

SENATE BILL No. 88

February 1, 2017, Introduced by Senator JOHNSON and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 319, 682, and 907 (MCL 257.319, 257.682, and
257.907), section 319 as amended by 2016 PA 32, section 682 as
amended by 2012 PA 263, and section 907 as amended by 2015 PA 126.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 319. (1) The secretary of state shall immediately suspend
2 a person's license as provided in this section upon receiving a
3 record of the person's conviction for a crime described in this
4 section, whether the conviction is under a law of this state, a
5 local ordinance substantially corresponding to a law of this state,
6 a law of another state substantially corresponding to a law of this
7 state, or, beginning October 31, 2010, a law of the United States
8 substantially corresponding to a law of this state.

1 (2) The secretary of state shall suspend the person's license
2 for 1 year for any of the following crimes:

3 (a) Fraudulently altering or forging documents pertaining to
4 motor vehicles in violation of section 257.

5 (b) A violation of section 413 of the Michigan penal code,
6 1931 PA 328, MCL 750.413.

7 (c) A violation of section 1 of former 1931 PA 214, MCL
8 752.191, or former section 626c.

9 (d) A felony in which a motor vehicle was used. As used in
10 this section, "felony in which a motor vehicle was used" means a
11 felony during the commission of which the person convicted operated
12 a motor vehicle and while operating the vehicle presented real or
13 potential harm to persons or property and 1 or more of the
14 following circumstances existed:

15 (i) The vehicle was used as an instrument of the felony.

16 (ii) The vehicle was used to transport a victim of the felony.

17 (iii) The vehicle was used to flee the scene of the felony.

18 (iv) The vehicle was necessary for the commission of the
19 felony.

20 (e) A violation of section 602a(2) or (3) of this act or
21 section 479a(2) or (3) of the Michigan penal code, 1931 PA 328, MCL
22 750.479a.

23 (f) Beginning October 31, 2010, a violation of section 601d.

24 (3) The secretary of state shall suspend the person's license
25 for 90 days for any of the following crimes:

26 (a) Failing to stop and disclose identity at the scene of an
27 accident resulting in injury in violation of section 617a.

1 (b) A violation of section 601b(2), section 601c(1), section
2 653a(3), section 626 before October 31, 2010, or, beginning October
3 31, 2010, section 626(2).

4 (c) Malicious destruction resulting from the operation of a
5 vehicle under section 382(1)(b), (c), or (d) of the Michigan penal
6 code, 1931 PA 328, MCL 750.382.

7 (d) A violation of section 703(2) of the Michigan liquor
8 control code of 1998, 1998 PA 58, MCL 436.1703.

9 (4) The secretary of state shall suspend the person's license
10 for 30 days for malicious destruction resulting from the operation
11 of a vehicle under section 382(1)(a) of the Michigan penal code,
12 1931 PA 328, MCL 750.382.

13 (5) For perjury or making a false certification to the
14 secretary of state under any law requiring the registration of a
15 motor vehicle or regulating the operation of a vehicle on a
16 highway, or for conduct prohibited under section 324(1) or a local
17 ordinance substantially corresponding to section 324(1), the
18 secretary of state shall suspend the person's license as follows:

19 (a) If the person has no prior conviction for an offense
20 described in this subsection within 7 years, for 90 days.

21 (b) If the person has 1 or more prior convictions for an
22 offense described in this subsection within 7 years, for 1 year.

23 (6) For a violation of section 414 of the Michigan penal code,
24 1931 PA 328, MCL 750.414, the secretary of state shall suspend the
25 person's license as follows:

26 (a) If the person has no prior conviction for that offense
27 within 7 years, for 90 days.

1 (b) If the person has 1 or more prior convictions for that
2 offense within 7 years, for 1 year.

3 (7) For a violation of section 624a or 624b of this act or
4 section 703(1) of the Michigan liquor control code of 1998, 1998 PA
5 58, MCL 436.1703, the secretary of state shall suspend the person's
6 license as follows:

7 (a) If the person has 1 prior conviction for an offense
8 described in this subsection or section 33b(1) of former 1933 (Ex
9 Sess) PA 8, for 90 days. The secretary of state may issue the
10 person a restricted license after the first 30 days of suspension.

11 (b) If the person has 2 or more prior convictions for an
12 offense described in this subsection or section 33b(1) of former
13 1933 (Ex Sess) PA 8, for 1 year. The secretary of state may issue
14 the person a restricted license after the first 60 days of
15 suspension.

