

HOUSE BILL No. 6350

July 21, 2010, Introduced by Reps. Tyler, Lori, Stamas, Kurtz, Bolger, Lisa Brown and Kowall 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 2010 PA 59.

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, that 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~~**UNDER** sections 741
6 to 750 to be responsible or responsible "with explanation" for a
7 civil infraction under this act or a local ordinance substantially
8 corresponding to a provision of this act, the judge or district

1 court magistrate may order the person to pay a civil fine of not
2 more than \$100.00 and costs as provided in subsection (4). However,
3 beginning October 31, 2010, if the civil infraction was a moving
4 violation that resulted in an at-fault collision with another
5 vehicle, a person, or any other object, the civil fine ordered
6 under this section shall be increased by \$25.00 but the total civil
7 fine shall not exceed \$100.00. However, for a violation of section
8 602b, the person shall be ordered to pay costs as provided in
9 subsection (4) and a civil fine of \$100.00 for a first offense and
10 \$200.00 for a second or subsequent offense. For a violation of
11 section 674(1)(s) or a local ordinance substantially corresponding
12 to section 674(1)(s), the person shall be ordered to pay costs as
13 provided in subsection (4) and a civil fine of not less than
14 \$100.00 or more than \$250.00. For a violation of section 328, the
15 civil fine ordered under this subsection shall be not more than
16 \$50.00. For a violation of section 710d, the civil fine ordered
17 under this subsection shall not exceed \$10.00, **UNLESS THE PERSON**
18 **FAILS TO PRESENT EVIDENCE OF THE ACQUISITION, PURCHASE, OR RENTAL**
19 **AND INSTALLATION OF A CHILD SEATING SYSTEM MEETING THE REQUIREMENTS**
20 **OF SECTION 710D BEFORE THE FINE IS IMPOSED, IN WHICH CASE THE FINE**
21 **SHALL NOT EXCEED \$100.00.** For a violation of section 710e, the
22 civil fine and court costs ordered under this subsection shall be
23 \$25.00. For a violation of section 682 or a local ordinance
24 substantially corresponding to section 682, the person shall be
25 ordered to pay costs as provided in subsection (4) and a civil fine
26 of not less than \$100.00 or more than \$500.00. For a violation of
27 section 240, the civil fine ordered under this subsection shall be

1 \$15.00. For a violation of section 252a(1), the civil fine ordered
2 under this subsection shall be \$50.00. For a violation of section
3 676a(3), the civil fine ordered under this section shall be not
4 more than \$10.00. For a violation of section 319f(1), the civil
5 fine ordered under this section shall be not less than \$1,100.00 or
6 more than \$2,750.00. For a violation of section 319g(1)(a), the
7 civil fine ordered under this section shall be not more than
8 \$10,000.00. For a violation of section 319g(1)(b), the civil fine
9 ordered under this section shall be not less than \$2,750.00 or more
10 than \$11,000.00. Permission may be granted for payment of a civil
11 fine and costs to be made within a specified period of time or in
12 specified installments, but unless permission is included in the
13 order or judgment, the civil fine and costs shall be payable
14 immediately.

15 (3) Except as provided in this subsection, if a person is
16 determined to be responsible or responsible "with explanation" for
17 a civil infraction under this act or a local ordinance
18 substantially corresponding to a provision of this act while
19 driving a commercial motor vehicle, he or she shall be ordered to
20 pay costs as provided in subsection (4) and a civil fine of not
21 more than \$250.00. If a person is determined to be responsible or
22 responsible "with explanation" for a civil infraction under section
23 319g or a local ordinance substantially corresponding to section
24 319g, that person shall be ordered to pay costs as provided in
25 subsection (4) and a civil fine of not more than \$10,000.00.

26 (4) If a civil fine is ordered under subsection (2) or (3),
27 the judge or district court magistrate shall summarily tax and

1 determine the costs of the action, which are not limited to the
2 costs taxable in ordinary civil actions, and may include all
3 expenses, direct and indirect, to which the plaintiff has been put
4 in connection with the civil infraction, up to the entry of
5 judgment. Costs shall not be ordered in excess of \$100.00. A civil
6 fine ordered under subsection (2) or (3) shall not be waived unless
7 costs ordered under this subsection are waived. Except as otherwise
8 provided by law, costs are payable to the general fund of the
9 plaintiff.

10 (5) In addition to a civil fine and costs ordered under
11 subsection (2) or (3) and subsection (4) and the justice system
12 assessment ordered under subsection (14), the judge or district
13 court magistrate may order the person to attend and complete a
14 program of treatment, education, or rehabilitation.

15 (6) A district court magistrate shall impose the sanctions
16 permitted under subsections (2), (3), and (5) only to the extent
17 expressly authorized by the chief judge or only judge of the
18 district court district.

