

SENATE BILL No. 996

February 17, 2004, Introduced by Senators BASHAM, BIRKHOLZ, McMANUS, KUIPERS, ALLEN and GEORGE and referred to the Committee on Transportation.

A bill to amend 1994 PA 300, entitled
"Michigan vehicle code,"
by amending section 907 (MCL 257.907), as amended by 2003 PA 73.

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 or district
9 court magistrate may order the person to pay a civil fine of not
10 more than \$100.00 and costs as provided in subsection (4).
11 However, for a violation of section 674(1)(s) or a local

1 ordinance substantially corresponding to section 674(1)(s), the
 2 person shall be ordered to pay costs as provided in subsection
 3 (4) and a civil fine of not less than \$100.00 or more than
 4 \$250.00. For a violation of section 328, ~~—or 710d,~~ the civil
 5 fine ordered under this subsection shall not exceed \$10.00. **For**
 6 **a violation of section 710d or 710e(4), the civil fine and court**
 7 **costs ordered under this subsection shall be \$80.00.** For a
 8 violation of section ~~—710e—~~ **710e(3)**, the civil fine and court
 9 costs ordered under this subsection shall be \$25.00. For a
 10 violation of section 682 or a local ordinance substantially
 11 corresponding to section 682, the person shall be ordered to pay
 12 costs as provided in subsection (4) and a civil fine of not less
 13 than \$100.00 or more than \$500.00. Permission may be granted for
 14 payment of a civil fine and costs to be made within a specified
 15 period of time or in specified installments, but unless
 16 permission is included in the order or judgment, the civil fine
 17 and costs shall be payable 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 or district court magistrate shall summarily tax and
5 determine the costs of the action, which are not limited to the
6 costs taxable in ordinary civil actions, and may include all
7 expenses, direct and indirect, to which the plaintiff has been
8 put in connection with the civil infraction, up to the entry of
9 judgment. Costs shall not be ordered in excess of \$100.00. A
10 civil fine ordered under subsection (2) or (3) shall not be
11 waived unless costs ordered under this subsection are waived.
12 Except as otherwise provided by law, costs are payable to the
13 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) and the justice system
16 assessment ordered under subsection (14), the judge or district
17 court magistrate may order the person to attend and complete a
18 program of treatment, education, or rehabilitation.

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

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

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

7 (8) The state court administrator shall annually publish and
8 distribute to each district and court a recommended range of
9 civil fines and costs for first-time civil infractions. This
10 recommendation is not binding upon the courts having jurisdiction
11 over civil infractions but is intended to act as a normative
12 guide for judges and district court magistrates and a basis for
13 public evaluation of disparities in the imposition of civil fines
14 and costs throughout the 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, costs, and assessments upon
18 receipt of certification by a law enforcement agency that repair
19 of the defective equipment was made before the appearance date on
20 the citation.

21 (10) A default in the payment of a civil fine or costs
22 ordered under subsection (2), (3), or (4) or a justice system
23 assessment ordered under subsection (14), or an installment of
24 the fine, costs, or assessment, may be collected by a means
25 authorized for the enforcement of a judgment under chapter 40 of
26 the revised judicature act of 1961, 1961 PA 236, MCL 600.4001 to
27 600.4065, or under chapter 60 of the revised judicature act of

1 1961, 1961 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, cost, or
9 assessment against a person who received a civil infraction
10 citation for a violation of section 710d if the person, before
11 the appearance date on the citation, supplies the court with
12 evidence of acquisition, purchase, or rental of a child seating
13 system meeting the requirements of section 710d.

14 (13) Until October 1, 2003, in addition to any civil fines
15 and costs ordered to be paid under this section, the judge 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. An assessment paid before October 1,
20 2003 shall be transmitted by the clerk of the court to the state
21 treasurer to be deposited into the Michigan justice training
22 fund. An assessment ordered before October 1, 2003 but collected
23 on or after October 1, 2003 shall be transmitted by the clerk of
24 the court to the state treasurer for deposit in the justice
25 system fund created in section 181 of the revised judicature act
26 of 1961, 1961 PA 236, MCL 600.181. An assessment levied under
27 this subsection is not a civil fine for purposes of section 909.

1 (14) Effective October 1, 2003, in addition to any civil
2 fines and costs ordered to be paid under this section, the judge
3 or district court magistrate shall order the defendant to pay a
4 justice system assessment of \$40.00 for each civil infraction
5 determination, except for a parking violation or a violation for
6 which the total fine and costs imposed are \$10.00 or less. Upon
7 payment of the assessment, the clerk of the court shall transmit
8 the assessment collected to the state treasury to be deposited
9 into the justice system fund created in section 181 of the
10 revised judicature act of 1961, 1961 PA 236, MCL 600.181. An
11 assessment levied under this subsection is not a civil fine for
12 purposes of section 909.

13 (15) If a person has received a citation for a violation of
14 section 223, the court shall waive any civil fine, costs, and
15 assessment, upon receipt of certification by a law enforcement
16 agency that the person, before the appearance date on the
17 citation, produced a valid registration certificate that was
18 valid on the date the violation of section 223 occurred.