

HOUSE BILL NO. 5699

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

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 311 and 907 (MCL 257.311 and 257.907), section 311 as amended by 1983 PA 63 and section 907 as amended by 2015 PA 126.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 311. **(1)** The licensee shall have his or her operator's or
- 2 chauffeur's license, or the receipt described in section 311a, in
- 3 his or her immediate possession at all times when operating a motor



1 vehicle, and shall display ~~the same upon~~ **his or her operator's or**
 2 **chauffeur's license, or the receipt described in section 311a, on**
 3 demand of ~~any~~ a police officer, who shall identify himself or
 4 herself as ~~such~~ **a police officer.**

5 **(2) A licensee who violates subsection (1) is responsible for**
 6 **a civil infraction and must be ordered to pay a civil fine of**
 7 **\$150.00.**

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

12 (2) If a person is determined under sections 741 to 750 to be
 13 responsible or responsible "with explanation" for a civil
 14 infraction under this act or a local ordinance **that** substantially
 15 ~~corresponding~~ **corresponds** to a provision of this act, the judge or
 16 district court magistrate may order the person to pay a civil fine
 17 of not more than \$100.00 and costs as provided in subsection (4).
 18 However, if the civil infraction was a moving violation that
 19 resulted in an at-fault collision with another vehicle, a person,
 20 or any other object, the civil fine ordered under this section
 21 ~~shall~~ **must** be increased by \$25.00 but the total civil fine ~~shall~~
 22 **must** not exceed \$100.00. However, for **a violation of section 311,**
 23 **the licensee must be ordered to pay a civil fine of \$150.00. For a**
 24 violation of section 602b, the person ~~shall~~ **must** be ordered to pay
 25 costs as provided in subsection (4) and a civil fine of \$100.00 for
 26 a first offense and \$200.00 for a second or subsequent offense. For
 27 a violation of section 674(1)(s) or a local ordinance **that**
 28 substantially ~~corresponding~~ **corresponds** to section 674(1)(s), the
 29 person ~~shall~~ **must** be ordered to pay costs as provided in subsection



1 (4) and a civil fine of not less than \$100.00 or more than \$250.00.
2 For a violation of section 676c, the person ~~shall~~**must** be ordered
3 to pay costs as provided in subsection (4) and a civil fine of
4 \$1,000.00. For a violation of section 328, the civil fine ordered
5 under this subsection ~~shall~~**must** be not more than \$50.00. For a
6 violation of section 710d, the civil fine ordered under this
7 subsection ~~shall~~**must** not exceed \$10.00, subject to subsection
8 (12). For a violation of section 710e, the civil fine and court
9 costs ordered under this subsection ~~shall~~**must** be \$25.00. For a
10 violation of section 682 or a local ordinance substantially
11 corresponding to section 682, the person ~~shall~~**must** be ordered to
12 pay costs as provided in subsection (4) and a civil fine of not
13 less than \$100.00 or more than \$500.00. For a violation of section
14 240, the civil fine ordered under this subsection ~~shall~~**must** be
15 \$15.00. For a violation of section 252a(1), the civil fine ordered
16 under this subsection ~~shall~~**must** be \$50.00. For a violation of
17 section 676a(3), the civil fine ordered under this section ~~shall~~
18 **must** be not more than \$10.00. For a first violation of section
19 319f(1), the civil fine ordered under this section ~~shall~~**must** be
20 not less than \$2,500.00 or more than \$2,750.00; for a second or
21 subsequent violation, the civil fine ~~shall~~**must** be not less than
22 \$5,000.00 or more than \$5,500.00. For a violation of section
23 319g(1)(a), the civil fine ordered under this section ~~shall~~**must** be
24 not more than \$10,000.00. For a violation of section 319g(1)(g),
25 the civil fine ordered under this section ~~shall~~**must** be not less
26 than \$2,750.00 or more than \$25,000.00. Permission may be granted
27 for payment of a civil fine and costs to be made within a specified
28 period of time or in specified installments, but unless permission
29 is included in the order or judgment, the civil fine and costs



1 ~~shall~~**must** be payable immediately.

2 (3) Except as provided in this subsection, if a person is
3 determined to be responsible or responsible "with explanation" for
4 a civil infraction under this act or a local ordinance **that**
5 substantially ~~corresponding~~**corresponds** to a provision of this act
6 while driving a commercial motor vehicle, he or she ~~shall~~**must** be
7 ordered to pay costs as provided in subsection (4) and a civil fine
8 of not more than \$250.00.

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

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

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

29 (7) Each district of the district court and each municipal



1 court may establish a schedule of civil fines, costs, and
 2 assessments to be imposed for civil infractions that occur within
 3 the respective district or city. If a schedule is established, it
 4 shall ~~must~~ be prominently posted and readily available for public
 5 inspection. A schedule need not include all violations that are
 6 designated by law or ordinance as civil infractions. A schedule may
 7 exclude cases on the basis of a defendant's prior record of civil
 8 infractions or traffic offenses, or a combination of civil
 9 infractions and traffic offenses.

10 (8) The state court administrator shall annually publish and
 11 distribute to each district and court a recommended range of civil
 12 fines and costs for first-time civil infractions. This
 13 recommendation is not binding ~~upon~~ ~~on~~ the courts having
 14 jurisdiction over civil infractions but is intended to act as a
 15 normative guide for judges and district court magistrates and a
 16 basis for public evaluation of disparities in the imposition of
 17 civil fines and costs throughout the state.

18 (9) If a person has received a civil infraction citation for
 19 defective safety equipment on a vehicle under section 683, the
 20 court shall waive a civil fine, costs, and assessments ~~upon~~ ~~on~~
 21 receipt of certification by a law enforcement agency that repair of
 22 the defective equipment was made before the appearance date on the
 23 citation.

24 (10) A default in the payment of a civil fine or costs ordered
 25 under subsection (2), (3), or (4) or a justice system assessment
 26 ordered under subsection (13), or an installment of the fine,
 27 costs, or assessment, may be collected by a means authorized for
 28 the enforcement of a judgment under chapter 40 of the revised
 29 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or



1 under chapter 60 of the revised judicature act of 1961, 1961 PA
2 236, MCL 600.6001 to 600.6098.

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

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

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

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



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

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

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

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

