used by the secretary of state as the basis for the suspension,  
29 restriction, revocation, or denial of an operator's or chauffeur's

1 license.

2 (19) If a conviction or civil infraction determination is  
3 reversed upon appeal, the ~~person~~**individual** whose conviction or  
4 determination has been reversed may serve on the secretary of state  
5 a certified copy of the order of reversal. The secretary of state  
6 shall enter the order in the proper book or index in connection  
7 with the record of the conviction or civil infraction  
8 determination.

9 (20) The secretary of state may permit a city or village  
10 department, bureau, person, or court to modify the requirement as  
11 to the time and manner of reporting a conviction, civil infraction  
12 determination, or settlement to the secretary of state if the  
13 modification will increase the economy and efficiency of collecting  
14 and utilizing the records. If the permitted abstract of court  
15 record reporting a conviction, civil infraction determination, or  
16 settlement originates as a part of the written notice to appear,  
17 authorized in section 728(1) or 742(1), the form of the written  
18 notice and report ~~shall~~**must** be as prescribed by the secretary of  
19 state.

20 (21) Notwithstanding any other law of this state, a court  
21 shall not take under advisement an offense committed by a ~~person~~**an**  
22 **individual** while operating a motor vehicle for which this act  
23 requires a conviction or civil infraction determination to be  
24 reported to the secretary of state. A conviction or civil  
25 infraction determination that is the subject of this subsection  
26 ~~shall~~**must** not be masked, delayed, diverted, suspended, or  
27 suppressed by a court. Upon a conviction or civil infraction  
28 determination, the conviction or civil infraction determination  
29 ~~shall~~**must** immediately be reported to the secretary of state in

1 accordance with this section.

2 (22) Except as provided in this act and notwithstanding any  
3 other provision of law, a court shall not order expunction of any  
4 violation reportable to the secretary of state under this section.

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

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

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

21 (b) If the civil infraction was a moving violation that  
22 resulted in an at-fault collision with another vehicle, a person,  
23 or any other object, the civil fine ordered under this section is  
24 increased by \$25.00 but the total civil fine must not be more than  
25 \$100.00.

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

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

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

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

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

10 (h) For a violation of section 602b, the civil fine ordered  
11 under this section must not be more than \$100.00 for a first  
12 offense and ~~\$200.00~~ **\$250.00** for a second or subsequent offense.

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

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

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

21 (l) For a violation of section 682 or a local ordinance that  
22 substantially corresponds to section 682, the civil fine ordered  
23 under this section must not be less than \$100.00 or more than  
24 \$500.00.

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

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

1           (3) Except as provided in this section, if a person is  
2 determined to be responsible or responsible "with explanation" for  
3 a civil infraction under this act or a local ordinance that  
4 substantially corresponds to a provision of this act while driving  
5 a commercial motor vehicle, he or she must be ordered to pay costs  
6 as provided in subsection (4) and a civil fine of not more than  
7 \$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 must not be ordered in excess of \$100.00. A civil  
15 fine ordered under subsection (2) or (3) must not be waived unless  
16 costs ordered under this subsection are waived. Except as otherwise  
17 provided by law, costs are payable to the general fund of the  
18 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 (12), 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 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 on 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 this 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 on 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 (12), 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) The court may waive any civil fine, cost, or assessment  
3 against a person who received a civil infraction citation for a  
4 violation of section 710d if the person, before the appearance date  
5 on the citation, supplies the court with evidence of acquisition,  
6 purchase, or rental of a child seating system meeting the  
7 requirements of section 710d.

8 (12) In addition to any civil fines or costs ordered to be  
9 paid under this section, the judge or district court magistrate  
10 shall order the defendant to pay a justice system assessment of  
11 \$40.00 for each civil infraction determination, except for a  
12 parking violation or a violation for which the total fine and costs  
13 imposed are \$10.00 or less. On payment of the assessment, the clerk  
14 of the court shall transmit the assessment collected to the state  
15 treasury to be deposited into the justice system fund created in  
16 section 181 of the revised judicature act of 1961, 1961 PA 236, MCL  
17 600.181. An assessment levied under this subsection is not a civil  
18 fine for purposes of section 909.

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

25 (14) If a person has received a citation for a violation of  
26 section 328(1) for failing to produce a certificate of insurance  
27 under section 328(2), the court may waive the fee described in  
28 section 328(3)(c) and shall waive any fine, costs, and any other  
29 fee or assessment otherwise authorized under this act on receipt of

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

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

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

17 Enacting section 1. This amendatory act takes effect 180 days  
18 after the date it is enacted into law.

19 Enacting section 2. This amendatory act does not take effect  
20 unless all of the following bills of the 101st Legislature are  
21 enacted into law:

22 (a) House Bill No. 4277.

23 (b) House Bill No. 4278.