

HOUSE BILL No. 4010

January 11, 2017, Introduced by Rep. Lucido and referred to the Committee on Insurance.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 227a, 255, 328, and 907 (MCL 257.227a, 257.255, 257.328, and 257.907), section 227a as added by 1995 PA 287, section 255 as amended by 2003 PA 9, section 328 as amended by 2015 PA 135, and section 907 as amended by 2015 PA 126.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 227a. (1) If a court has notified the secretary of state
2 of a vehicle registration number as provided in section ~~328(4)~~
3 **328(5)** and the owner has not secured proof that the vehicle
4 involved in the violation is currently insured under chapter 31 of
5 the insurance code of 1956, ~~Act No. 218 of the Public Acts of 1956,~~
6 ~~being sections 500.3101 to 500.3179 of the Michigan Compiled Laws,~~
7 **1956 PA 218, MCL 500.3101 TO 500.3179**, the secretary of state shall
8 not renew, replace, or transfer the registration plate of the

1 vehicle involved in the violation or allow the purchase of a new
2 registration plate for the vehicle involved in the violation, until
3 the owner or the owner's representative appears at a branch office
4 and does both of the following:

5 (a) Shows a certified statement from an automobile insurer on
6 a standard form prescribed by the commissioner of insurance that
7 the vehicle involved in the violation is currently insured under a
8 prepaid noncancelable policy for a period of not less than 6 months
9 under chapter 31 of Act No. ~~218 of the Public Acts of 1956.~~ **THE**
10 **INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.3101 TO 500.3179.**

11 (b) Pays a fee of \$50.00 in addition to any other fee required
12 by law, of which \$25.00 shall be allocated to the secretary of
13 state to defray the costs of administering this section.

14 (2) The secretary of state may cancel the registration of a
15 motor vehicle ~~under either of the following circumstances:~~

16 ~~—— (a) The secretary of state receives notice that a court has~~
17 ~~determined that a vehicle involved in the violation was not insured~~
18 ~~as required by chapter 31 of Act No. 218 of the Public Acts of~~
19 ~~1956, at the time of registration.~~

20 ~~—— (b) The~~ **IF THE** secretary of state receives notice that a court
21 has determined that the owner or the owner's representative
22 presented a certificate of insurance that was forged, altered,
23 fraudulent, or counterfeit when insurance was required by this act.

24 (3) Before a cancellation occurs under subsection (2), the
25 person who will be affected by the cancellation shall be given
26 notice and an opportunity to be heard.

27 Sec. 255. (1) Except as otherwise provided in this chapter **AND**

1 **IN SUBSECTION (4)**, a person shall not operate, nor shall an owner
2 knowingly permit to be operated, upon any highway, a vehicle
3 required to be registered under this act unless there is attached
4 to and displayed on the vehicle, as required by this chapter, a
5 valid registration plate issued for the vehicle by the department
6 for the current registration year. A registration plate shall not
7 be required upon any wrecked or disabled vehicle, or vehicle
8 destined for repair or junking, which is being transported or drawn
9 upon a highway by a wrecker or a registered motor vehicle.

10 (2) Except as otherwise provided in this section, a person who
11 violates subsection (1) is responsible for a civil infraction.
12 However, if the vehicle is a commercial vehicle which is required
13 to be registered according to the schedule of elected gross vehicle
14 weights under section 801(1)(k), the person is guilty of a
15 misdemeanor punishable by imprisonment for not more than 90 days or
16 a fine of not more than \$500.00, or both.

17 (3) A person who operates a vehicle licensed under the
18 international registration plan and does not have a valid
19 registration due to nonpayment of the apportioned fee is guilty of
20 a misdemeanor, punishable by imprisonment for not more than 90
21 days, or by a fine of not more than \$100.00, or both. In addition,
22 a police officer may impound the vehicle until a valid registration
23 is obtained. If the vehicle is impounded, the towing and storage
24 costs of the vehicle, and the care or preservation of the load in
25 the vehicle shall be the owner's responsibility. Vehicles impounded
26 shall be subject to a lien in the amount of the apportioned fee and
27 any fine and costs incurred under this subsection, subject to a

1 valid lien of prior record. If the apportioned fee, fine, and costs
2 are not paid within 90 days after impoundment, then following a
3 hearing before the judge or magistrate who imposed the fine and
4 costs, the judge or magistrate shall certify the unpaid judgment to
5 the prosecuting attorney of the county in which the violation
6 occurred. The prosecuting attorney shall enforce the lien by
7 foreclosure sale in accordance with the procedure authorized by law
8 for chattel mortgage foreclosures.

