

SENATE BILL No. 23

January 16, 2013, Introduced by Senators HOPGOOD and WARREN and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 328, 605, 675d, 742, and 907 (MCL 257.328, 257.605, 257.675d, 257.742, and 257.907), section 328 as amended by 2004 PA 52, sections 605 and 907 as amended by 2011 PA 159, section 675d as amended by 2010 PA 211, and section 742 as amended by 2008 PA 171, and by adding section 674b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 328. (1) The owner of a motor vehicle who operates or
2 permits the operation of the motor vehicle upon the highways of
3 this state or the operator of the motor vehicle shall produce,
4 pursuant to subsection (2), upon the request of a police officer,
5 evidence that the motor vehicle is insured under chapter 31 of the

1 insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179.
2 Subject to section ~~907(16)~~, **907(15)**, an owner or operator of a
3 motor vehicle who fails to produce evidence of insurance under this
4 subsection when requested to produce that evidence or who fails to
5 have motor vehicle insurance for the vehicle as required under
6 chapter 31 of the insurance code of 1956, 1956 PA 218, MCL 500.3101
7 to 500.3179, is responsible for a civil infraction.

8 (2) A certificate of insurance, issued by an insurance
9 company, that certifies that the security that meets the
10 requirements of sections 3101 and 3102 of the insurance code of
11 1956, 1956 PA 218, MCL 500.3101 and 500.3102, is in force shall be
12 accepted as prima facie evidence that insurance is in force for the
13 motor vehicle described in the certificate of insurance until the
14 expiration date shown on the certificate. The certificate, in
15 addition to describing the motor vehicles for which insurance is in
16 effect, shall state the name of each person named on the policy,
17 policy declaration, or a declaration certificate whose operation of
18 the vehicle would cause the liability coverage of that insurance to
19 become void.

20 (3) If, before the appearance date on the citation, the person
21 submits proof to the court that the motor vehicle had insurance
22 meeting the requirements of sections 3101 and 3102 of the insurance
23 code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102, at the time
24 the violation of subsection (1) occurred, all of the following
25 apply:

26 (a) The court shall not assess a fine or costs.

27 (b) The court shall not cause an abstract of the court record

1 to be forwarded to the secretary of state.

2 (c) The court may assess a fee of not more than \$25.00, which
3 shall be paid to the court funding unit.

4 (4) If an owner or operator of a motor vehicle is determined
5 to be responsible for a violation of subsection (1), the court in
6 which the civil infraction determination is entered may require the
7 person to surrender his or her operator's or chauffeur's license
8 unless proof that the vehicle has insurance meeting the
9 requirements of sections 3101 and 3102 of the insurance code of
10 1956, 1956 PA 218, MCL 500.3101 and 500.3102, is submitted to the
11 court. If the court requires the license to be surrendered, the
12 court shall order the secretary of state to suspend the person's
13 license. The court shall immediately destroy the license and shall
14 forward to the secretary of state an abstract of the court record
15 as required by section 732. Upon receipt of the abstract, the
16 secretary of state shall suspend the person's license beginning
17 with the date on which ~~a~~**THE** person ~~is~~**WAS** determined to be
18 responsible for the civil infraction for a period of 30 days or
19 until proof of insurance meeting the requirements of sections 3101
20 and 3102 of the insurance code of 1956, 1956 PA 218, MCL 500.3101
21 and 500.3102, is submitted to the secretary of state, whichever
22 occurs later. A person who submits proof of insurance to the
23 secretary of state under this subsection shall pay a service fee of
24 \$25.00 to the secretary of state. The person shall not be required
25 to be examined as set forth in section 320c and shall not be
26 required to pay a replacement license fee.

