

HOUSE BILL No. 4178

February 5, 2013, Introduced by Reps. Ananich, Knezek, Singh and Smiley and referred to the Committee on Criminal Justice.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 674 and 907 (MCL 257.674 and 257.907), section
674 as amended by 2000 PA 268 and section 907 as amended by 2011 PA
159.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 674. (1) A vehicle shall not be parked, except if
2 necessary to avoid conflict with other traffic or in compliance
3 with the law or the directions of a police officer or traffic-
4 control device, in any of the following places:

- 5 (a) On a sidewalk.
- 6 (b) In front of a public or private driveway.
- 7 (c) Within an intersection.
- 8 (d) Within 15 feet of a fire hydrant.
- 9 (e) On a crosswalk.

1 (f) Within 20 feet of a crosswalk, or if there is not a
2 crosswalk, then within 15 feet of the intersection of property
3 lines at an intersection of highways.

4 (g) Within 30 feet of the approach to a flashing beacon, stop
5 sign, or traffic-control signal located at the side of a highway.

6 (h) Between a safety zone and the adjacent curb or within 30
7 feet of a point on the curb immediately opposite the end of a
8 safety zone, unless a different length is indicated by an official
9 sign or marking.

10 (i) Within 50 feet of the nearest rail of a railroad crossing.

11 (j) Within 20 feet of the driveway entrance to a fire station
12 and on the side of a street opposite the entrance to a fire station
13 within 75 feet of the entrance if properly marked by an official
14 sign.

15 (k) Alongside or opposite a street excavation or obstruction,
16 if the stopping, standing, or parking would obstruct traffic.

17 (l) On the roadway side of a vehicle stopped or parked at the
18 edge or curb of a street.

19 (m) Upon a bridge or other elevated highway structure or
20 within a highway tunnel.

21 (n) At a place where an official sign prohibits stopping or
22 parking.

23 (o) Within 500 feet of an accident at which a police officer
24 is in attendance, if the scene of the accident is outside of a city
25 or village.

26 (p) In front of a theater.

27 (q) In a place or in a manner that blocks immediate egress

1 from an emergency exit conspicuously marked as an emergency exit of
2 a building.

3 (r) In a place or in a manner that blocks or hampers the
4 immediate use of an immediate egress from a fire escape
5 conspicuously marked as a fire escape providing an emergency means
6 of egress from a building.

7 (s) In a parking space clearly identified by an official sign
8 as being reserved for use by disabled persons that is on public
9 property or private property available for public use, unless the
10 individual is a disabled person as described in section 19a or
11 unless the individual is parking the vehicle for the benefit of a
12 disabled person. **IF A PARKING SPACE IS IDENTIFIED BY AN OFFICIAL**
13 **SIGN AS BEING RESERVED FOR USE BY DISABLED PERSONS, THE PARKING**
14 **SPACE MAY ALSO BE POSTED WITH A SIGN SPECIFYING THE AMOUNT OF THE**
15 **FINE AUTHORIZED UNDER SECTION 907 FOR A VIOLATION OF THIS**
16 **SUBDIVISION.** In order for the vehicle to be parked in the parking
17 space the vehicle shall display 1 of the following:

18 (i) A certificate of identification or windshield placard
19 issued under section 675 to a disabled person.

20 (ii) A special registration plate issued under section 803d to
21 a disabled person.

22 (iii) A similar certificate of identification or windshield
23 placard issued by another state to a disabled person.

24 (iv) A similar special registration plate issued by another
25 state to a disabled person.

26 (v) A special registration plate to which a tab for persons
27 with disabilities is attached issued under this act.

1 (t) In a clearly identified access aisle or access lane
2 immediately adjacent to a space designated for parking by persons
3 with disabilities.

4 (u) On a street or other area open to the parking of vehicles
5 that results in the vehicle interfering with the use of a curb-cut
6 or ramp by persons with disabilities.

7 (v) Within 500 feet of a fire at which fire apparatus is in
8 attendance, if the scene of the fire is outside a city or village.
9 However, volunteer fire fighters responding to the fire may park
10 within 500 feet of the fire in a manner not to interfere with fire
11 apparatus at the scene. A vehicle parked legally previous to the
12 fire is exempt from this subdivision.

