

SENATE BILL NO. 1134

June 30, 2022, Introduced by Senator MCBROOM and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 215 and 907 (MCL 257.215 and 257.907), section 907 as amended by 2020 PA 382.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 215. (1) ~~It~~**Except as provided in subsection (2), it** is a
2 misdemeanor for ~~any~~**a** person to drive or move or for an owner **to**
3 knowingly ~~to~~ permit to be driven or moved ~~upon~~**on** any highway any
4 vehicle of a type required to be registered ~~hereunder which~~**under**

1 **this act that** is not registered or for which a certificate of title
2 has not been applied for or for which the appropriate fee has not
3 been paid when and as required ~~hereunder,~~ **under this act**, except as
4 provided in ~~subsection (b) of~~ section 217.

5 (2) **A person shall not drive or move or an owner shall not**
6 **knowingly permit to be driven or moved on a highway a commercial**
7 **vehicle registered under this act with an incorrect weight. A**
8 **person who violates this subsection is responsible for a civil**
9 **infraction.**

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

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

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

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

1 \$100.00.

2 (c) For a violation of section 215(2), the civil fine ordered
3 under this section is \$150.00.

4 (d) ~~(e)~~ For a violation of section 240, the civil fine ordered
5 under this ~~subsection~~**section** is \$15.00.

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

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

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

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

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

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

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

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

28 (m) ~~(l)~~ For a violation of section 682 or a local ordinance
29 that substantially corresponds to section 682, the civil fine

1 ordered under this section must not be less than \$100.00 or more
2 than \$500.00.

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

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

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

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

26 (5) In addition to a civil fine and costs ordered under
27 subsection (2) or (3) and subsection (4) and the justice system
28 assessment ordered under subsection (12), the judge or district
29 court magistrate may order the person to attend and complete a

1 program of treatment, education, or rehabilitation.

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

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

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

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

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

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

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

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

1 produced a valid registration certificate that was valid on the
2 date the violation of section 223 occurred.

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

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

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