9 **(4) A PERSON MAY OPERATE A VEHICLE WITHOUT HAVING A VALID**
10 **REGISTRATION PLATE ATTACHED TO AND DISPLAYED ON THE VEHICLE IF THE**
11 **VEHICLE'S REGISTRATION PLATE WAS CONFISCATED UNDER SECTION 328.**
12 **THIS SUBSECTION ONLY APPLIES FOR THE 10-DAY PERIOD AFTER THE**
13 **CONFISCATION DESCRIBED IN SECTION 328(3), AND ONLY WHILE THE PERSON**
14 **IS DRIVING THE VEHICLE TO HIS OR HER RESIDENCE FROM THE LOCATION**
15 **WHERE THE REGISTRATION PLATE WAS CONFISCATED, OR WHILE THE PERSON**
16 **IS DRIVING THE VEHICLE TO THE LAW ENFORCEMENT AGENCY TO REDEEM HIS**
17 **OR HER REGISTRATION PLATE AS PROVIDED IN SECTION 328(3).**

18 Sec. 328. (1) The owner of a motor vehicle who operates or
19 permits the operation of the motor vehicle upon the highways of
20 this state or the operator of the motor vehicle shall produce,
21 under subsection (2), upon the request of a police officer,
22 evidence that the motor vehicle is insured under chapter 31 of the
23 insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179.
24 Subject to section 907(15), an owner or operator of a motor vehicle
25 who fails to produce evidence of insurance upon request under this
26 subsection or who fails to have motor vehicle insurance for the
27 vehicle as required under chapter 31 of the insurance code of 1956,

1 1956 PA 218, MCL 500.3101 to 500.3179, is ~~responsible for~~ **GUILTY OF**
2 a ~~civil infraction.~~ **MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT**
3 **MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN \$500.00 FOR A FIRST**
4 **OFFENSE, AND A FINE OF NOT MORE THAN \$1,000.00 FOR A SECOND OR**
5 **SUBSEQUENT OFFENSE, OR BOTH.** If a person displays an electronic
6 copy of his or her certificate of insurance using an electronic
7 device, the police officer shall only view the electronic copy of
8 the certificate of insurance and shall not manipulate the
9 electronic device to view any other information on the electronic
10 device. A person who displays an electronic copy of his or her
11 certificate of insurance using an electronic device as provided in
12 this subsection shall not be presumed to have consented to a search
13 of the electronic device. A police officer may require the person
14 to electronically forward the electronic copy of the certificate of
15 insurance to a specified location provided by the police officer.
16 The police officer may then view the electronic copy of the
17 certificate of insurance in a setting in which it is safe for the
18 officer to verify that the information contained in the electronic
19 copy of the certificate of insurance is valid and accurate. This
20 state, a law enforcement agency, or an employee of this state or a
21 law enforcement agency is not liable for damage to or loss of an
22 electronic device that occurs as a result of a police officer's
23 viewing an electronic copy of a certificate of insurance in the
24 manner provided in this section, regardless of whether the police
25 officer or the owner or operator of the vehicle was in possession
26 of the electronic device at the time the damage or loss occurred.

27 (2) ~~A~~ **UNLESS A SEARCH OF THE LAW ENFORCEMENT INFORMATION**

1 **NETWORK SHOWS THAT AN AUTOMOBILE INSURANCE POLICY IS NOT IN FORCE**
2 **FOR A MOTOR VEHICLE, A** certificate of insurance, in paper or
3 electronic form and issued by an insurance company, that certifies
4 that the security that meets the requirements of sections 3101 and
5 3102 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 and
6 500.3102, is in force is prima facie evidence that insurance is in
7 force for the motor vehicle described in the certificate of
8 insurance until the expiration date shown on the certificate. The
9 certificate, in addition to describing the motor vehicles for which
10 insurance is in effect, must, if applicable, state the name of each
11 person named on the policy, policy declaration, or a declaration
12 certificate whose operation of the vehicle would cause the
13 liability coverage of that insurance to become void.