13 (w) In violation of an official sign restricting the period of
14 time for or manner of parking.

15 (x) In a space controlled or regulated by a meter on a public
16 highway or in a publicly owned parking area or structure, if the
17 allowable time for parking indicated on the meter has expired,
18 unless the vehicle properly displays 1 or more of the items listed
19 in section 675(8).

20 (y) On a street or highway in such a way as to obstruct the
21 delivery of mail to a rural mailbox by a carrier of the United
22 States postal service.

23 (z) In a place or in a manner that blocks the use of an alley.

24 (aa) In a place or in a manner that blocks access to a space
25 clearly designated as a fire lane.

26 (2) A person shall not move a vehicle not owned by the person
27 into a prohibited area or away from a curb a distance that makes

1 the parking unlawful.

2 (3) A bus, for the purpose of taking on or discharging
3 passengers, may be stopped at a place described in subsection
4 (1)(b), (d), or (f) or on the roadway side of a vehicle illegally
5 parked in a legally designated bus loading zone. A bus, for the
6 purpose of taking on or discharging a passenger, may be stopped at
7 a place described in subsection (1)(n) if the place is posted by an
8 appropriate bus stop sign, except that a bus shall not stop at ~~such~~
9 ~~a-THAT~~ place if the stopping is specifically prohibited by the
10 responsible local authority, the state transportation department,
11 or the director of the department of state police.

12 (4) A person who violates this section is responsible for a
13 civil infraction.

14 Sec. 907. (1) A violation of this act, or a local ordinance
15 substantially corresponding to a provision of this act, that is
16 designated a civil infraction shall not be considered a lesser
17 included offense of a criminal offense.

18 (2) If a person is determined ~~pursuant to~~ **UNDER** sections 741
19 to 750 to be responsible or responsible "with explanation" for a
20 civil infraction under this act or a local ordinance substantially
21 corresponding to a provision of this act, the judge or district
22 court magistrate may order the person to pay a civil fine of not
23 more than \$100.00 and costs as provided in subsection (4). However,
24 ~~beginning October 31, 2010,~~ if the civil infraction was a moving
25 violation that resulted in an at-fault collision with another
26 vehicle, a person, or any other object, the civil fine ordered
27 under this section shall be increased by \$25.00 but the total civil

1 fine shall not exceed \$100.00. However, for a violation of section
2 602b, the person shall be ordered to pay costs as provided in
3 subsection (4) and a civil fine of \$100.00 for a first offense and
4 \$200.00 for a second or subsequent offense. For a violation of
5 section 674(1)(s) or a local ordinance substantially corresponding
6 to section 674(1)(s), the person shall be ordered to pay costs as
7 provided in subsection (4) and a civil fine of not less than
8 ~~\$100.00~~ **\$200.00** or more than ~~\$250.00~~ **\$500.00**. For a violation of
9 section 328, the civil fine ordered under this subsection shall be
10 not more than \$50.00. For a violation of section 710d, the civil
11 fine ordered under this subsection shall not exceed \$10.00 **AND IS**
12 **SUBJECT TO SUBSECTION (12)**. 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 fine
17 of not less than \$100.00 or more than \$500.00. For a violation of
18 section 240, the civil fine ordered under this subsection shall be
19 \$15.00. For a violation of section 252a(1), the civil fine ordered
20 under this subsection shall be \$50.00. For a violation of section
21 676a(3), the civil fine ordered under this ~~section~~ **SUBSECTION** shall
22 be not more than \$10.00. For a first violation of section 319f(1),
23 the civil fine ordered under this ~~section~~ **SUBSECTION** shall be not
24 less than \$2,500.00 or more than \$2,750.00; for a second or
25 subsequent violation, the civil fine shall be not less than
26 \$5,000.00 or more than \$5,500.00. For a violation of section
27 319g(1)(a), the civil fine ordered under this ~~section~~ **SUBSECTION**

1 shall be not more than \$10,000.00. For a violation of section
2 319g(1)(g), the civil fine ordered under this ~~section~~**SUBSECTION**
3 shall be not less than \$2,750.00 or more than \$25,000.00.

4 Permission may be granted for payment of a civil fine and costs to
5 be made within a specified period of time or in specified
6 installments, but unless permission is included in the order or
7 judgment, the civil fine and costs shall be payable immediately.

