

HOUSE BILL NO. 5686

March 17, 2020, Introduced by Reps. Glenn and Filler and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 802 and 907 (MCL 257.802 and 257.907), section
802 as amended by 2019 PA 88 and section 907 as amended by 2015 PA
126.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 802. (1) For a special registration issued under section
2 226(8), the registrant shall pay 1/2 the tax imposed under section



1 801 and a service fee of \$10.00.

2 (2) For all commercial vehicles registered after August 31 for
3 the period expiring the last day of February, the secretary of
4 state shall collect a tax of 1/2 the rate otherwise imposed under
5 this act. This subsection does not apply to vehicles registered by
6 manufacturers or dealers under sections 244 to 247.

7 (3) For each special registration under section 226(9), the
8 secretary of state shall collect a service fee of \$10.00.

9 (4) For temporary registration plates or markers under section
10 226a(1), the secretary of state shall collect a service fee in an
11 amount determined by the secretary of state to reflect the actual
12 cost of administering the temporary registration plates and markers
13 program, or in the amount of \$4.00 per plate or marker, whichever
14 is less.

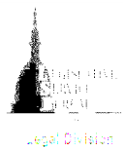
15 (5) For a temporary registration under section 226b, the fee
16 is either of the following:

17 (a) For a 30-day temporary registration, 1/10 of the tax
18 prescribed under section 801 or \$20.00, whichever is greater, and
19 an additional \$10.00 service fee.

20 (b) For a 60-day temporary registration, 1/5 of the tax
21 prescribed under section 801 or \$40.00, whichever is greater, and
22 an additional \$10.00 service fee.

23 (6) For registration plates as provided for in section
24 226a(5), (6), and (7), the secretary of state shall collect a
25 service fee of \$40.00 for 2 registration plates and \$20.00 for each
26 additional registration plate.

27 (7) For special registrations issued for special mobile
28 equipment as provided in section 216(d), the secretary of state
29 shall collect a service fee of \$15.00 each for the first 3 special



1 registrations, and \$5.00 for each special registration issued in
2 excess of the first 3.

3 (8) The secretary of state, upon request, may issue a
4 registration valid for 3 months for use on a vehicle with an
5 elected gross weight of 24,000 pounds or greater on the payment of
6 1/4 the tax provided in section 801(1)(k) and a service fee of
7 \$10.00.

8 (9) Upon application to the secretary of state, an owner of a
9 truck, truck tractor, or road tractor that is used exclusively for
10 the purpose of gratuitously transporting farm crops or livestock
11 bedding between the field where produced and the place of storage,
12 feed from on-farm storage to an on-farm feeding site, or
13 fertilizer, seed, or spray material from the farm location to the
14 field may obtain a special registration. **A person who obtains a**
15 **special registration under this subsection shall use the motor**
16 **vehicle exclusively for the purposes described in this subsection.**
17 **A person who violates this subsection is responsible for a civil**
18 **infraction.** The service fee for each special registration issued
19 under this subsection is \$20.00. The special registration is valid
20 for a period of up to 12 months and expires on December 31. As used
21 in this subsection:

22 (a) "Feed" means hay or silage.

23 (b) "Livestock bedding" means straw, sawdust, or sand.

24 (10) The secretary of state, upon request, may issue a special
25 registration valid for 3 or more months for a road tractor, truck,
26 or truck tractor owned by a farmer, if the motor vehicle is used
27 exclusively in connection with the farmer's farming operations or
28 for the transportation of the farmer and the farmer's family and
29 not used for hire. **A person who obtains a special registration**



1 under this subsection shall use the motor vehicle exclusively for
2 the purposes described in this subsection. A person who violates
3 this subsection is responsible for a civil infraction. The fee for
4 the registration is 1/10 of the tax provided in section 801(1)(c)
5 times the number of months for which the special registration is
6 requested and, in addition, a service fee of \$10.00. The secretary
7 of state shall not issue a special registration for a motor vehicle
8 for which the tax under section 801(1)(c) would be less than
9 \$50.00.

10 (11) The secretary of state, upon request, may issue a
11 registration valid for 3 months or more for use on a vehicle with
12 an elected gross weight of 24,000 pounds or greater. The fee for
13 the registration shall be 1/12 of the tax provided in section
14 801(1)(k), times the number of months for which the special
15 registration is requested and, in addition, a service fee of
16 \$10.00.

17 (12) The secretary of state shall deposit the service fees
18 collected under subsections (1), (3), (4), (5), (6), (7), (8), (9),
19 (10), and (11) in the transportation administration collection fund
20 created in section 810b through October 1, 2023.

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~~ **is not** a
24 lesser 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
28 corresponding to a provision of this act, the judge or district
29 court magistrate may order the person to pay a civil fine of not



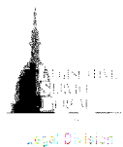
1 more than \$100.00 and costs as provided in subsection (4). However,
 2 if the civil infraction was a moving violation that resulted in an
 3 at-fault collision with another vehicle, a person, or any other
 4 object, the civil fine ordered under this section ~~shall~~**must** be
 5 increased by \$25.00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



1 section 319f(1), the civil fine ordered under this section ~~shall~~
 2 **must** be not less than \$2,500.00 or more than \$2,750.00; for a
 3 second or subsequent violation, the civil fine ~~shall~~**must** be not
 4 less than \$5,000.00 or more than \$5,500.00. For a violation of
 5 section 319g(1)(a), the civil fine ordered under this section ~~shall~~
 6 ~~be not more than~~**must not exceed** \$10,000.00. For a violation of
 7 section 319g(1)(g), the civil fine ordered under this section ~~shall~~
 8 **must** be not less than \$2,750.00 or more than \$25,000.00. **For a**
 9 **violation of section 802(9) or (10), the civil fine ordered under**
 10 **this subsection is \$150.00.** Permission may be granted for payment
 11 of a civil fine and costs to be made within a specified period of
 12 time or in specified installments, but unless permission is
 13 included in the order or judgment, the civil fine and costs ~~shall~~
 14 **must** be payable immediately.

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

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



1 waived unless costs ordered under this subsection are waived.
2 Except as otherwise provided by law, costs are payable to the
3 general fund of the plaintiff.

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

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

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

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



1 costs throughout the state.

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

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

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

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

28 (13) In addition to any civil fines or costs ordered to be
29 paid under this section, the judge or district court magistrate



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

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

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

26 (16) If a person is determined to be responsible or
27 responsible "with explanation" for a civil infraction under this
28 act or a local ordinance substantially corresponding to a provision
29 of this act and the civil infraction arises out of the ownership or



1 operation of a commercial quadricycle, he or she ~~shall~~**must** be
2 ordered to pay costs as provided in subsection (4) and a civil fine
3 of not more than \$500.00.

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