14 ~~—— (3) If, before the appearance date on a citation issued under~~
15 ~~subsection (1), the defendant submits proof to the court that the~~
16 ~~motor vehicle had insurance meeting the requirements of sections~~
17 ~~3101 and 3102 of the insurance code of 1956, 1956 PA 218, MCL~~
18 ~~500.3101 and 500.3102, at the time the violation of subsection (1)~~
19 ~~occurred, all of the following apply:~~

20 ~~—— (a) The court shall not assess a fine or costs.~~

21 ~~—— (b) The court shall not forward an abstract of the court~~
22 ~~record to the secretary of state.~~

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

25 ~~—— (4) If an owner or operator of a motor vehicle is determined~~
26 ~~to be responsible for a violation of subsection (1), the court in~~
27 ~~which the civil infraction determination is entered may require the~~

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

**21 (3) IF AN OWNER OR OPERATOR OF A MOTOR VEHICLE FAILS, UPON
22 REQUEST OF A POLICE OFFICER, TO PRODUCE EVIDENCE THAT THE MOTOR
23 VEHICLE IS INSURED UNDER CHAPTER 31 OF THE INSURANCE CODE OF 1956,
24 1956 PA 218, MCL 500.3101 TO 500.3179, OR IF A SEARCH OF THE LAW
25 ENFORCEMENT INFORMATION NETWORK SHOWS THAT AN AUTOMOBILE INSURANCE
26 POLICY IS NOT IN FORCE FOR THE MOTOR VEHICLE, THE POLICE OFFICER
27 SHALL DO 1 OF THE FOLLOWING:**

1 (A) FOR A FIRST OFFENSE, IMMEDIATELY CONFISCATE THE MOTOR
2 VEHICLE'S REGISTRATION PLATE AND NOTIFY THE SECRETARY OF STATE
3 THROUGH THE LAW ENFORCEMENT INFORMATION NETWORK IN A FORM
4 PRESCRIBED BY THE SECRETARY OF STATE THAT THE REGISTRATION PLATE
5 WAS CONFISCATED. A REGISTRATION PLATE THAT HAS BEEN CONFISCATED
6 UNDER THIS SUBDIVISION SHALL BE HELD FOR A PERIOD OF 10 DAYS AFTER
7 THE CONFISCATION AND, UNLESS THE OWNER OF THE MOTOR VEHICLE
8 PROVIDES PROOF WITHIN THAT 10-DAY PERIOD THAT, AS OF THE DATE THE
9 PROOF IS PROVIDED, HE OR SHE MEETS THE REQUIREMENTS OF SECTION
10 227A, SHALL BE DESTROYED. A POLICE OFFICER WHO DESTROYS A
11 REGISTRATION PLATE AS PROVIDED IN THIS SUBDIVISION SHALL NOTIFY THE
12 SECRETARY OF STATE THROUGH THE LAW ENFORCEMENT INFORMATION NETWORK
13 IN A FORM PRESCRIBED BY THE SECRETARY OF STATE THAT THE
14 REGISTRATION PLATE WAS DESTROYED. A REGISTRATION PLATE THAT WAS
15 CONFISCATED AND IS BEING HELD UNDER THIS SUBDIVISION SHALL BE
16 RETURNED TO THE OWNER OF A MOTOR VEHICLE IF THE OWNER OF THE MOTOR
17 VEHICLE PROVIDES PROOF THAT HE OR SHE HAS MET THE REQUIREMENTS OF
18 SECTION 227A WITHIN THE 10-DAY PERIOD DESCRIBED IN THIS
19 SUBDIVISION.

20 (B) FOR A SECOND OR SUBSEQUENT OFFENSE, IMMEDIATELY CONFISCATE
21 THE MOTOR VEHICLE'S REGISTRATION PLATE, IMPOUND THE MOTOR VEHICLE,
22 AND NOTIFY THE SECRETARY OF STATE THROUGH THE LAW ENFORCEMENT
23 INFORMATION NETWORK IN A FORM PRESCRIBED BY THE SECRETARY OF STATE
24 THAT THE REGISTRATION PLATE WAS CONFISCATED AND THAT THE MOTOR
25 VEHICLE WAS IMPOUNDED. A REGISTRATION PLATE THAT HAS BEEN
26 CONFISCATED UNDER THIS SUBDIVISION SHALL BE HELD FOR A PERIOD OF 10
27 DAYS AFTER THE CONFISCATION AND, UNLESS THE OWNER OF THE MOTOR

1 VEHICLE PROVIDES PROOF WITHIN THAT 10-DAY PERIOD THAT, AS OF THE
2 DATE THE PROOF IS PROVIDED, HE OR SHE MEETS THE REQUIREMENTS OF
3 SECTION 227A, SHALL BE DESTROYED. A POLICE OFFICER WHO DESTROYS A
4 REGISTRATION PLATE AS PROVIDED IN THIS SUBDIVISION SHALL NOTIFY THE
5 SECRETARY OF STATE THROUGH THE LAW ENFORCEMENT INFORMATION NETWORK
6 IN A FORM PRESCRIBED BY THE SECRETARY OF STATE THAT THE
7 REGISTRATION PLATE WAS DESTROYED. A REGISTRATION PLATE THAT WAS
8 CONFISCATED AND IS BEING HELD UNDER THIS SUBDIVISION SHALL BE
9 RETURNED TO THE OWNER OF A MOTOR VEHICLE IF THE OWNER OF THE MOTOR
10 VEHICLE PROVIDES PROOF THAT HE OR SHE HAS MET THE REQUIREMENTS OF
11 SECTION 227A WITHIN THE 10-DAY PERIOD DESCRIBED IN THIS
12 SUBDIVISION.