27 (5) If an owner or operator of a motor vehicle is determined

1 to be responsible for a violation of subsection (1), the court in
2 which the civil infraction determination is entered shall notify
3 the secretary of state of the vehicle registration number and the
4 year and make of the motor vehicle being operated at the time of
5 the violation. This notification shall be made on the abstract or
6 on a form approved by the supreme court administrator. Upon
7 receipt, the secretary of state shall immediately enter this
8 information in the records of the department. The secretary of
9 state shall not renew, transfer, or replace the registration plate
10 of the vehicle involved in the violation or allow the purchase of a
11 new registration plate for the vehicle involved in the violation
12 until the owner meets the requirements of section 227a or unless
13 the vehicle involved in the violation is transferred or sold to a
14 person other than the owner's spouse, mother, father, sister,
15 brother, or child.

16 (6) An owner or operator of a motor vehicle who knowingly
17 produces false evidence under this section is guilty of a
18 misdemeanor, punishable by imprisonment for not more than 1 year ~~7~~
19 or a fine of not more than \$1,000.00, or both.

20 (7) Points shall not be entered on a driver's record pursuant
21 to section 320a for a violation of this section.

22 (8) This section does not apply to the owner or operator of a
23 motor vehicle that is registered in a state other than this state
24 or **IN** a foreign country or province.

25 Sec. 605. (1) This chapter and chapter VIII apply uniformly
26 throughout this state and in all political subdivisions and
27 municipalities in the state. A local authority shall not adopt,

1 enact, or enforce a local law that provides lesser penalties or
2 that is otherwise in conflict with this chapter or chapter VIII.

3 (2) A local law or portion of a local law that imposes a
4 criminal penalty for an act or omission that is a civil infraction
5 under this act, or that imposes a criminal penalty or civil
6 sanction in excess of that prescribed in this act, is in conflict
7 with this act and is void to the extent of the conflict.

8 ~~—— (3) Except for a case in which the citation is dismissed
9 pursuant to subsection (4), proceeds of a civil fine imposed by a
10 local authority for violation of a local law regulating the
11 operation of a commercial motor vehicle and substantially
12 corresponding to a provision of this act shall be paid to the
13 county treasurer and allocated as follows:~~

14 ~~—— (a) Seventy percent to the local unit of government in which
15 the citation is issued.~~

16 ~~—— (b) Thirty percent for library purposes as provided by law.~~

17 (3) ~~(4)~~—The owner or operator of a commercial motor vehicle
18 shall not be issued more than 1 citation for each violation of a
19 code or ordinance regulating the operation of a commercial motor
20 vehicle and substantially corresponding to a provision of sections
21 683 to 725a of the Michigan vehicle code, 1949 PA 300, MCL 257.683
22 to 257.725a, within a 24-hour period. If the owner or operator of a
23 commercial motor vehicle is issued a citation for an equipment
24 violation pursuant to section 683 that does not result in the
25 vehicle being placed out of service, the court shall dismiss the
26 citation if the owner or operator of that commercial motor vehicle
27 provides written proof to the court within 14 days after the

1 citation is issued showing that the defective equipment indicated
2 in the citation has been repaired.

3 (4) ~~(5)~~—As used in this section, "local law" includes a local
4 charter provision, ordinance, rule, or regulation.

5 SEC. 674B. (1) AS USED IN THIS SECTION:

6 (A) "HYBRID VEHICLE" MEANS A VEHICLE THAT USES AN ONBOARD
7 RENEWABLE ENERGY STORAGE SYSTEM AND A FUEL-BASED POWER SOURCE FOR
8 PROPULSION.

9 (B) "LOAD/UNLOAD LOCATION" OR "LOCATION" MEANS A LOCATION
10 WHERE VEHICLES LOAD OR UNLOAD.

11 (C) "VEHICLE" MEANS A VEHICLE THAT MEETS ALL OF THE FOLLOWING
12 REQUIREMENTS:

13 (i) IS GASOLINE OR DIESEL POWERED.

14 (ii) IS DESIGNED TO OPERATE ON A HIGHWAY AT A SPEED OF 45 OR
15 MORE MILES PER HOUR.

16 (iii) WEIGHS OVER 8,500 POUNDS.

17 (iv) IS NOT A HYBRID VEHICLE.

