

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 468

[A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending sections 732, 907, and 909 (MCL 257.732, 257.907, and  
257.909), section 732 as amended by 2006 PA 298, section 907 as amended  
by 2008 PA 463, and section 909 as amended by 2000 PA 94.]

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 732. (1) Each municipal judge and each clerk of a court  
2 of record shall keep a full record of every case in which a person  
3 is charged with or cited for a violation of this act or a local  
4 ordinance substantially corresponding to this act regulating the  
5 operation of vehicles on highways and with those offenses  
6 pertaining to the operation of ORVs or snowmobiles for which points  
7 are assessed under section 320a(1)(c) or (i). Except as provided in  
8 subsection (16), the municipal judge or clerk of the court of  
9 record shall prepare and forward to the secretary of state an

1 abstract of the court record as follows:

2 (a) Not more than 5 days after a conviction, forfeiture of  
3 bail, or entry of a civil infraction determination or default  
4 judgment upon a charge of or citation for violating or attempting  
5 to violate this act or a local ordinance substantially  
6 corresponding to this act regulating the operation of vehicles on  
7 highways.

8 (b) Immediately for each case charging a violation of section  
9 625(1), (3), (4), (5), (6), (7), or (8) or section 625m or a local  
10 ordinance substantially corresponding to section 625(1), (3), (6),  
11 or (8) or section 625m in which the charge is dismissed or the  
12 defendant is acquitted.

13 (c) Immediately for each case charging a violation of section  
14 82127(1) or (3), 81134, or 81135 of the natural resources and  
15 environmental protection act, 1994 PA 451, MCL 324.82127,  
16 324.81134, and 324.81135, or a local ordinance substantially  
17 corresponding to those sections.

18 (2) If a city or village department, bureau, or person is  
19 authorized to accept a payment of money as a settlement for a  
20 violation of a local ordinance substantially corresponding to this  
21 act, the city or village department, bureau, or person shall send a  
22 full report of each case in which a person pays any amount of money  
23 to the city or village department, bureau, or person to the  
24 secretary of state upon a form prescribed by the secretary of  
25 state.

26 (3) The abstract or report required under this section shall  
27 be made upon a form furnished by the secretary of state. An

1 abstract shall be certified by signature, stamp, or facsimile  
2 signature of the person required to prepare the abstract as  
3 correct. An abstract or report shall include all of the following:

4 (a) The name, address, and date of birth of the person charged  
5 or cited.

6 (b) The number of the person's operator's or chauffeur's  
7 license, if any.

8 (c) The date and nature of the violation.

9 (d) The type of vehicle driven at the time of the violation  
10 and, if the vehicle is a commercial motor vehicle, that vehicle's  
11 group designation.

12 (e) The date of the conviction, finding, forfeiture, judgment,  
13 or civil infraction determination.

14 (f) Whether bail was forfeited.

15 (g) Any license restriction, suspension, or denial ordered by  
16 the court as provided by law.

17 (h) The vehicle identification number and registration plate  
18 number of all vehicles that are ordered immobilized or forfeited.

19 (i) Other information considered necessary to the secretary of  
20 state.

21 (4) The clerk of the court also shall forward an abstract of  
22 the court record to the secretary of state upon a person's  
23 conviction involving any of the following:

24 (a) A violation of section 413, 414, or 479a of the Michigan  
25 penal code, 1931 PA 328, MCL 750.413, 750.414, and 750.479a.

26 (b) A violation of section 1 of former 1931 PA 214.

27 (c) Negligent homicide, manslaughter, or murder resulting from

1 the operation of a vehicle.

2 (d) A violation of section 703 of the Michigan liquor control  
3 code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance  
4 substantially corresponding to that section.

5 (e) A violation of section 411a(2) of the Michigan penal code,  
6 1931 PA 328, MCL 750.411a.

7 (f) A violation of motor carrier safety regulations 49 CFR  
8 392.10 or 392.11 as adopted by section 1a of the motor carrier  
9 safety act of 1963, 1963 PA 181, MCL 480.11a.

10 (g) A violation of section 57 of the pupil transportation act,  
11 1990 PA 187, MCL 257.1857.