8 (3) Except as provided in this subsection, if a person is
9 determined to be responsible or responsible "with explanation" for
10 a civil infraction under this act or a local ordinance
11 substantially corresponding to a provision of this act while
12 driving a commercial motor vehicle, he or she shall be ordered to
13 pay costs as provided in subsection (4) and a civil fine of not
14 more than \$250.00.

15 (4) If a civil fine is ordered under subsection (2) or (3),
16 the judge or district court magistrate shall summarily tax and
17 determine the costs of the action, which are not limited to the
18 costs taxable in ordinary civil actions, and may include all
19 expenses, direct and indirect, to which the plaintiff has been put
20 in connection with the civil infraction, up to the entry of
21 judgment. Costs shall not be ordered in excess of \$100.00. A civil
22 fine ordered under subsection (2) or (3) shall not be waived unless
23 costs ordered under this subsection are waived. Except as otherwise
24 provided by law, costs are payable to the general fund of the
25 plaintiff.

26 (5) In addition to a civil fine and costs ordered under
27 subsection (2) or (3) and subsection (4) and the justice system

1 assessment ordered under subsection ~~(14)~~, **(13)**, the judge or
2 district court magistrate may order the person to attend and
3 complete a program of treatment, education, or rehabilitation.

4 (6) A district court magistrate shall impose the sanctions **AND**
5 **REMEDIES** permitted under subsections (2), (3), and (5) only to the
6 extent expressly authorized by the chief judge or only judge of the
7 district court district.

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

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

26 (9) If a person has received a civil infraction citation for
27 defective safety equipment on a vehicle under section 683, the

1 court shall waive a civil fine, costs, and assessments upon receipt
2 of certification by a law enforcement agency that repair of the
3 defective equipment was made before the appearance date on the
4 citation.

5 (10) A default in the payment of a civil fine or costs ordered
6 under subsection (2), (3), or (4) or a justice system assessment
7 ordered under subsection ~~(14)~~, **(13)**, or an installment of the fine,
8 costs, or assessment, may be collected by a means authorized for
9 the enforcement of a judgment under chapter 40 of the revised
10 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or
11 under chapter 60 of the revised judicature act of 1961, 1961 PA
12 236, MCL 600.6001 to 600.6098.

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

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

25 ~~— (13) Until October 1, 2003, in addition to any civil fines and~~
26 ~~costs ordered to be paid under this section, the judge or district~~
27 ~~court magistrate shall levy an assessment of \$5.00 for each civil~~

~~infraction determination, except for a parking violation or a violation for which the total fine and costs imposed are \$10.00 or less. An assessment paid before October 1, 2003 shall be transmitted by the clerk of the court to the state treasurer to be deposited into the Michigan justice training fund. An assessment ordered before October 1, 2003 but collected on or after October 1, 2003 shall be transmitted by the clerk of the court to the state treasurer for deposit in the justice system fund created in section 181 of the revised judicature act of 1961, 1961 PA 236, MCL 600.181. An assessment levied under this subsection is not a civil fine for purposes of section 909.~~

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

(14) ~~(15)~~ If a person has received a citation for a violation of section 223, the court shall waive any civil fine, costs, and assessment, upon receipt of certification by a law enforcement agency that the person, before the appearance date on the citation,

1 produced a valid registration certificate that was valid on the
2 date the violation of section 223 occurred.

3 (15) ~~(16)~~—If a person has received a citation for a violation
4 of section 328(1) for failing to produce a certificate of insurance
5 ~~pursuant to~~ **UNDER** section 328(2), the court may waive the fee
6 described in section 328(3)(c) and shall waive any fine, costs, and
7 any other fee or assessment otherwise authorized under this act
8 upon receipt of verification by the court that the person, before
9 the appearance date on the citation, produced valid proof of
10 insurance that was in effect at the time the violation of section
11 328(1) occurred. Insurance obtained subsequent to the time of the
12 violation does not make the person eligible for a waiver under this
13 subsection.

14 (16) ~~(17)~~—As used in this section, "moving violation" means an
15 act or omission prohibited under this act or a local ordinance
16 substantially corresponding to this act that involves the operation
17 of a motor vehicle and for which a fine may be assessed.