18 (2) THE OWNER OR OPERATOR OF A VEHICLE SHALL NOT CAUSE OR
19 PERMIT THE VEHICLE TO PARK OR STAND AT IDLE FOR MORE THAN 5 TOTAL
20 MINUTES IN ANY 60-MINUTE PERIOD EXCEPT AS PROVIDED IN SUBSECTION
21 (3). A VIOLATION OF THIS SUBSECTION OR A LOCAL ORDINANCE
22 SUBSTANTIALLY CORRESPONDING TO THIS SUBSECTION IS CONSIDERED A
23 PARKING OR STANDING VIOLATION.

24 (3) SUBSECTION (2) DOES NOT APPLY TO A VEHICLE THAT IDLES
25 UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

26 (A) WHILE FORCED TO REMAIN MOTIONLESS BECAUSE OF ON-HIGHWAY
27 TRAFFIC OR AN OFFICIAL TRAFFIC CONTROL DEVICE OR SIGNAL OR AT THE

1 DIRECTION OF A LAW ENFORCEMENT OFFICER.

2 (B) WHEN OPERATING A DEFROSTER OR DURING INSTALLATION OF
3 EQUIPMENT, SOLELY TO PREVENT A SAFETY OR HEALTH EMERGENCY.

4 (C) WHEN OPERATING A HEATER OR AIR CONDITIONER FOR 1 OR MORE
5 OF THE FOLLOWING PURPOSES:

6 (i) TO PREVENT A SAFETY OR HEALTH EMERGENCY.

7 (ii) FOR COMFORT OF A PERSON IN A SLEEPING BERTH WHEN OUTDOOR
8 TEMPERATURES ARE LESS THAN 40 DEGREES OR MORE THAN 80 DEGREES
9 FAHRENHEIT IF THE VEHICLE IS NOT EQUIPPED WITH A FUNCTIONING
10 AUXILIARY POWER UNIT. THIS SUBPARAGRAPH DOES NOT APPLY ON OR AFTER
11 JANUARY 1, 2014.

12 (D) IF THE VEHICLE IS AN AMBULANCE OR A POLICE, FIRE, PUBLIC
13 SAFETY, MILITARY, OR OTHER VEHICLE, WHILE BEING USED IN AN
14 EMERGENCY OR EMERGENCY TRAINING CAPACITY AND NOT FOR THE
15 CONVENIENCE OF THE VEHICLE OPERATOR.

16 (E) IF THE VEHICLE IS A WRECKER, AT A SITE TO WHICH IT HAS
17 BEEN SUMMONED BY A LAW ENFORCEMENT AGENCY.

18 (F) AS REQUIRED FOR VEHICLE MAINTENANCE, SERVICE, REPAIR, OR
19 DIAGNOSTIC PURPOSES, IF IDLING IS REQUIRED FOR THE ACTIVITY.

20 (G) AS REQUIRED AS PART OF A STATE OR FEDERAL INSPECTION TO
21 VERIFY THAT ALL EQUIPMENT IS IN GOOD WORKING ORDER.

22 (H) DURING AN INSPECTION UNDER 49 CFR 392.7, 392.8, OR 392.9.

23 (I) TO POWER WORK-RELATED MECHANICAL OR ELECTRICAL OPERATIONS
24 OTHER THAN PROPULSION, SUCH AS OPERATION OF A HOIST OR OTHER
25 VEHICLE RECOVERY EQUIPMENT BY A WRECKER, OPERATION OF A WELL-
26 DRILLER, MIXING OR PROCESSING CARGO, OR STRAIGHT TRUCK
27 REFRIGERATION, IF THE VEHICLE IS NOT EQUIPPED WITH AN AUXILIARY

1 POWER UNIT. THIS SUBDIVISION DOES NOT APPLY TO IDLING FOR CABIN
2 COMFORT OR THE OPERATION OF NONESSENTIAL ONBOARD EQUIPMENT.

