

HOUSE BILL NO. 5773

February 22, 2022, Introduced by Reps. Mueller, Martin and Brann and referred to the Committee on Government Operations.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 907 (MCL 257.907), as amended by 2020 PA 382.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

5 (2) Permission may be granted for payment of a civil fine and
6 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~~**must** 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

1 under this section ~~must not be more than~~ **is** \$100.00 for a first
2 offense and \$200.00 for a second or subsequent offense.

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

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

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

11 (l) For a violation of section 682 or a local ordinance that
12 substantially corresponds to section 682, the civil fine ordered
13 under this section must not be less than \$100.00 or more than
14 \$500.00.

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

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

20 (3) Except as provided in this section, if a person is
21 determined to be responsible or responsible "with explanation" for
22 a civil infraction under this act or a local ordinance that
23 substantially corresponds to a provision of this act while driving
24 a commercial motor vehicle, he or she must be ordered to pay costs
25 as provided in subsection (4) and a civil fine of not more than
26 \$250.00.

27 (4) If a civil fine is ordered under subsection (2) or (3),
28 the judge or district court magistrate shall summarily tax and
29 determine the costs of the action, which are not limited to the

1 costs taxable in ordinary civil actions, and may include all
2 expenses, direct and indirect, to which the plaintiff has been put
3 in connection with the civil infraction, up to the entry of
4 judgment. Costs must not be ordered in excess of \$100.00. A civil
5 fine ordered under subsection (2) or (3) must not be waived unless
6 costs ordered under this subsection are waived. Except as otherwise
7 provided by law, costs are payable to the general fund of the
8 plaintiff.

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

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

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

28 (8) The state court administrator shall annually publish and
29 distribute to each district and court a recommended range of civil

1 fines and costs for first-time civil infractions. This
2 recommendation is not binding on the courts having jurisdiction
3 over civil infractions but is intended to act as a normative guide
4 for judges and district court magistrates and a basis for public
5 evaluation of disparities in the imposition of civil fines and
6 costs throughout this state.

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

13 (10) A default in the payment of a civil fine or costs ordered
14 under subsection (2), (3), or (4) or a justice system assessment
15 ordered under subsection (12), or an installment of the fine,
16 costs, or assessment, may be collected by a means authorized for
17 the enforcement of a judgment under chapter 40 of the revised
18 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or
19 under chapter 60 of the revised judicature act of 1961, 1961 PA
20 236, MCL 600.6001 to 600.6098.

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

27 (12) In addition to any civil fines or costs ordered to be
28 paid under this section, the judge or district court magistrate
29 shall order the defendant to pay a justice system assessment of

1 ~~\$40.00~~**\$30.00** for each civil infraction determination, except for a
2 parking violation or a violation for which the total fine and costs
3 imposed are \$10.00 or less. On payment of the assessment, the clerk
4 of the court shall transmit the assessment collected to the state
5 treasury to be deposited into the justice system fund created in
6 section 181 of the revised judicature act of 1961, 1961 PA 236, MCL
7 600.181. An assessment levied under this subsection is not a civil
8 fine for purposes of section 909.

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

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

25 (15) If a person is determined to be responsible or
26 responsible "with explanation" for a civil infraction under this
27 act or a local ordinance that substantially corresponds to a
28 provision of this act and the civil infraction arises out of the
29 ownership or operation of a commercial quadricycle, he or she must

1 be ordered to pay costs as provided in subsection (4) and a civil
2 fine of not more than \$500.00.

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

7 Enacting section 1. This amendatory act does not take effect
8 unless both of the following bills of the 101st Legislature are
9 enacted into law:

10 (a) House Bill No. 5732.

11 (b) Senate Bill No. _____ or House Bill No. 5772 (request no.
12 05565'22).