

# HOUSE BILL No. 4655

May 11, 1999, Introduced by Reps. Tabor, Shackleton, Rick Johnson, Patterson, Van Woerkom, Cameron Brown, Faunce, Allen, Mortimer, Vear, Pappageorge, Garcia, Birkholz, Godchaux, Julian, Spade and Hart and referred to the Committee on Family and Civil Law.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending section 907 (MCL 257.907), as amended by 1998  
PA 103.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

5       (2) If a person is determined pursuant to sections 741 to  
6 750 to be responsible or responsible "with explanation" for a  
7 civil infraction under this act or a local ordinance substan-  
8 tially corresponding to a provision of this act, the judge,  
9 district court referee, or district court magistrate may order  
10 the person to pay a civil fine of not more than \$100.00 and costs

1 as provided in subsection (4). However, for a violation of  
2 section 674(1)(s) or a local ordinance substantially correspond-  
3 ing to section 674(1)(s), the person shall be ordered to pay  
4 costs as provided in subsection (4) and a civil fine of not less  
5 than \$50.00 or more than \$100.00. For a violation of section  
6 328, ~~or 710d,~~ the civil fine ordered under this subsection  
7 shall not exceed \$10.00. EXCEPT AS PROVIDED IN SUBSECTION (12),  
8 FOR A VIOLATION OF SECTION 710D, THE CIVIL FINE ORDERED UNDER  
9 THIS SUBSECTION SHALL NOT EXCEED \$20.00. HOWEVER, FOR A VIOLA-  
10 TION OF SECTION 710D THAT IS A SECOND OR SUBSEQUENT OFFENSE, THE  
11 CIVIL FINE ORDERED UNDER THIS SUBSECTION SHALL NOT EXCEED \$30.00.  
12 For a violation of section 710e, the civil fine and court costs  
13 ordered under this subsection shall be ~~\$25.00~~ \$50.00. HOWEVER,  
14 FOR A VIOLATION OF SECTION 710E THAT IS A SECOND OR SUBSEQUENT  
15 OFFENSE, THE CIVIL FINE ORDERED UNDER THIS SUBSECTION SHALL NOT  
16 EXCEED \$65.00. For a violation of section 682 or a local ordi-  
17 nance substantially corresponding to section 682, the person  
18 shall be ordered to pay costs as provided in subsection (4) and a  
19 civil fine of not less than \$100.00 or more than \$500.00.  
20 Permission may be granted for payment of a civil fine and costs  
21 to be made within a specified period of time or in specified  
22 installments, but unless permission is included in the order or  
23 judgment, the civil fine and costs shall be payable immediately.  
24 (3) If a person is determined to be responsible or responsi-  
25 ble "with explanation" for a civil infraction under this act or a  
26 local ordinance substantially corresponding to a provision of  
27 this act while driving a commercial motor vehicle, he or she

1 shall be ordered to pay costs as provided in subsection (4) and a  
2 civil fine of not more than \$250.00.

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

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

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

23 (7) Each district of the district court and each municipal  
24 court may establish a schedule of civil fines and costs to be  
25 imposed for civil infractions ~~which~~ THAT occur within the  
26 respective district or city. If a schedule is established, it  
27 shall be prominently posted and readily available for public

1 inspection. A schedule need not include all violations ~~which~~  
2 THAT are designated by law or ordinance as civil infractions. A  
3 schedule may exclude cases on the basis of a defendant's prior  
4 record of civil infractions or traffic offenses, or a combination  
5 of civil infractions and traffic offenses.

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

15 (9) If a person has received a civil infraction citation for  
16 defective safety equipment on a vehicle under section 683, the  
17 court shall waive a civil fine and costs ~~,~~ upon receipt of cer-  
18 tification by a law enforcement agency that repair of the defec-  
19 tive equipment was made before the appearance date on the  
20 citation.

21 (10) A default in the payment of a civil fine or costs  
22 ordered under subsection (2), (3), or (4) or an installment of  
23 the fine or costs may be collected by a means authorized for the  
24 enforcement of a judgment under chapter 40 of the revised judica-  
25 ture act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or under  
26 chapter 60 of the revised judicature act of 1961, 1961 PA 236,  
27 MCL 600.6001 to 600.6098.

1 (11) If a person fails to comply with an order or judgment  
2 issued ~~pursuant to~~ UNDER this section ~~,~~ within the time pre-  
3 scribed by the court, the driver's license of that person shall  
4 be suspended ~~pursuant to~~ UNDER section 321a until full compli-  
5 ance with that order or judgment occurs. In addition to this  
6 suspension, the court may also proceed under section 908.

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

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

23 (14) If a person has received a citation for a violation of  
24 section 223, the court shall waive any fine and costs ~~,~~ upon  
25 receipt of certification by a law enforcement agency that the  
26 person, before the appearance date on the citation, produced a

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