3 (J) TO POWER A MEDICAL DEVICE, SUCH AS A CONTINUOUS POSITIVE
4 AIRWAY PRESSURE MACHINE, BEING USED BY A PERSON PRESENT IN A
5 SLEEPING BERTH DURING A SLEEP OR REST PERIOD, IF THE VEHICLE IS NOT
6 EQUIPPED WITH A FUNCTIONING AUXILIARY POWER UNIT.

7 (K) IF THE VEHICLE IS AN ARMORED VEHICLE, WHILE A PERSON
8 REMAINS INSIDE THE VEHICLE TO GUARD THE CONTENTS OR WHILE THE
9 VEHICLE IS BEING LOADED OR UNLOADED.

10 (L) BECAUSE OF MECHANICAL DIFFICULTIES OVER WHICH THE DRIVER
11 HAS NO CONTROL IF, WITHIN 30 DAYS AFTER RECEIVING A CITATION UNDER
12 SUBSECTION (6), THE VEHICLE OWNER SUBMITS TO THE APPROPRIATE LAW
13 ENFORCEMENT AUTHORITY THE REPAIR PAPERWORK OR PRODUCT RECEIPT
14 VERIFYING THAT THE MECHANICAL PROBLEM HAS BEEN FIXED.

15 (M) DURING STATIONARY DIESEL PARTICULATE FILTER REGENERATION.

16 (4) THE OWNER OF A LOAD/UNLOAD LOCATION SHALL NOT CAUSE A
17 VEHICLE THAT MUST STAND OR PARK AT IDLE TO POWER STRAIGHT TRUCK
18 REFRIGERATION OR FOR SIMILAR PURPOSES TO STAND OR PARK AT IDLE AT
19 THE LOCATION FOR MORE THAN 5 TOTAL MINUTES, NOT INCLUDING TIME
20 SPENT LOADING OR UNLOADING.

21 (5) THIS SECTION DOES NOT PROHIBIT OPERATING AN AUXILIARY
22 POWER UNIT, GENERATOR SET, OR OTHER MOBILE IDLE REDUCTION
23 TECHNOLOGY AS A MEANS TO HEAT, AIR-CONDITION, OR PROVIDE ELECTRICAL
24 POWER AS AN ALTERNATIVE TO IDLING A VEHICLE'S PRIMARY PROPULSION
25 ENGINE.

26 (6) SUBJECT TO SUBSECTION (7), A PERSON WHO VIOLATES THIS
27 SECTION IS RESPONSIBLE FOR A CIVIL INFRACTION AND MAY BE ORDERED TO

1 PAY A CIVIL FINE OF NOT MORE THAN THE FOLLOWING:

2 (A) FOR A FIRST VIOLATION, \$150.00.

3 (B) FOR A SECOND VIOLATION, \$300.00.

4 (C) FOR A THIRD OR SUBSEQUENT VIOLATION, \$500.00.

5 (7) IF A JUDGE OR DISTRICT COURT MAGISTRATE ORDERS A PERSON TO
6 PAY A CIVIL FINE UNDER SUBSECTION (6), THE JUDGE OR DISTRICT COURT
7 MAGISTRATE SHALL ALSO ORDER THE PERSON TO PAY COSTS AS PROVIDED IN
8 SECTION 907(4).

9 (8) A PERSON AUTHORIZED TO ENFORCE THIS SECTION SHALL NOT
10 ISSUE A CITATION FOR A VIOLATION OCCURRING BEFORE 90 DAYS AFTER THE
11 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION BUT
12 MAY GIVE THE VIOLATOR A WARNING.

13 (9) THIS SECTION PREEMPTS A LOCAL ORDINANCE THAT WOULD EXTEND,
14 REVISE, OR CONFLICT WITH THIS SECTION. HOWEVER, A CITY, VILLAGE, OR
15 TOWNSHIP MAY ADOPT AN ORDINANCE THAT SUBSTANTIALLY CORRESPONDS TO
16 THIS SECTION.