19 (7) Each district of the district court and each municipal
20 court may establish a schedule of civil fines, costs, and
21 assessments to be imposed for civil infractions that occur within
22 the respective district or city. If a schedule is established, it
23 shall be prominently posted and readily available for public
24 inspection. A schedule need not include all violations that are
25 designated by law or ordinance as civil infractions. A schedule may
26 exclude cases on the basis of a defendant's prior record of civil
27 infractions or traffic offenses, or a combination of civil

1 infractions and traffic offenses.

2 (8) The state court administrator shall annually publish and
3 distribute to each district and court a recommended range of civil
4 fines and costs for first-time civil infractions. This
5 recommendation is not binding upon the courts having jurisdiction
6 over civil infractions but is intended to act as a normative guide
7 for judges and district court magistrates and a basis for public
8 evaluation of disparities in the imposition of civil fines and
9 costs throughout the state.

10 (9) If a person has received a civil infraction citation for
11 defective safety equipment on a vehicle under section 683, the
12 court shall waive a civil fine, costs, and assessments upon receipt
13 of certification by a law enforcement agency that repair of the
14 defective equipment was made before the appearance date on the
15 citation.

16 (10) A default in the payment of a civil fine or costs ordered
17 under subsection (2), (3), or (4) or a justice system assessment
18 ordered under subsection (14), or an installment of the fine,
19 costs, or assessment, may be collected by a means authorized for
20 the enforcement of a judgment under chapter 40 of the revised
21 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or
22 under chapter 60 of the revised judicature act of 1961, 1961 PA
23 236, MCL 600.6001 to 600.6098.

24 (11) If a person fails to comply with an order or judgment
25 issued pursuant to this section within the time prescribed by the
26 court, the driver's license of that person shall be suspended
27 pursuant to section 321a until full compliance with that order or

1 judgment occurs. In addition to this suspension, the court may also
2 proceed under section 908.

3 (12) The court shall waive any civil fine, cost, or assessment
4 against a person who received a civil infraction citation for a
5 violation of section 710d if the person **HAS NO PRIOR FINDING OF**
6 **RESPONSIBILITY FOR VIOLATING SECTION 710D AND IF**, before the
7 appearance date on the citation, **THE PERSON** supplies the court with
8 evidence of acquisition, purchase, or rental **AND INSTALLATION** of a
9 child seating system meeting the requirements of section 710d.

10 (13) Until October 1, 2003, in addition to any civil fines and
11 costs ordered to be paid under this section, the judge or district
12 court magistrate shall levy an assessment of \$5.00 for each civil
13 infraction determination, except for a parking violation or a
14 violation for which the total fine and costs imposed are \$10.00 or
15 less. An assessment paid before October 1, 2003 shall be
16 transmitted by the clerk of the court to the state treasurer to be
17 deposited into the Michigan justice training fund. An assessment
18 ordered before October 1, 2003 but collected on or after October 1,
19 2003 shall be transmitted by the clerk of the court to the state
20 treasurer for deposit in the justice system fund created in section
21 181 of the revised judicature act of 1961, 1961 PA 236, MCL
22 600.181. An assessment levied under this subsection is not a civil
23 fine for purposes of section 909.

24 (14) Effective October 1, 2003, in addition to any civil fines
25 or costs ordered to be paid under this section, the judge or
26 district court magistrate shall order the defendant to pay a
27 justice system assessment of \$40.00 for each civil infraction

1 determination, except for a parking violation or a violation for
2 which the total fine and costs imposed are \$10.00 or less. Upon
3 payment of the assessment, the clerk of the court shall transmit
4 the assessment collected to the state treasury to be deposited into
5 the justice system fund created in section 181 of the revised
6 judicature act of 1961, 1961 PA 236, MCL 600.181. An assessment
7 levied under this subsection is not a civil fine for purposes of
8 section 909.

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

15 (16) If a person has received a citation for a violation of
16 section 328(1) for failing to produce a certificate of insurance
17 pursuant to section 328(2), the court may waive the fee described
18 in section 328(3)(c) and shall waive any fine, costs, and any other
19 fee or assessment otherwise authorized under this act upon receipt
20 of verification by the court that the person, before the appearance
21 date on the citation, produced valid proof of insurance that was in
22 effect at the time the violation of section 328(1) occurred.
23 Insurance obtained subsequent to the time of the violation does not
24 make the person eligible for a waiver under this subsection.

25 (17) As used in this section, "moving violation" means an act
26 or omission prohibited under this act or a local ordinance
27 substantially corresponding to this act that involves the operation

1 of a motor vehicle and for which a fine may be assessed.