16 (8) The secretary of state shall suspend the person's license
17 for a violation of section 625 or 625m as follows:

18 (a) For 180 days for a violation of section 625(1) or (8)
19 before October 31, 2010 or, beginning October 31, 2010, section
20 625(1)(a) or (b) or (8) if the person has no prior convictions
21 within 7 years. The secretary of state may issue the person a
22 restricted license during a specified portion of the suspension,
23 except that the secretary of state shall not issue a restricted
24 license during the first 30 days of suspension.

25 (b) For 90 days for a violation of section 625(3) if the
26 person has no prior convictions within 7 years. However, if the
27 person is convicted of a violation of section 625(3), for operating

1 a vehicle when, due to the consumption of a controlled substance or
2 a combination of alcoholic liquor and a controlled substance, the
3 person's ability to operate the vehicle was visibly impaired, the
4 secretary of state shall suspend the person's license under this
5 subdivision for 180 days. The secretary of state may issue the
6 person a restricted license during all or a specified portion of
7 the suspension.

8 (c) For 30 days for a violation of section 625(6) if the
9 person has no prior convictions within 7 years. The secretary of
10 state may issue the person a restricted license during all or a
11 specified portion of the suspension.

12 (d) For 90 days for a violation of section 625(6) if the
13 person has 1 or more prior convictions for that offense within 7
14 years.

15 (e) For 180 days for a violation of section 625(7) if the
16 person has no prior convictions within 7 years. The secretary of
17 state may issue the person a restricted license after the first 90
18 days of suspension.

19 (f) For 90 days for a violation of section 625m if the person
20 has no prior convictions within 7 years. The secretary of state may
21 issue the person a restricted license during all or a specified
22 portion of the suspension.

23 (g) Beginning October 31, 2010, for 1 year for a violation of
24 section 625(1)(c) if the person has no prior convictions within 7
25 years or not more than 2 convictions within 10 years. The secretary
26 of state may issue the person a restricted license, except that the
27 secretary of state shall not issue a restricted license during the

1 first 45 days of suspension.

2 (h) Beginning October 31, 2010, the department shall order a
3 person convicted of violating section 625(1)(c) not to operate a
4 motor vehicle under a restricted license issued under subdivision
5 (g) unless the vehicle is equipped with an ignition interlock
6 device approved, certified, and installed as required under
7 sections 625k and 625l. The ignition interlock device may be
8 removed after the interlock device provider provides the department
9 with verification that the person has operated the vehicle with no
10 instances of reaching or exceeding a blood alcohol level of 0.025
11 grams per 210 liters of breath. This subdivision does not prohibit
12 the removal of the ignition interlock device for any of the
13 following:

14 (i) A start-up test failure that occurs within the first 2
15 months after installation of the device. As used in this
16 subdivision, "start-up test failure" means that the ignition
17 interlock device has prevented the motor vehicle from being
18 started. Multiple unsuccessful attempts at 1 time to start the
19 vehicle shall be treated as 1 start-up test failure only under this
20 subparagraph.

21 (ii) A start-up test failure occurring more than 2 months
22 after installation of the device, if not more than 15 minutes after
23 detecting the start-up test failure the person delivers a breath
24 sample that the ignition interlock device analyzes as having an
25 alcohol level of less than 0.025 grams per 210 liters of breath.

26 (iii) A retest prompted by the device, if not more than 5
27 minutes after detecting the retest failure the person delivers a

1 breath sample that the ignition interlock device analyzes as having
2 an alcohol level of less than 0.025 grams per 210 liters of breath.

3 (i) Beginning October 31, 2010, if an individual violates the
4 conditions of the restricted license issued under subdivision (g)
5 or operates or attempts to operate a motor vehicle with a blood
6 alcohol level of 0.025 grams per 210 liters of breath, the
7 secretary of state shall impose an additional like period of
8 suspension and restriction as prescribed under subdivision (g).
9 This subdivision does not require an additional like period of
10 suspension and restriction for any of the following:

11 (i) A start-up test failure within the first 2 months after
12 installation of the ignition interlock device. As used in this
13 subdivision, "start-up test failure" means that the ignition
14 interlock device has prevented the motor vehicle from being
15 started. Multiple unsuccessful attempts at 1 time to start the
16 vehicle shall be treated as 1 start-up test failure only under this
17 subparagraph.

18 (ii) A start-up test failure occurring more than 2 months
19 after installation of the device, if not more than 15 minutes after
20 detecting the start-up test failure the person delivers a breath
21 sample that the ignition interlock device analyzes as having an
22 alcohol level of less than 0.025 grams per 210 liters of breath.