17 Sec. 675d. (1) Except as provided in subsection (2), a law
18 enforcement agency or a local unit of government may implement and
19 administer a program to authorize and utilize persons other than
20 police officers as volunteers to issue citations for the following
21 violations:

22 (a) Parking on a sidewalk in violation of section 674(1)(a) or
23 a local ordinance substantially corresponding to section 674(1)(a).

24 (b) Parking in front of a public or private driveway in
25 violation of section 674(1)(b) or a local ordinance substantially
26 corresponding to section 674(1)(b).

27 (c) Parking within 15 feet of a fire hydrant in violation of

1 section 674(1)(d) or a local ordinance substantially corresponding
2 to section 674(1)(d).

3 (d) Parking on a crosswalk in violation of section 674(1)(e)
4 or a local ordinance substantially corresponding to section
5 674(1)(e).

6 (e) Parking within 20 feet of a crosswalk or, if there is not
7 a crosswalk, within 15 feet of the intersection of property lines
8 at an intersection of highways, in violation of section 674(1)(f)
9 or a local ordinance substantially corresponding to section
10 674(1)(f).

11 (f) Parking at a place where an official sign prohibits
12 stopping or parking in violation of section 674(1)(n) or a local
13 ordinance substantially corresponding to section 674(1)(n). This
14 subdivision does not authorize a volunteer to issue a citation for
15 any other violation set forth in section 674 or a local ordinance
16 substantially corresponding to section 674.

17 (g) Parking in a space reserved for use by disabled persons in
18 violation of section 674(1)(s) or a local ordinance substantially
19 corresponding to section 674(1)(s).

20 (h) Parking in an access aisle or access lane immediately
21 adjacent to a space designated for parking by persons with
22 disabilities in violation of section 674(1)(t) or a local ordinance
23 substantially corresponding to section 674(1)(t).

24 (i) Parking in violation of an official sign restricting the
25 period of time for or manner of parking in violation of section
26 674(1)(w) or a local ordinance substantially corresponding to
27 section 674(1)(w). This subdivision does not authorize a volunteer

1 to issue a citation for any other violation set forth in section
2 674 or a local ordinance substantially corresponding to section
3 674.

4 (j) Parking in a space or in a manner that blocks access to a
5 fire lane in violation of section 674(1)(aa) or a local ordinance
6 substantially corresponding to section 674(1)(aa).

7 **(K) PARKING OR STANDING AT IDLE IN VIOLATION OF SECTION 674B**
8 **OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 674B. A**
9 **VOLUNTEER UNDER THIS SUBSECTION SHALL NOT GO ON PRIVATE PROPERTY**
10 **THAT IS NOT OPEN TO THE PUBLIC FOR THE PURPOSE OF ENFORCING SECTION**
11 **674B OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION**
12 **674B.**

13 (2) Before authorizing and utilizing persons other than police
14 officers to issue citations, the law enforcement agency or local
15 unit of government shall implement a program to train the persons
16 to properly issue citations as provided in this section, of which
17 not less than 8 hours shall be in parking enforcement, conducted by
18 that law enforcement agency or the law enforcement agency for that
19 local unit of government or, if the local unit of government does
20 not have a law enforcement agency, by the county sheriff. A person
21 who successfully completes a program of training implemented under
22 this section may issue citations as provided in this section as
23 authorized by the law enforcement agency or local unit of
24 government. A law enforcement agency of a local unit of government
25 shall not implement or administer a program under this section
26 without the specific authorization of the governing body of that
27 local unit of government. A law enforcement agency shall not

1 implement or administer a program under this section that would
2 allow volunteers to issue citations under subsection (1)(a), (b),
3 (c), (d), (e), (f), ~~or~~(i), **OR (K)** for any violations for which the
4 use of volunteers is prohibited under a collective bargaining
5 agreement between that local unit of government and any law
6 enforcement officers of that local unit of government.

7 (3) As used in this section:

8 (a) "Law enforcement agency" means any of the following:

9 (i) A police agency of a city, village, or township.

10 (ii) A sheriff's department.

11 (iii) The department of state police.

12 (iv) Any other governmental law enforcement agency in this
13 state.

