

SUBSTITUTE FOR
HOUSE BILL NO. 4736

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 629e and 907 (MCL 257.629e and 257.907),
section 629e as amended by 2001 PA 213 and section 907 as amended
by 2002 PA 534.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 629e. (1) ~~In~~ **Before October 1, 2003, in** addition to
2 any fine or cost ordered to be paid under this act, and in
3 addition to any assessment levied under section 907, the judge ~~—~~
4 ~~district or municipal court referee,~~ or district ~~or municipal~~
5 court magistrate shall levy a highway safety assessment of \$5.00,
6 a jail reimbursement program assessment of \$5.00, and a secondary
7 road patrol and training assessment of \$10.00 for each civil
8 infraction determination except for a parking violation or a
9 violation for which the total fine and costs imposed are \$10.00

1 or less. Upon payment of the assessments, the clerk of the court
 2 shall transmit the assessments levied to the department of
 3 treasury. ~~The~~ **Until October 1, 2003, the** state treasurer shall
 4 deposit the revenue received pursuant to this subsection in the
 5 highway safety fund, in the jail reimbursement program fund, and
 6 in the secondary road patrol and training fund, and shall report
 7 annually to the legislature all revenues received and disbursed
 8 under this section. An assessment levied under this subsection
 9 shall not be considered a civil fine for purposes of section
 10 909.

11 (2) A highway safety fund, a jail reimbursement program fund,
 12 and a secondary road patrol and training fund are created in the
 13 department of treasury. The highway safety fund and the
 14 secondary road patrol and training fund shall be administered by
 15 the department of state police. The jail reimbursement program
 16 fund shall be administered by the department of corrections.
 17 ~~Money~~ **Until October 1, 2003, money** collected under subsection
 18 (1) shall be deposited in the respective funds as provided in
 19 subsection (1). **Beginning October 1, 2003, money collected under**
 20 **subsection (1) shall be deposited in the justice system fund**
 21 **created in section 181 of the revised judicature act of 1961,**
 22 **1961 PA 236, MCL 600.181.** Money remaining in the respective funds
 23 at the end of a fiscal year shall not lapse but shall remain in
 24 the respective funds for use for the purposes of the funds. The
 25 money deposited in the highway safety fund shall serve as a
 26 supplement to, and not as a replacement for, the funds budgeted
 27 for the department of state police. The money in the highway

1 safety fund shall be used by the department of state police for
2 the employment of additional state police enlisted personnel to
3 enforce the traffic laws on the highways and freeways of this
4 state. The money in the jail reimbursement program fund shall be
5 used by the department of corrections to reimburse counties for
6 housing and custody of convicted felons pursuant to the
7 requirements of section 35 of chapter IX of the code of criminal
8 procedure, 1927 PA 175, MCL 769.35. The money in the secondary
9 road patrol and training fund shall be used for secondary road
10 patrol and traffic accident grants pursuant to section 77 of 1846
11 RS 14, MCL 51.77, and for grants under section 14 of the
12 commission on law enforcement standards act, 1965 PA 203,
13 MCL 28.614. ~~If the revenue received from the \$10.00 assessment~~
14 ~~for secondary road patrol and training for a fiscal year~~
15 ~~increases the total revenue received from all sources for the~~
16 ~~secondary road patrol and training fund for that fiscal year,~~
17 ~~then the general fund appropriation shall be reduced~~
18 ~~proportionally to the additional revenue collected and remitted~~
19 ~~as a result of the increased assessment.~~ The department of state
20 police and the department of corrections shall report annually to
21 the legislature all revenues received and disbursed under this
22 section.

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

27 (2) If a person is determined pursuant to sections 741 to 750

1 to be responsible or responsible "with explanation" for a civil
2 infraction under this act or a local ordinance substantially
3 corresponding to a provision of this act, the judge ~~—, district~~
4 ~~court referee,~~ or district court magistrate may order the person
5 to pay a civil fine of not more than \$100.00 and costs as
6 provided in subsection (4). However, for a violation of
7 section 674(1)(s) or a local ordinance substantially
8 corresponding to section 674(1)(s), the person shall be ordered
9 to pay costs as provided in subsection (4) and a civil fine of
10 not less than ~~—\$50.00 or more than—~~ \$100.00 **or more than**
11 **\$250.00**. For a violation of section 328 or 710d, the civil fine
12 ordered under this subsection shall not exceed \$10.00. For a
13 violation of section 710e, the civil fine and court costs ordered
14 under this subsection shall be \$25.00. For a violation of
15 section 682 or a local ordinance substantially corresponding to
16 section 682, the person shall be ordered to pay costs as provided
17 in subsection (4) and a civil fine of not less than \$100.00 or
18 more than \$500.00. Permission may be granted for payment of a
19 civil fine and costs to be made within a specified period of time
20 or in specified installments, but unless permission is included
21 in the order or judgment, the civil fine and costs shall be
22 payable immediately.