23 (iii) Any retest prompted by the device, if not more than 5
24 minutes after detecting the retest failure the person delivers a
25 breath sample that the ignition interlock device analyzes as having
26 an alcohol level of less than 0.025 grams per 210 liters of breath.

27 (9) For a violation of section 367c of the Michigan penal

1 code, 1931 PA 328, MCL 750.367c, the secretary of state shall
2 suspend the person's license as follows:

3 (a) If the person has no prior conviction for an offense
4 described in this subsection within 7 years, for 6 months.

5 (b) If the person has 1 or more convictions for an offense
6 described in this subsection within 7 years, for 1 year.

7 (10) For a violation of section 315(4), the secretary of state
8 may suspend the person's license for 6 months.

9 (11) For a violation or attempted violation of section 411a(2)
10 of the Michigan penal code, 1931 PA 328, MCL 750.411a, involving a
11 school, the secretary of state shall suspend the license of a
12 person 14 years of age or over but less than 21 years of age until
13 3 years after the date of the conviction or juvenile disposition
14 for the violation. The secretary of state may issue the person a
15 restricted license after the first 365 days of suspension.

16 (12) For a second or subsequent violation of section 701(1) of
17 the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701,
18 by an individual who is not a retail licensee or a retail
19 licensee's clerk, agent, or employee, the secretary of state shall
20 suspend the person's license for 180 days. The secretary of state
21 may issue a person a restricted license during all or a specified
22 portion of the suspension.

23 (13) Except as provided in subsection (15), a suspension under
24 this section shall be imposed notwithstanding a court order unless
25 the court order complies with section 323.

26 (14) If the secretary of state receives records of more than 1
27 conviction of a person resulting from the same incident, a

1 suspension shall be imposed only for the violation to which the
2 longest period of suspension applies under this section.

3 (15) The secretary of state may waive a restriction,
4 suspension, or revocation of a person's license imposed under this
5 act if the person submits proof that a court in another state
6 revoked, suspended, or restricted his or her license for a period
7 equal to or greater than the period of a restriction, suspension,
8 or revocation prescribed under this act for the violation and that
9 the revocation, suspension, or restriction was served for the
10 violation, or may grant a restricted license.

11 (16) The secretary of state shall not issue a restricted
12 license to a person whose license is suspended under this section
13 unless a restricted license is authorized under this section and
14 the person is otherwise eligible for a license.

15 (17) The secretary of state shall not issue a restricted
16 license to a person under subsection (8) that would permit the
17 person to operate a commercial motor vehicle.

18 (18) Except as provided in subsection (17), a restricted
19 license issued under this section shall permit the person to whom
20 it is issued to take any driving skills test required by the
21 secretary of state and to operate a vehicle under 1 or more of the
22 following circumstances:

23 (a) In the course of the person's employment or occupation.

24 (b) To and from any combination of the following:

25 (i) The person's residence.

26 (ii) The person's work location.

27 (iii) An alcohol or drug education or treatment program as

1 ordered by the court.

2 (iv) The court probation department.

3 (v) A court-ordered community service program.

4 (vi) An educational institution at which the person is
5 enrolled as a student.

6 (vii) A place of regularly occurring medical treatment for a
7 serious condition for the person or a member of the person's
8 household or immediate family.

9 (viii) An ignition interlock service provider as required.

10 (19) While driving with a restricted license, the person shall
11 carry proof of his or her destination and the hours of any
12 employment, class, or other reason for traveling and shall display
13 that proof upon a peace officer's request.

14 (20) Subject to subsection (22), as used in subsection (8),
15 "prior conviction" means a conviction for any of the following,
16 whether under a law of this state, a local ordinance substantially
17 corresponding to a law of this state, or a law of another state
18 substantially corresponding to a law of this state:

19 (a) Except as provided in subsection (21), a violation or
20 attempted violation of any of the following:

21 (i) Section 625, except a violation of section 625(2), or a
22 violation of any prior enactment of section 625 in which the
23 defendant operated a vehicle while under the influence of
24 intoxicating or alcoholic liquor or a controlled substance, or a
25 combination of intoxicating or alcoholic liquor and a controlled
26 substance, or while visibly impaired, or with an unlawful bodily
27 alcohol content.

1 (ii) Section 625m.

2 (iii) Former section 625b.

3 (b) Negligent homicide, manslaughter, or murder resulting from
4 the operation of a vehicle or an attempt to commit any of those
5 crimes.

6 (c) Beginning October 31, 2010, a violation of section 601d or
7 section 626(3) or (4).

8 (21) Except for purposes of the suspensions described in
9 subsection (8)(c) and (d), only 1 violation or attempted violation
10 of section 625(6), a local ordinance substantially corresponding to
11 section 625(6), or a law of another state substantially
12 corresponding to section 625(6) may be used as a prior conviction.

