

# HOUSE BILL No. 4736

May 22, 2003, Introduced by Rep. Meisner and referred to the Committee on Judiciary.

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. For a violation of  
11 section 328 or 710d, the civil fine ordered under this subsection  
12 shall not exceed \$10.00. For a violation of section 710e, the  
13 civil fine and court costs ordered under this subsection shall be  
14 \$25.00. For a violation of section 682 or a local ordinance  
15 substantially corresponding to section 682, the person shall be  
16 ordered to pay costs as provided in subsection (4) and a civil  
17 fine of not less than \$100.00 or more than \$500.00. Permission  
18 may be granted for payment of a civil fine and costs to be made  
19 within a specified period of time or in specified installments,  
20 but unless permission is included in the order or judgment, the  
21 civil fine and costs shall be payable immediately.

22 (3) Except as provided in this subsection, if a person is  
23 determined to be responsible or responsible "with explanation"  
24 for a civil infraction under this act or a local ordinance  
25 substantially corresponding to a provision of this act while  
26 driving a commercial motor vehicle, he or she shall be ordered to  
27 pay costs as provided in subsection (4) and a civil fine of not

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

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

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

26 (6) A district court ~~—referee or district court—~~ magistrate  
27 shall impose the sanctions permitted under subsections (2), (3),

1 and (5) only to the extent expressly authorized by the chief  
2 judge or only judge of the district court district.

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

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

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

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

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

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

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

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

10 (14) **Effective October 1, 2003, in addition to any fines and**  
11 **costs ordered to be paid under this section, the judge or**  
12 **district court magistrate shall order the defendant to pay a**  
13 **justice system assessment of \$35.00 for each civil infraction**  
14 **determination, except for a parking violation or a violation for**  
15 **which the total fine and costs imposed are \$10.00 or less. Upon**  
16 **payment of the assessment, the clerk of the court shall transmit**  
17 **the assessment collected to the state treasury to be deposited**  
18 **into the justice system fund created in section 181 of the**  
19 **revised judicature act of 1961, 1961 PA 236, MCL 600.181. An**  
20 **assessment levied under this subsection is not a civil fine for**  
21 **purposes of section 909.**

22 (15) ~~-(14)-~~ If a person has received a citation for a  
23 violation of section 223, the court shall waive any fine, ~~and~~  
24 costs, **and assessment**, upon receipt of certification by a law  
25 enforcement agency that the person, before the appearance date on  
26 the citation, produced a valid registration certificate that was  
27 valid on the date the violation of section 223 occurred.



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