14 (b) "Local unit of government" means a state university or
15 college or a county, city, village, or township.

16 Sec. 742. (1) A police officer who witnesses a person
17 violating this act or a local ordinance substantially corresponding
18 to this act, which violation is a civil infraction, may stop the
19 person, detain the person temporarily for purposes of making a
20 record of vehicle check, and prepare and subscribe, as soon as
21 possible and as completely as possible, an original and 3 copies of
22 a written citation, which shall be a notice to appear in court for
23 1 or more civil infractions. If a police officer of a village,
24 city, township, or county, or a police officer who is an authorized
25 agent of a county road commission, witnesses a person violating
26 this act or a local ordinance substantially corresponding to this
27 act within that village, city, township, or county and that

1 violation is a civil infraction, that police officer may pursue,
2 stop, and detain the person outside the village, city, township, or
3 county where the violation occurred for the purpose of exercising
4 the authority and performing the duties prescribed in this section
5 and section 749, as applicable.

6 (2) Any police officer, having reason to believe that the
7 load, weight, height, length, or width of a vehicle or load are in
8 violation of section 717, 719, 719a, 722, ~~724,~~725, or 726 which
9 violation is a civil infraction, may require the driver of the
10 vehicle to stop, and the officer may investigate, weigh, or measure
11 the vehicle or load. If, after personally investigating, weighing,
12 or measuring the vehicle or load, the officer determines that the
13 load, weight, height, length, or width of the vehicle or load are
14 in violation of section 717, 719, 719a, 722, ~~724,~~725, or 726, the
15 officer may temporarily detain the driver of the vehicle for
16 purposes of making a record or vehicle check and issue a citation
17 to the driver or owner of the vehicle as provided in those
18 sections.

19 (3) A police officer may issue a citation to a person who is a
20 driver of a motor vehicle involved in an accident when, based upon
21 personal investigation, the officer has reasonable cause to believe
22 that the person is responsible for a civil infraction in connection
23 with the accident. A police officer may issue a citation to a
24 person who is a driver of a motor vehicle when, based upon personal
25 investigation by the police officer of a complaint by someone who
26 witnessed the person violating this act or a local ordinance
27 substantially corresponding to this act, which violation is a civil

1 infraction, the officer has reasonable cause to believe that the
2 person is responsible for a civil infraction and if the prosecuting
3 attorney or attorney for the political subdivision approves in
4 writing the issuance of the citation.

5 (4) The form of a citation issued under subsection (1), (2),
6 or (3) shall be as prescribed in sections 727c and 743.

7 (5) The officer shall inform the person of the alleged civil
8 infraction or infractions and shall deliver the third copy of the
9 citation to the alleged offender.

10 (6) In a civil infraction action involving the parking or
11 standing of a motor vehicle ~~—~~a copy of the citation is not
12 required to be served personally upon the defendant but may be
13 served upon the registered owner by attaching the copy to the
14 vehicle. A city may authorize personnel other than a police officer
15 to issue and serve a citation for a violation of its ordinance
16 involving the parking or standing of a motor vehicle. A city may
17 authorize a person other than personnel or a police officer to
18 issue and serve a citation for parking violations described in
19 section 675d if the city has complied with the requirements of
20 section 675d. State security personnel receiving authorization
21 under section 6c of 1935 PA 59, MCL 28.6c, may issue and serve
22 citations for violations involving the parking or standing of
23 vehicles on land owned by the state or land of which the state is
24 the lessee when authorized to do so by the director of the
25 department of state police. **A PERSON, OTHER THAN A PEACE OFFICER,**
26 **DESCRIBED IN THIS SUBSECTION AS AUTHORIZED TO ISSUE AND SERVE A**
27 **CITATION SHALL NOT GO ON PRIVATE PROPERTY THAT IS NOT OPEN TO THE**

1 PUBLIC FOR THE PURPOSE OF ENFORCING SECTION 674B OR A LOCAL
2 ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 674B.