13 (22) If 2 or more convictions described in subsection (20) are
14 convictions for violations arising out of the same transaction,
15 only 1 conviction shall be used to determine whether the person has
16 a prior conviction.

17 (23) Any period of suspension or restriction required under
18 this section is not subject to appeal to the secretary of state.

19 **(24) THE SECRETARY OF STATE SHALL SUSPEND A PERSON'S LICENSE**
20 **FOR AN UNPAID CITATION FOR A VIOLATION OF SECTION 682.**

21 Sec. 682. (1) The operator of a vehicle overtaking or meeting
22 a school bus that has stopped and is displaying 2 alternately
23 flashing red lights located at the same level shall bring the
24 vehicle to a full stop not less than 20 feet from the school bus
25 and shall not proceed until the school bus resumes motion or the
26 visual signals are no longer actuated. The operator of a vehicle
27 who fails to stop for a school bus as required by this subsection,

1 who passes a school bus in violation of this subsection, or who
2 fails to stop for a school bus in violation of an ordinance that is
3 substantially similar to this subsection, is responsible for a
4 civil infraction.

5 (2) The operator of a vehicle upon a highway that has been
6 divided into 2 roadways by leaving an intervening space, or by a
7 physical barrier, or clearly indicated dividing sections so
8 constructed as to impede vehicular traffic, is not required to stop
9 upon meeting a school bus that has stopped across the dividing
10 space, barrier, or section.

11 (3) In a proceeding for a violation of subsection (1), proof
12 that the particular vehicle described in the citation was in
13 violation of subsection (1), together with proof that the defendant
14 named in the citation was, at the time of the violation, the
15 registered owner of the vehicle, constitutes a rebuttable
16 presumption that the registered owner of the vehicle was the driver
17 of the vehicle at the time of the violation.

18 **(4) ANY EVIDENCE OF A CIVIL INFRACTION ISSUED UNDER THIS**
19 **SECTION CAPTURED BY AN AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICE**
20 **IS ADMISSIBLE INTO EVIDENCE AS AN OFFICIAL RECORD OR A BUSINESS**
21 **RECORD WITHOUT THE NEED FOR ADDITIONAL FOUNDATION.**

22 (5) ~~(4)~~—In addition to the civil fine and costs provided for a
23 civil infraction under section 907, the judge, district court
24 referee, or district court magistrate may order a person who
25 violates this section to perform not more than 100 hours of
26 community service at a school.

27 **(6) A CITY WITH A POPULATION OF MORE THAN 500,000 MAY ALLOW A**

1 SCHOOL DISTRICT THAT HAS A PUPIL MEMBERSHIP OF MORE THAN 30,000
2 PUPILS TO OPERATE AN AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICE
3 PROGRAM AND MAY PROSECUTE VIOLATIONS OF THIS SECTION DETECTED BY AN
4 AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICE UPON ENACTING AN
5 ORDINANCE OR ADOPTING A RESOLUTION AUTHORIZING THE INSTALLATION AND
6 OPERATION OF AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICES AFTER
7 CONSULTATION WITH THE GOVERNING BOARD OF SCHOOLS WITHIN THAT CITY.

8 (7) A CITY THAT ENACTS AN ORDINANCE OR ADOPTS A RESOLUTION AS
9 PROVIDED IN SUBSECTION (6) MAY DO ALL OF THE FOLLOWING:

10 (A) MAIL TO THE OWNER OF A MOTOR VEHICLE BY FIRST-CLASS UNITED
11 STATES MAIL A CITATION FOR A VIOLATION OF THIS SECTION OR A LOCAL
12 ORDINANCE SUBSTANTIALLY SIMILAR TO THIS SECTION IF AN AUTOMATED
13 TRAFFIC ENFORCEMENT SAFETY DEVICE PRODUCES A RECORDED IMAGE OR
14 VIDEO OF THE MOTOR VEHICLE BEING OPERATED SO AS TO COMMIT A CIVIL
15 INFRACTION UNDER THIS SECTION OR A VIOLATION OF A LOCAL ORDINANCE
16 SUBSTANTIALLY SIMILAR TO A CIVIL INFRACTION UNDER THIS SECTION.

