

# HOUSE BILL No. 4333

March 12, 2003, Introduced by Reps. Accavitti, Wojno, Spade, Smith, Bieda, Julian, Dennis, Tobocman, Jamnick, Hunter, Gielegem, McConico, Hopgood and Anderson and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending section 907 (MCL 257.907), as amended by 2002 PA  
534.

## 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 is  
3 designated a civil infraction shall not be considered a lesser  
4 included offense of a criminal offense.

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

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

18 (3) Except as provided in this subsection, if a person is  
19 determined to be responsible or responsible "with explanation"  
20 for a civil infraction under this act or a local ordinance  
21 substantially corresponding to a provision of this act while  
22 driving a commercial motor vehicle, he or she shall be ordered to  
23 pay costs as provided in subsection (4) and a civil fine of not  
24 more than \$250.00. If a person is determined to be responsible  
25 or responsible "with explanation" for a civil infraction under  
26 section 319g or a local ordinance substantially corresponding to  
27 section 319g, that person shall be ordered to pay costs as

1 provided in subsection (4) and a civil fine of not more than  
2 \$10,000.00.

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

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

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

25 (7) Each district of the district court and each municipal  
26 court may establish a schedule of civil fines and costs to be  
27 imposed for civil infractions which occur within the respective

1 district or city. If a schedule is established, it shall be  
2 prominently posted and readily available for public inspection.  
3 A schedule need not include all violations which are designated  
4 by law or ordinance as civil infractions. A schedule may exclude  
5 cases on the basis of a defendant's prior record of civil  
6 infractions or traffic offenses, or a combination of civil  
7 infractions and traffic offenses.

8 (8) The state court administrator shall annually publish and  
9 distribute to each district and court a recommended range of  
10 civil fines and costs for first-time civil infractions. This  
11 recommendation is not binding upon the courts having jurisdiction  
12 over civil infractions but is intended to act as a normative  
13 guide for judges ~~—, district court referees,~~ and district court  
14 magistrates and a basis for public evaluation of disparities in  
15 the imposition of civil fines and costs throughout the state.

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

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

1 PA 236, MCL 600.6001 to 600.6098.

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

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

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

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

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1 valid registration certificate that was valid on the date the

2 violation of section 223 occurred.

<<Enacting section 1. This amendatory act takes effect October 1,  
2003.>>