23 (3) Except as provided in this subsection, if a person is
24 determined to be responsible or responsible "with explanation"
25 for a civil infraction under this act or a local ordinance
26 substantially corresponding to a provision of this act while
27 driving a commercial motor vehicle, he or she shall be ordered to

1 pay costs as provided in subsection (4) and a civil fine of not
2 more than \$250.00. If a person is determined to be responsible
3 or responsible "with explanation" for a civil infraction under
4 section 319g or a local ordinance substantially corresponding to
5 section 319g, that person shall be ordered to pay costs as
6 provided in subsection (4) and a civil fine of not more than
7 \$10,000.00.

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

21 (5) In addition to a civil fine and costs ordered under
22 subsection (2) or (3) and subsection (4) **and the justice system**
23 **assessment ordered under subsection (14)**, the judge ~~—, district~~
24 ~~court referee,—~~ or district court magistrate may order the person
25 to attend and complete a program of treatment, education, or
26 rehabilitation.

27 (6) A ~~district court referee or~~ district court magistrate

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

4 (7) Each district of the district court and each municipal
5 court may establish a schedule of civil fines, ~~and~~ costs, **and**
6 **assessments** to be imposed for civil infractions which occur
7 within the respective district or city. If a schedule is
8 established, it shall be prominently posted and readily available
9 for public inspection. A schedule need not include all
10 violations which are designated by law or ordinance as civil
11 infractions. A schedule may exclude cases on the basis of a
12 defendant's prior record of civil infractions or traffic
13 offenses, or a combination of civil infractions and traffic
14 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 is not binding upon the courts having jurisdiction
19 over civil infractions but is intended to act as a normative
20 guide for judges ~~—, district court referees,~~ and district court
21 magistrates and a basis for public evaluation of disparities in
22 the imposition of civil fines and costs throughout the state.

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

1 the citation.

2 (10) A default in the payment of a civil fine or costs
3 ordered under subsection (2), (3), or (4) **or a justice system**
4 **assessment ordered under subsection (14)**, or an installment of
5 the fine, ~~or~~ costs, **or assessment**, may be collected by a means
6 authorized for the enforcement of a judgment under chapter 40 of
7 the revised judicature act of 1961, 1961 PA 236, MCL 600.4001 to
8 600.4065, or under chapter 60 of the revised judicature act of
9 1961, 1961 PA 236, MCL 600.6001 to 600.6098.

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

16 (12) The court shall waive any civil fine, ~~or~~ cost, **or**
17 **assessment** against a person who received a civil infraction
18 citation for a violation of section 710d if the person, before
19 the appearance date on the citation, supplies the court with
20 evidence of acquisition, purchase, or rental of a child seating
21 system meeting the requirements of section 710d.

22 (13) ~~In~~ **Until October 1, 2003, in** addition to any **civil**
23 fines and costs ordered to be paid under this section, the judge
24 ~~, district court referee,~~ or district court magistrate shall
25 levy an assessment of \$5.00 for each civil infraction
26 determination, except for a parking violation or a violation for
27 which the total fine and costs imposed are \$10.00 or less. ~~Upon~~

1 ~~payment of the~~ **An assessment —, paid before October 1, 2003**
 2 **shall be transmitted by** the clerk of the court ~~shall transmit~~
 3 ~~the assessment levied to the state treasury~~ **treasurer** to be
 4 deposited into the Michigan justice training fund. **An assessment**
 5 **ordered before October 1, 2003 but collected on or after October**
 6 **1, 2003 shall be transmitted by the clerk of the court to the**
 7 **state treasurer for deposit in the justice system fund created in**
 8 **section 181 of the revised judicature act of 1961, 1961 PA 236,**
 9 **MCL 600.181. An assessment levied under this subsection is not a**
 10 **civil fine for purposes of section 909.**

11 **(14) Effective October 1, 2003, in addition to any civil**
 12 **finest and costs ordered to be paid under this section, the judge**
 13 **or district court magistrate shall order the defendant to pay a**
 14 **justice system assessment of \$40.00 for each civil infraction**
 15 **determination, except for a parking violation or a violation for**
 16 **which the total fine and costs imposed are \$10.00 or less. Upon**
 17 **payment of the assessment, the clerk of the court shall transmit**
 18 **the assessment collected to the state treasury to be deposited**
 19 **into the justice system fund created in section 181 of the**
 20 **revised judicature act of 1961, 1961 PA 236, MCL 600.181. An**
 21 **assessment levied under this subsection is not a civil fine for**
 22 **purposes of section 909.**

23 **(15) —(14)— If a person has received a citation for a**
 24 **violation of section 223, the court shall waive any civil fine,**
 25 **and costs, and assessment,** upon receipt of certification by a
 26 law enforcement agency that the person, before the appearance
 27 date on the citation, produced a valid registration certificate

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

3 Enacting section 1. This amendatory act takes effect
4 October 1, 2003.