17 (B) PROVIDE FOR DISTRIBUTION OF MONEY COLLECTED FOR A
18 VIOLATION OF THIS SECTION OR A LOCAL ORDINANCE SUBSTANTIALLY
19 SIMILAR TO THIS SECTION USING AN AUTOMATED TRAFFIC ENFORCEMENT
20 SAFETY DEVICE TO A SCHOOL DISTRICT DESCRIBED IN SUBSECTION (6) FOR
21 THE PURPOSE OF PAYING A THIRD-PARTY PRIVATE VENDOR FOR THE
22 INSTALLATION OF AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICES AND,
23 IF ANY SURPLUS IN FUNDS REMAINS AFTER PAYING THE THIRD-PARTY
24 PRIVATE VENDOR, FOR REIMBURSEMENT OF LAW ENFORCEMENT EXPENSES AND
25 FUNDING OTHER COMMUNITY STUDENT SAFETY PROGRAMS.

26 (C) COLLECT A \$100.00 LATE FEE FROM AN INDIVIDUAL WHO IS FOUND
27 RESPONSIBLE FOR A CIVIL INFRACTION UNDER THIS SECTION OR A LOCAL

1 ORDINANCE SUBSTANTIALLY SIMILAR TO THIS SECTION IF HE OR SHE DOES
2 NOT PAY THE AMOUNT DUE WITHIN THE TIME PRESCRIBED BY THE COURT.

3 (8) AS USED IN THIS SECTION, "AUTOMATED TRAFFIC ENFORCEMENT
4 SAFETY DEVICE" MEANS A DEVICE THAT SATISFIES ALL OF THE FOLLOWING
5 REQUIREMENTS:

6 (A) IT IS AFFIXED TO A SCHOOL BUS.

7 (B) IT IS CAPABLE OF DETECTING A MOTOR VEHICLE OVERTAKING OR
8 PASSING A SCHOOL BUS IN VIOLATION OF THIS SECTION.

9 (C) IT IS CAPABLE OF PRODUCING A PHOTOGRAPHICALLY RECORDED
10 STILL OR VIDEO IMAGE OF THE REAR OF A MOTOR VEHICLE, OR THE REAR OF
11 A MOTOR VEHICLE BEING TOWED BY ANOTHER MOTOR VEHICLE, INCLUDING AN
12 IMAGE OF THE MOTOR VEHICLE'S REAR REGISTRATION PLATE.

13 (D) IT INDICATES WITH 1 OR MORE OF THE IMAGES PRODUCED THE
14 DATE, TIME, AND LOCATION OF THE VIOLATION.

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

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

1 increased by \$25.00 but the total civil fine shall not exceed
2 \$100.00. However, for a violation of section 602b, the person shall
3 be ordered to pay costs as provided in subsection (4) and a civil
4 fine of \$100.00 for a first offense and \$200.00 for a second or
5 subsequent offense. For a violation of section 674(1)(s) or a local
6 ordinance substantially corresponding to section 674(1)(s), the
7 person shall be ordered to pay costs as provided in subsection (4)
8 and a civil fine of not less than \$100.00 or more than \$250.00. For
9 a violation of section 676c, the person shall be ordered to pay
10 costs as provided in subsection (4) and a civil fine of \$1,000.00.
11 For a violation of section 328, the civil fine ordered under this
12 subsection shall be not more than \$50.00. For a violation of
13 section 710d, the civil fine ordered under this subsection shall
14 not exceed \$10.00, subject to subsection (12). For a violation of
15 section 710e, the civil fine and court costs ordered under this
16 subsection shall be \$25.00. For a violation of section 682 or a
17 local ordinance substantially corresponding to section 682, the
18 person shall be ordered to pay costs as provided in subsection (4)
19 and a civil fine of ~~not less than \$100.00 or more than \$500.00.~~
20 **\$300.00 FOR A FIRST OFFENSE, A CIVIL FINE OF \$500.00 FOR A SECOND**
21 **OFFENSE, AND A CIVIL FINE OF \$1,000.00 FOR A THIRD OFFENSE.** For a
22 violation of section 240, the civil fine ordered under this
23 subsection shall be \$15.00. For a violation of section 252a(1), the
24 civil fine ordered under this subsection shall be \$50.00. For a
25 violation of section 676a(3), the civil fine ordered under this
26 section shall be not more than \$10.00. For a first violation of
27 section 319f(1), the civil fine ordered under this section shall be

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

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

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

1 provided by law, costs are payable to the general fund of the
2 plaintiff.

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

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

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

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

1 evaluation of disparities in the imposition of civil fines and
2 costs throughout the state.

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

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

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

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

1 requirements of section 710d.

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

13 (14) 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 citation,
17 produced a valid registration certificate that was valid on the
18 date the violation of section 223 occurred.

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

1 make the person eligible for a waiver under this subsection.

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

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

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