13 (4) THE OWNER OF A MOTOR VEHICLE IMPOUNDED UNDER SUBSECTION
14 (3) (B) IS LIABLE FOR THE EXPENSES INCURRED IN THE REMOVAL AND
15 STORAGE OF THE MOTOR VEHICLE WHETHER OR NOT IT IS RETURNED TO HIM
16 OR HER. THE MOTOR VEHICLE SHALL BE RETURNED TO THE OWNER ONLY IF
17 THE OWNER PRESENTS A VALID REGISTRATION PLATE FOR THAT VEHICLE AND
18 PAYS THE EXPENSES OF REMOVAL AND STORAGE. IF REDEMPTION IS NOT MADE
19 OR THE VEHICLE IS NOT RETURNED AS DESCRIBED UNDER THIS SUBSECTION,
20 IT SHALL BE CONSIDERED AN ABANDONED VEHICLE AND DISPOSED OF UNDER
21 SECTION 252A.

22 (5) If an owner or operator of a motor vehicle is determined
23 ~~to be responsible for~~ **FOUND GUILTY OF** a violation of subsection
24 (1), the court ~~in which the civil infraction determination is~~
25 ~~entered~~ shall notify the secretary of state of the vehicle
26 registration number and the year and make of the motor vehicle
27 being operated at the time of the violation. A notification under

1 this subsection shall be made on the abstract ~~or on~~ **IN** a form
2 **FORMAT** approved by the supreme court administrator **AND THE**
3 **SECRETARY OF STATE**. Upon receipt, the secretary of state shall
4 immediately enter this information in the records of the
5 department. The secretary of state shall not renew, transfer, or
6 replace the registration plate of the vehicle involved in the
7 violation or allow the purchase of a new registration plate for the
8 vehicle involved in the violation until the owner meets the
9 requirements of section 227a or unless the vehicle involved in the
10 violation is transferred or sold to a person other than the owner's
11 spouse, mother, father, sister, brother, or child.

12 (6) An owner or operator of a motor vehicle who knowingly
13 produces false evidence under this section is guilty of a
14 misdemeanor, punishable by imprisonment for not more than 1 year,
15 or a fine of not more than \$1,000.00, or both.

16 ~~—— (7) Points shall not be entered on a driver's record under~~
17 ~~section 320a for a violation of this section.~~

18 **(7)** ~~(8)~~ This section does not apply to the owner or operator
19 of a motor vehicle that is registered in a state other than this
20 state or a foreign country or province.

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

25 (2) If a person is determined under sections 741 to 750 to be
26 responsible or responsible "with explanation" for a civil
27 infraction under this act or a local ordinance substantially

1 corresponding to a provision of this act, the judge or district
2 court magistrate may order the person to pay a civil fine of not
3 more than \$100.00 and costs as provided in subsection (4). However,
4 if the civil infraction was a moving violation that resulted in an
5 at-fault collision with another vehicle, a person, or any other
6 object, the civil fine ordered under this section shall be
7 increased by \$25.00 but the total civil fine shall not exceed
8 \$100.00. However, for a violation of section 602b, the person shall
9 be ordered to pay costs as provided in subsection (4) and a civil
10 fine of \$100.00 for a first offense and \$200.00 for a second or
11 subsequent offense. For a violation of section 674(1)(s) or a local
12 ordinance substantially corresponding to section 674(1)(s), the
13 person shall be ordered to pay costs as provided in subsection (4)
14 and a civil fine of not less than \$100.00 or more than \$250.00. For
15 a violation of section 676c, the person shall be ordered to pay
16 costs as provided in subsection (4) and a civil fine of \$1,000.00.
17 ~~For a violation of section 328, the civil fine ordered under this~~
18 ~~subsection shall be not more than \$50.00.~~ For a violation of
19 section 710d, the civil fine ordered under this subsection shall
20 not exceed \$10.00, subject to subsection (12). For a violation of
21 section 710e, the civil fine and court costs ordered under this
22 subsection shall be \$25.00. For a violation of section 682 or a
23 local ordinance substantially corresponding to section 682, the
24 person shall be ordered to pay costs as provided in subsection (4)
25 and a civil fine of not less than \$100.00 or more than \$500.00. For
26 a violation of section 240, the civil fine ordered under this
27 subsection shall be \$15.00. For a violation of section 252a(1), the