3 (7) If a parking violation notice other than a citation is
4 attached to a motor vehicle, and if an admission of responsibility
5 is not made and the civil fine and costs, if any, prescribed by
6 ordinance for the violation are not paid at the parking violations
7 bureau, a citation may be filed with the court described in section
8 741(4) and a copy of the citation may be served by first-class mail
9 upon the registered owner of the vehicle at the owner's last known
10 address. A parking violation notice may be issued by a police
11 officer, including a limited duty officer, or other personnel duly
12 authorized by the city, village, township, college, or university
13 to issue such a notice under its ordinance. The citation filed with
14 the court pursuant to this subsection need not comply in all
15 particulars with sections 727c and 743 but shall consist of a sworn
16 complaint containing the allegations stated in the parking
17 violation notice and shall fairly inform the defendant how to
18 respond to the citation.

19 (8) A citation issued under subsection (6) or (7) for a
20 parking or standing violation shall be processed in the same manner
21 as a citation issued personally to a defendant under subsection (1)
22 or (3).

23 (9) As used in subsection (7):

24 (a) "Parking violation notice" means a notice, other than a
25 citation, directing a person to appear at a parking violations
26 bureau in the city, village, or township in which, or of the
27 college or university for which, the notice is issued and to pay

1 the fine and costs, if any, prescribed by ordinance for the parking
2 or standing of a motor vehicle in violation of the ordinance.

3 (b) "Parking violations bureau" means a parking violations
4 bureau established pursuant to section 8395 of the revised
5 judicature act of 1961, 1961 PA 236, MCL 600.8395, or a comparable
6 parking violations bureau established in a city or village served
7 by a municipal court or established pursuant to law by the
8 governing board of a state university or college.

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

13 (2) If a person is determined pursuant to sections 741 to 750
14 to be responsible or responsible "with explanation" for a civil
15 infraction under this act or a local ordinance substantially
16 corresponding to a provision of this act, the judge or district
17 court magistrate may order the person to pay a civil fine of not
18 more than \$100.00 and costs as provided in subsection (4). However,
19 beginning October 31, 2010, if the civil infraction was a moving
20 violation that resulted in an at-fault collision with another
21 vehicle, a person, or any other object, the civil fine ordered
22 under this section shall be increased by \$25.00 but the total civil
23 fine shall not exceed \$100.00. However, for a violation of section
24 602b, the person shall be ordered to pay costs as provided in
25 subsection (4) and a civil fine of \$100.00 for a first offense and
26 \$200.00 for a second or subsequent offense. For a violation of
27 section 674(1)(s) or a local ordinance substantially corresponding

1 to section 674(1)(s), the person shall be ordered to pay costs as
2 provided in subsection (4) and a civil fine of not less than
3 \$100.00 or more than \$250.00. **FOR A VIOLATION OF SECTION 674B OR A**
4 **LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 674B, THE**
5 **PERSON MAY BE ORDERED TO PAY A CIVIL FINE AND COSTS AS PROVIDED IN**
6 **THAT SECTION.** For a violation of section 328, the civil fine
7 ordered under this subsection shall be not more than \$50.00. For a
8 violation of section 710d, the civil fine ordered under this
9 subsection shall not exceed \$10.00. For a violation of section
10 710e, the civil fine and court costs ordered under this subsection
11 shall be \$25.00. For a violation of section 682 or a local
12 ordinance substantially corresponding to section 682, the person
13 shall be ordered to pay costs as provided in subsection (4) and a
14 civil fine of not less than \$100.00 or more than \$500.00. For a
15 violation of section 240, the civil fine ordered under this
16 subsection shall be \$15.00. For a violation of section 252a(1), the
17 civil fine ordered under this subsection shall be \$50.00. For a
18 violation of section 676a(3), the civil fine ordered under this
19 ~~section~~-**SUBSECTION** shall be not more than \$10.00. For a first
20 violation of section 319f(1), the civil fine ordered under this
21 ~~section~~-**SUBSECTION** shall be not less than \$2,500.00 or more than
22 \$2,750.00; for a second or subsequent violation, the civil fine
23 shall be not less than \$5,000.00 or more than \$5,500.00. For a
24 violation of section 319g(1)(a), the civil fine ordered under this
25 ~~section~~-**SUBSECTION** shall be not more than \$10,000.00. For a
26 violation of section 319g(1)(g), the civil fine ordered under this
27 ~~section~~-**SUBSECTION** shall be not less than \$2,750.00 or more than

