

SENATE BILL NO. 1098

April 30, 1998, Introduced by Senators STILLE, MC MANUS and NORTH
and referred to the Committee on Transportation and Tourism.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 684 and 907 (MCL 257.684 and 257.907), sec-
tion 907 as amended by 1995 PA 287.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 684. (1) ~~(a) Every~~ EXCEPT AS PROVIDED IN SECTION 694
2 WITH RESPECT TO PARKED VEHICLES, A vehicle upon a highway within
3 this state ~~at any time from a half hour after sunset to a half~~
4 ~~hour before sunrise and at any other time when there is not suf-~~
5 ~~ficient light to render clearly discernible persons and vehicles~~
6 ~~on the highway at a distance of 500 feet ahead~~ shall display
7 lighted lamps and illuminating devices as ~~hereinafter~~
8 ~~respectively~~ required IN THIS ACT for different classes of
9 vehicles ~~, subject to exceptions with respect to parked vehicles~~
10 ~~as hereinafter stated.~~ AT ALL OF THE FOLLOWING TIMES:

1 (A) FROM 1/2 HOUR AFTER SUNSET TO 1/2 HOUR BEFORE SUNRISE.

2 (B) WHEN THERE IS NOT SUFFICIENT LIGHT TO RENDER CLEARLY
3 DISCERNIBLE PERSONS AND VEHICLES ON THE HIGHWAY AT A DISTANCE OF
4 1,000 FEET AHEAD.

5 (C) DURING ANY TYPE OF PRECIPITATION SUCH AS RAIN, FOG,
6 SNOW, OR WHEN A REASONABLE OPERATOR WOULD OPERATE THE VEHICLE'S
7 WINDSHIELD WIPERS.

8 (2) A PERSON WHO VIOLATES SUBSECTION (1) IS RESPONSIBLE FOR
9 A CIVIL INFRACTION FOR WHICH A FINE OF \$50.00 SHALL BE ORDERED.
10 HOWEVER, POINTS SHALL NOT BE ASSESSED UNDER SECTION 320A FOR A
11 VIOLATION OF THIS SECTION. AN ABSTRACT REQUIRED UNDER SECTION
12 732 SHALL NOT BE SUBMITTED TO THE SECRETARY OF STATE REGARDING A
13 VIOLATION OF THIS SECTION.

14 (3) When lighted lamps and illuminated devices are required
15 by law, ~~no~~ A vehicle shall NOT be operated upon any highway of
16 this state with only the parking lights illuminated on the front
17 of the vehicle.

18 (4) ~~(b) Whenever~~ IF A requirement is ~~hereinafter~~
19 ~~declared~~ PROVIDED IN THIS ACT as to the distance from which cer-
20 tain lamps and devices shall render objects visible or within
21 which such lamps or devices shall be visible, ~~said provisions~~
22 THE REQUIREMENT shall apply during the times stated in ~~paragraph~~
23 ~~(a) of this section~~ SUBSECTION (1) upon a straight, level,
24 unlighted highway under normal atmospheric conditions unless a
25 different time or condition is expressly stated.

26 (5) ~~(c) Whenever~~ IF A requirement is ~~hereinafter~~
27 ~~declared~~ PROVIDED IN THIS ACT as to the mounted height of lamps

1 or devices, it shall mean from the center of ~~such~~ THE lamp or
2 device to the level ground upon which the vehicle stands when
3 ~~such~~ THE vehicle is without a load.

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

8 (2) If a person is determined pursuant to sections 741 to
9 750 to be responsible or responsible "with explanation" for a
10 civil infraction under this act or a local ordinance substan-
11 tially corresponding to a provision of this act, the judge, dis-
12 trict court referee, or district court magistrate may order the
13 person to pay a civil fine of not more than \$100.00 and costs as
14 provided in subsection (4). However, for a violation of
15 section 674(1)(s) or a local ordinance substantially correspond-
16 ing to section 674(1)(s), the person shall be ordered to pay
17 costs as provided in subsection (4) and a civil fine of not less
18 than \$50.00 nor more than \$100.00. For a violation of section
19 328 or 710d, the civil fine ordered under this subsection shall
20 not exceed \$10.00. For a violation of section 710e, the civil
21 fine and court costs ordered under this subsection shall be
22 \$25.00. FOR A VIOLATION OF SECTION 684(1), A CIVIL FINE ORDERED
23 UNDER THIS SUBSECTION SHALL BE \$50.00. Permission may be granted
24 for payment of a civil fine and costs to be made within a speci-
25 fied period of time or in specified installments, but unless per-
26 mission is included in the order or judgment, the civil fine and
27 costs shall be payable immediately.

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

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

18 (5) In addition to a civil fine and costs ordered under
19 subsection (2) or (3) and subsection (4), the judge, district
20 court referee, or district court magistrate may order the person
21 to attend and complete a program of treatment, education, or
22 rehabilitation.

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

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

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

20 (9) If a person has received a civil infraction citation for
21 defective safety equipment on a vehicle under section 683, the
22 court shall waive a civil fine and costs, upon receipt of certi-
23 fication by a law enforcement agency that repair of the defective
24 equipment was made before the appearance date on the citation.

25 (10) A default in the payment of a civil fine or costs
26 ordered under subsection (2), (3), or (4) or an installment of
27 the fine or costs may be collected by a means authorized for the

1 enforcement of a judgment under chapter 40 OR 60 of the revised
2 judiciary act of 1961, ~~Act No. 236 of the Public Acts of 1961,~~
3 ~~being sections 600.4001 to 600.4065 of the Michigan Compiled~~
4 ~~Laws, or under chapter 60 of Act No. 236 of the Public Acts of~~
5 ~~1961, being sections 600.6001 to 600.6098 of the Michigan~~
6 ~~Compiled Laws~~ 1961 PA 236, MCL 600.4001 TO 600.4065 AND 600.6001
7 TO 600.6098.

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

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

20 (13) In addition to any fines and costs ordered to be paid
21 under this section, the judge, district court referee, or dis-
22 trict court magistrate shall levy an assessment of \$5.00 for each
23 civil infraction determination, except for a parking violation or
24 a violation for which the total fine and costs imposed are \$10.00
25 or less. Upon payment of the assessment, the clerk of the court
26 shall transmit the assessment levied to the state treasury to be
27 deposited into the Michigan justice training fund. An assessment

1 levied under this subsection shall not be considered a civil fine
2 for purposes of section 909.

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