1 civil fine ordered under this subsection shall be \$50.00. For a
2 violation of section 676a(3), the civil fine ordered under this
3 section shall be not more than \$10.00. For a first violation of
4 section 319f(1), the civil fine ordered under this section shall be
5 not less than \$2,500.00 or more than \$2,750.00; for a second or
6 subsequent violation, the civil fine shall be not less than
7 \$5,000.00 or more than \$5,500.00. For a violation of section
8 319g(1) (a), the civil fine ordered under this section shall be not
9 more than \$10,000.00. For a violation of section 319g(1) (g), the
10 civil fine ordered under this section shall be not less than
11 \$2,750.00 or more than \$25,000.00. Permission may be granted for
12 payment of a civil fine and costs to be made within a specified
13 period of time or in specified installments, but unless permission
14 is included in the order or judgment, the civil fine and costs
15 shall be payable immediately.

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

23 (4) If a civil fine is ordered under subsection (2) or (3),
24 the judge or district court magistrate shall summarily tax and
25 determine the costs of the action, which are not limited to the
26 costs taxable in ordinary civil actions, and may include all
27 expenses, direct and indirect, to which the plaintiff has been put

1 in connection with the civil infraction, up to the entry of
2 judgment. Costs shall not be ordered in excess of \$100.00. A civil
3 fine ordered under subsection (2) or (3) shall not be waived unless
4 costs ordered under this subsection are waived. Except as otherwise
5 provided by law, costs are payable to the general fund of the
6 plaintiff.

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

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

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

26 (8) The state court administrator shall annually publish and
27 distribute to each district and court a recommended range of civil

1 fines and costs for first-time civil infractions. This
2 recommendation is not binding upon the courts having jurisdiction
3 over civil infractions but is intended to act as a normative guide
4 for judges and district court magistrates and a basis for public
5 evaluation of disparities in the imposition of civil fines and
6 costs throughout the state.

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

13 (10) A default in the payment of a civil fine or costs ordered
14 under subsection (2), (3), or (4) or a justice system assessment
15 ordered under subsection (13), or an installment of the fine,
16 costs, or assessment, may be collected by a means authorized for
17 the enforcement of a judgment under chapter 40 of the revised
18 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or
19 under chapter 60 of the revised judicature act of 1961, 1961 PA
20 236, MCL 600.6001 to 600.6098.

21 (11) If a person fails to comply with an order or judgment
22 issued under this section within the time prescribed by the court,
23 the driver's license of that person shall be suspended under
24 section 321a until full compliance with that order or judgment
25 occurs. In addition to this suspension, the court may also proceed
26 under section 908.

27 (12) The court may waive any civil fine, cost, or assessment

1 against a person who received a civil infraction citation for a
2 violation of section 710d if the person, before the appearance date
3 on the citation, supplies the court with evidence of acquisition,
4 purchase, or rental of a child seating system meeting the
5 requirements of section 710d.

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

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

23 ~~—— (15) If a person has received a citation for a violation of~~
24 ~~section 328(1) for failing to produce a certificate of insurance~~
25 ~~under section 328(2), the court may waive the fee described in~~
26 ~~section 328(3)(c) and shall waive any fine, costs, and any other~~
27 ~~fee or assessment otherwise authorized under this act upon receipt~~

1 ~~of verification by the court that the person, before the appearance~~
2 ~~date on the citation, produced valid proof of insurance that was in~~
3 ~~effect at the time the violation of section 328(1) occurred.~~

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

6 **(15)** ~~(16)~~—If a person is determined to be responsible or
7 responsible "with explanation" for a civil infraction under this
8 act or a local ordinance substantially corresponding to a provision
9 of this act and the civil infraction arises out of the ownership or
10 operation of a commercial quadricycle, he or she shall be ordered
11 to pay costs as provided in subsection (4) and a civil fine of not
12 more than \$500.00.

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

17 Enacting section 1. This amendatory act takes effect 90 days
18 after the date it is enacted into law.

19 Enacting section 2. This amendatory act does not take effect
20 unless Senate Bill No. ____ or House Bill No. 4013 (request no.
21 01136'17) of the 99th Legislature is enacted into law.