

SENATE BILL No. 441

July 25, 1991, Introduced by Senators DILLINGHAM and CISKY and referred to the Committee on Transportation and Tourism.

A bill to amend section 907 of Act No. 300 of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

as amended by Act No. 89 of the Public Acts of 1989, being section 257.907 of the Michigan Compiled Laws; and to add section 682c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 907 of Act No. 300 of the Public Acts of
2 1949, as amended by Act No. 89 of the Public Acts of 1989, being
3 section 257.907 of the Michigan Compiled Laws, is amended and
4 section 682c is added to read as follows:

5 SEC. 682C. (1) A PERSON SHALL NOT RIDE, NOR SHALL THE OPER-
6-ATOR OR DRIVER OF A PICKUP TRUCK PERMIT A PERSON TO RIDE, IN THE
7 OPEN BED OF THE PICKUP TRUCK OPERATED ON A ROAD, HIGHWAY, OR
8 STREET UNLESS THE PERSON RIDING IN THE BED IS OCCUPYING A SEAT

1 SECURED TO THE PICKUP TRUCK AND IS SECURED BY A SEAT BELT OR THE
2 PERSON RIDING IN THE BED IS ENGAGED IN THE PERFORMANCE OF THE
3 PERSON'S EMPLOYMENT.

4 (2) SUBSECTION (1) SHALL NOT APPLY TO THE OPERATOR, DRIVER,
5 OR A PASSENGER OF A PICKUP TRUCK OPERATED AS PART OF A PARADE
6 PURSUANT TO A PERMIT ISSUED BY THE GOVERNMENTAL UNIT WITH JURIS-
7 DICTION OVER THE ROAD, HIGHWAY, OR STREET.

8 (3) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A
9 CIVIL INFRACTION.

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

14 (2) If a person is determined pursuant to sections 741 to
15 750 to be responsible or responsible "with explanation" for a
16 civil infraction under this act or a local ordinance substan-
17 tially corresponding to a provision of this act, the judge, dis-
18 trict court referee, or district court magistrate may order the
19 person to pay a civil fine of not more than \$100.00 and costs as
20 provided in subsection (4). However, for a violation of
21 section 674(1)(s) or a local ordinance substantially correspond-
22 ing to section 674(1)(s), the person shall be ordered to pay
23 costs as provided in subsection (4) and a civil fine of not less
24 than \$50.00 ~~nor~~ OR more than \$100.00. For a violation of
25 section 710d, the civil fine ordered under this subsection shall
26 not exceed \$10.00. For a violation of section 710e, the civil
27 fine and court costs ordered under this subsection shall be

1 \$25.00. Permission may be granted for payment of a civil fine
2 and costs to be made within a specified period of time or in
3 specified installments, but unless permission is included in the
4 order or judgment, the civil fine and costs shall be payable
5 immediately.

6 (3) If a person is determined to be responsible or responsi-
7 ble "with explanation" for a civil infraction under this act or a
8 local ordinance substantially corresponding to a provision of
9 this act while driving a commercial motor vehicle, he or she
10 shall be ordered to pay costs as provided in subsection (4) and a
11 civil fine of not more than \$250.00.

12 (4) If a civil fine is ordered to be paid under
13 subsection (2) or (3), the judge, district court referee, or dis-
14 trict court magistrate shall summarily tax and determine the
15 costs of the action, which shall not be limited to the costs tax-
16 able in ordinary civil actions, and may include all expenses,
17 direct and indirect, to which the plaintiff has been put in con-
18 nection with the civil infraction, up to the entry of judgment.
19 Except in a civil infraction for a parking violation, costs of
20 not less than \$5.00 shall be ordered. Costs shall not be ordered
21 in excess of \$100.00. Except as otherwise provided by law, costs
22 shall be payable to the general fund of the plaintiff.

23 (5) In addition to a civil fine and costs ordered under
24 subsection (2) or (3) and subsection (4), the judge, district
25 court referee, or district court magistrate may order the person
26 to attend and complete a program of treatment, education, or
27 rehabilitation.

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

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

15 (8) The state court administrator shall annually publish and
16 distribute to each district and court a recommended range of
17 civil fines and costs for first-time civil infractions. This
18 recommendation shall not be binding upon the courts having juris-
19 diction over civil infractions but is intended to act as a norma-
20 tive guide for judges, district court referees, and district
21 court magistrates and a basis for public evaluation of dispari-
22 ties in the imposition of civil fines and costs throughout the
23 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 and costs, upon receipt of
27 certification by a law enforcement agency that repair of the

1 defective equipment was made before the appearance date on the
2 citation.

3 (10) If a person has received a civil infraction citation
4 under section 328 for failure to produce evidence that a motor
5 vehicle is insured under chapter 31 of the insurance code of
6 1956, Act No. 218 of the Public Acts of 1956, as amended, being
7 sections 500.3101 to 500.3179 of the Michigan Compiled Laws, the
8 court shall waive a civil fine and costs upon receipt of certifi-
9 cation by a law enforcement agency that the defendant, before the
10 appearance date on the citation, has produced evidence that the
11 vehicle was insured on the date of issuance of the citation as
12 required.

13 (11) A default in the payment of a civil fine or costs
14 ordered under subsection (2), (3), or (4) or an installment of
15 the fine or costs may be collected by a means authorized for the
16 enforcement of a judgment under chapter 40 of the revised judica-
17 ture act of 1961, Act No. 236 of the Public Acts of 1961, as
18 amended, being sections 600.4001 to 600.4065 of the Michigan
19 Compiled Laws, or under chapter 60 of Act No. 236 of the Public
20 Acts of 1961, as amended, being sections 600.6001 to 600.6098 of
21 the Michigan Compiled Laws.

22 (12) If a person fails to comply with an order or judgment
23 issued pursuant to this section, within the time prescribed by
24 the court, the driver's license of that person shall be suspended
25 pursuant to section 321a until full compliance with that order or
26 judgment occurs. In addition to this suspension, the court may
27 also proceed under section 908.

1 (13) The court shall waive any civil fine or cost against a
2 person who received a civil infraction citation for a violation
3 of section 710d if the person, before the appearance date on the
4 citation, supplies the court with evidence of acquisition, pur-
5 chase, or rental of a child seating system meeting the require-
6 ments of section 710d.

7 (14) In addition to any fines and costs ordered to be paid
8 under this section, the judge, district court referee, or dis-
9 trict court magistrate shall levy an assessment of \$5.00 for each
10 civil infraction determination, except for a parking violation or
11 a violation for which the total fine and costs imposed are \$10.00
12 or less. Upon payment of the assessment, the clerk of the court
13 shall transmit the assessment levied to the state treasury to be
14 deposited into the Michigan justice training fund. An assessment
15 levied under this subsection shall not be considered a civil fine
16 for purposes of section 909.

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

23 (16) IF A PERSON HAS RECEIVED A CIVIL INFRACTION CITATION
24 FOR A VIOLATION OF SECTION 682C, THE COURT SHALL WAIVE ANY CIVIL
25 FINE AND COSTS IF THE PERSON, BEFORE THE APPEARANCE DATE OF THE
26 CITATION, SUPPLIES THE COURT WITH WRITTEN EVIDENCE THAT THE

1 PERSON RIDING IN THE BED OF THE PICKUP TRUCK WAS ENGAGED IN THE
2 PERFORMANCE OF THE PERSON'S EMPLOYMENT.