1 \$25,000.00. Permission may be granted for payment of a civil fine
2 and costs to be made within a specified period of time or in
3 specified installments, but unless permission is included in the
4 order or judgment, the civil fine and costs shall be payable
5 immediately.

6 (3) ~~Except as provided in this subsection, if~~ **IF** a person is
7 determined to be responsible or responsible "with explanation" for
8 a civil infraction under this act or a local ordinance
9 substantially corresponding to a provision of this act while
10 ~~driving~~ **OPERATING** a commercial motor vehicle, he or she shall be
11 ordered to pay costs as provided in subsection (4) and a civil fine
12 of not more than \$250.00. **THIS SUBSECTION DOES NOT APPLY TO A**
13 **VIOLATION OF SECTION 674B.**

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

25 (5) In addition to a civil fine and costs ordered under
26 subsection (2) or (3) and subsection (4) and the justice system
27 assessment ordered under subsection ~~(14)~~, **(13)**, the judge or

1 district court magistrate may order the person to attend and
2 complete a program of treatment, education, or rehabilitation.

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

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

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

25 (9) If a person has received a civil infraction citation for
26 defective safety equipment on a vehicle under section 683, the
27 court shall waive a civil fine, costs, and assessments upon receipt

1 of certification by a law enforcement agency that repair of the
2 defective equipment was made before the appearance date on the
3 citation.

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

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

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

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

1 ~~violation for which the total fine and costs imposed are \$10.00 or~~
2 ~~less. An assessment paid before October 1, 2003 shall be~~
3 ~~transmitted by the clerk of the court to the state treasurer to be~~
4 ~~deposited into the Michigan justice training fund. An assessment~~
5 ~~ordered before October 1, 2003 but collected on or after October 1,~~
6 ~~2003 shall be transmitted by the clerk of the court to the state~~
7 ~~treasurer for deposit in the justice system fund created in section~~
8 ~~181 of the revised judicature act of 1961, 1961 PA 236, MCL~~
9 ~~600.181. An assessment levied under this subsection is not a civil~~
10 ~~fine for purposes of section 909.~~

11 (13) ~~(14)~~ Effective October 1, 2003, in addition to any civil
12 fines or costs ordered to be paid under this section, the judge or
13 district court magistrate shall order the defendant to pay a
14 justice system assessment of \$40.00 for each civil infraction
15 determination, except for a parking violation or a violation for
16 which the total fine and costs imposed are \$10.00 or less. Upon
17 payment of the assessment, the clerk of the court shall transmit
18 the assessment collected to the state treasury to be deposited into
19 the justice system fund created in section 181 of the revised
20 judicature act of 1961, 1961 PA 236, MCL 600.181. An assessment
21 levied under this subsection is not a civil fine for purposes of
22 section 909.

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

1 date the violation of section 223 occurred.

2 (15) ~~(16)~~—If a person has received a citation for a violation
3 of section 328(1) for failing to produce a certificate of insurance
4 pursuant to section 328(2), the court may waive the fee described
5 in section 328(3)(c) and shall waive any fine, costs, and any other
6 fee or assessment otherwise authorized under this act upon receipt
7 of verification by the court that the person, before the appearance
8 date on the citation, produced valid proof of insurance that was in
9 effect at the time the violation of section 328(1) occurred.

10 Insurance obtained subsequent to the time of the violation does not
11 make the person eligible for a waiver under this subsection.

12 (16) ~~(17)~~—As used in this section, "moving violation" means an
13 act or omission prohibited under this act or a local ordinance
14 substantially corresponding to this act that involves the operation
15 of a motor vehicle and for which a fine may be assessed.