



# SENATE BILL No. 1142

September 12, 1996, Introduced by Senator GEAKE and referred to the Committee on Transportation and Tourism.

A bill to amend sections 658, 907, and 909 of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," section 658 as amended by Act No. 328 of the Public Acts of 1984 and section 907 as amended by Act No. 287 of the Public Acts of 1995, being sections 257.658, 257.907, and 257.909 of the Michigan Compiled Laws.

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

1 Section 1. Sections 658, 907, and 909 of Act No. 300 of the  
2 Public Acts of 1949, section 658 as amended by Act No. 328 of the  
3 Public Acts of 1984 and section 907 as amended by Act No. 287 of  
4 the Public Acts of 1995, being sections 257.658, 257.907, and  
5 257.909 of the Michigan Compiled Laws, are amended to read as  
6 follows:

1       Sec. 658. (1) A person propelling a bicycle or operating a  
2 motorcycle or moped shall not ride other than upon and astride a  
3 permanent and regular seat attached to that vehicle.

4       (2) A bicycle or motorcycle shall not be used to carry more  
5 persons at 1 time than the number for which it is designed and  
6 equipped.

7       (3) A moped shall not be used to carry more than 1 person at  
8 a time.

9       (4) A person operating or riding on a motorcycle, and any  
10 person less than 19 years of age operating a moped on a public  
11 thoroughfare shall wear a crash helmet on his or her head. Crash  
12 helmets shall be approved by the department of state police. The  
13 department of state police shall promulgate rules for the imple-  
14 mentation of this section pursuant to the administrative proce-  
15 dures act of 1969, Act No. 306 of the Public Acts of 1969, being  
16 sections 24.201 to ~~24.315~~ 24.328 of the Michigan Compiled  
17 Laws. Rules in effect on June 1, 1970, shall apply to helmets  
18 required by this act. This subsection does not apply to a person  
19 operating or riding in an autocycle if the vehicle is equipped  
20 with a roof which meets or exceeds standards for a crash helmet.

21       (5) A PERSON LESS THAN 14 YEARS OF AGE OPERATING OR RIDING  
22 AS A PASSENGER ON A BICYCLE OR IN A CARRIER OR TRAILER ATTACHED  
23 TO A BICYCLE SHALL WEAR A PROPERLY FITTED HELMET PROPERLY  
24 FASTENED ON HIS OR HER HEAD THAT MEETS THE APPROPRIATE STANDARD  
25 APPROVED BY THE SNELL MEMORIAL FOUNDATION, THE AMERICAN NATIONAL  
26 STANDARDS INSTITUTE, OR THE UNITED STATES DEPARTMENT OF  
27 TRANSPORTATION. A PARENT, GUARDIAN, OR PERSON RESPONSIBLE FOR

1 SUPERVISION OF A PERSON LESS THAN 14 YEARS OF AGE WHO PERMITS  
2 THAT PERSON TO OPERATE OR TO RIDE AS A PASSENGER ON A BICYCLE OR  
3 IN A CARRIER OR TRAILER ATTACHED TO A BICYCLE IN VIOLATION OF  
4 THIS SUBSECTION IS RESPONSIBLE FOR A CIVIL INFRACTION. THIS SUB-  
5 SECTION DOES NOT PROHIBIT A LOCAL UNIT OF GOVERNMENT FROM ADOPT-  
6 ING STANDARDS AS STRICT OR MORE STRINGENT THAN THE REQUIREMENTS  
7 OF THIS SUBSECTION.

8 (6) ~~(5)~~ A person operating or riding in an autocycle shall  
9 wear seat belts when on a public highway in this state.

10 Sec. 907. (1) A violation of this act, or a local ordinance  
11 substantially corresponding to a provision of this act, which is  
12 designated a civil infraction shall not be considered a lesser  
13 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 sec-  
25 tion 328, 658(5), or 710d, the civil fine ordered under this sub-  
26 section shall not exceed \$10.00. For a violation of section 710e  
27 AND A SECOND OR SUBSEQUENT VIOLATION OF SECTION 658(5), the civil

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

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

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

24 (5) In addition to a civil fine and costs ordered under  
25 subsection (2) or (3) and subsection (4), the judge, district  
26 court referee, or district court magistrate may order the person

1 to attend and complete a program of treatment, education, or  
2 rehabilitation.

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

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

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

26 (9) If a person has received a civil infraction citation for  
27 defective safety equipment on a vehicle under section 683, the

1 court shall waive a civil fine and costs, upon receipt of  
2 certification by a law enforcement agency that repair of the  
3 defective equipment was made before the appearance date on the  
4 citation.

5 (10) A default in the payment of a civil fine or costs  
6 ordered under subsection (2), (3), or (4) or an installment of  
7 the fine or costs may be collected by a means authorized for the  
8 enforcement of a judgment under chapter 40 of the revised judica-  
9 ture act of 1961, Act No. 236 of the Public Acts of 1961, being  
10 sections 600.4001 to 600.4065 of the Michigan Compiled Laws, or  
11 under chapter 60 of Act No. 236 of the Public Acts of 1961, being  
12 sections 600.6001 to 600.6098 of the Michigan Compiled Laws.

13 (11) If a person fails to comply with an order or judgment  
14 issued pursuant to this section, within the time prescribed by  
15 the court, the driver's license of that person shall be suspended  
16 pursuant to section 321a until full compliance with that order or  
17 judgment occurs. In addition to this suspension, the court may  
18 also proceed under section 908.

19 (12) The court shall waive any civil fine or cost against a  
20 person who received a civil infraction citation for a violation  
21 of section 710d if the person, before the appearance date on the  
22 citation, supplies the court with evidence of acquisition, pur-  
23 chase, or rental of a child seating system meeting the require-  
24 ments of section 710d.

25 (13) In addition to any fines and costs ordered to be paid  
26 under this section, the judge, district court referee, or  
27 district court magistrate shall levy an assessment of \$5.00 for

1 each civil infraction determination, except for a parking  
2 violation or a violation for which the total fine and costs  
3 imposed are \$10.00 or less. Upon payment of the assessment, the  
4 clerk of the court shall transmit the assessment levied to the  
5 state treasury to be deposited into the Michigan justice training  
6 fund. An assessment levied under this subsection shall not be  
7 considered a civil fine for purposes of section 909.

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

14 Sec. 909. (1) ~~A~~ EXCEPT AS OTHERWISE PROVIDED IN THIS  
15 SECTION, A civil fine which is ordered under section 907 for a  
16 violation of this act or other state statute shall be exclusively  
17 applied to the support of public libraries and county law librar-  
18 ies in the same manner as is provided by law for penal fines  
19 assessed and collected for violation of a penal law of the  
20 state.

21 (2) Subsection (1) is intended to maintain a source of reve-  
22 nue for public libraries which previously received penal fines  
23 for misdemeanor violations of this act which are now civil  
24 infractions.

25 (3) AFTER THE ASSESSMENT OF COSTS DETERMINED BY SECTION  
26 907(4), A CIVIL FINE ORDERED UNDER SECTION 907 FOR A VIOLATION OF  
27 SECTION 658(5) SHALL BE RETAINED BY THE LOCAL UNIT OR UNITS OF

1 GOVERNMENT AND USED FOR BICYCLE SAFETY EDUCATION AND FOR THE  
2 PURCHASE OF BICYCLE HELMETS FOR PERSONS LESS THAN 14 YEARS OF AGE  
3 WHO ARE OTHERWISE UNABLE TO PURCHASE THE HELMET.