12 (h) A violation of motor carrier safety regulations 49 CFR  
13 392.10 or 392.11 as adopted by section 31 of the motor bus  
14 transportation act, 1982 PA 432, MCL 474.131.

15 (i) An attempt to violate, a conspiracy to violate, or a  
16 violation of part 74 of the public health code, 1978 PA 368, MCL  
17 333.7401 to 333.7461, or a local ordinance that prohibits conduct  
18 prohibited under part 74 of the public health code, 1978 PA 368,  
19 MCL 333.7401 to 333.7461, unless the convicted person is sentenced  
20 to life imprisonment or a minimum term of imprisonment that exceeds  
21 1 year for the offense.

22 (j) An attempt to commit an offense described in subdivisions  
23 (a) to (h).

24 (k) A violation of chapter LXXXIII-A of the Michigan penal  
25 code, 1931 PA 328, MCL 750.543a to 750.543z.

26 (l) A violation of section 3101, 3102(1), or 3103 of the  
27 insurance code of 1956, 1956 PA 218, MCL 500.3101, 500.3102, and

1 500.3103.

2 (m) A violation listed as a disqualifying offense under 49 CFR  
3 383.51.

4 (5) The clerk of the court shall also forward an abstract of  
5 the court record to the secretary of state if a person has pled  
6 guilty to, or offered a plea of admission in a juvenile proceeding  
7 for, a violation of section 703 of the Michigan liquor control code  
8 of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance  
9 substantially corresponding to that section, and has had further  
10 proceedings deferred under that section. If the person is sentenced  
11 to a term of probation and terms and conditions of probation are  
12 fulfilled and the court discharges the individual and dismisses the  
13 proceedings, the court shall also report the dismissal to the  
14 secretary of state.

15 (6) As used in subsections (7) to (9), "felony in which a  
16 motor vehicle was used" means a felony during the commission of  
17 which the person operated a motor vehicle and while operating the  
18 vehicle presented real or potential harm to persons or property and  
19 1 or more of the following circumstances existed:

20 (a) The vehicle was used as an instrument of the felony.

21 (b) The vehicle was used to transport a victim of the felony.

22 (c) The vehicle was used to flee the scene of the felony.

23 (d) The vehicle was necessary for the commission of the  
24 felony.

25 (7) If a person is charged with a felony in which a motor  
26 vehicle was used, other than a felony specified in subsection (4)  
27 or section 319, the prosecuting attorney shall include the

1 following statement on the complaint and information filed in  
2 district or circuit court:

3 "You are charged with the commission of a felony in which a  
4 motor vehicle was used. If you are convicted and the judge finds  
5 that the conviction is for a felony in which a motor vehicle was  
6 used, as defined in section 319 of the Michigan vehicle code, 1949  
7 PA 300, MCL 257.319, your driver's license shall be suspended by  
8 the secretary of state."

9 (8) If a juvenile is accused of an act, the nature of which  
10 constitutes a felony in which a motor vehicle was used, other than  
11 a felony specified in subsection (4) or section 319, the  
12 prosecuting attorney or family division of circuit court shall  
13 include the following statement on the petition filed in the court:

14 "You are accused of an act the nature of which constitutes a  
15 felony in which a motor vehicle was used. If the accusation is  
16 found to be true and the judge or referee finds that the nature of  
17 the act constitutes a felony in which a motor vehicle was used, as  
18 defined in section 319 of the Michigan vehicle code, 1949 PA 300,  
19 MCL 257.319, your driver's license shall be suspended by the  
20 secretary of state."

21 (9) If the court determines as part of the sentence or  
22 disposition that the felony for which the person was convicted or  
23 adjudicated and with respect to which notice was given under  
24 subsection (7) or (8) is a felony in which a motor vehicle was  
25 used, the clerk of the court shall forward an abstract of the court  
26 record of that conviction to the secretary of state.

27 (10) As used in subsections (11) and (12), "felony in which a

1 commercial motor vehicle was used" means a felony during the  
2 commission of which the person operated a commercial motor vehicle  
3 and while the person was operating the vehicle 1 or more of the  
4 following circumstances existed:

5 (a) The vehicle was used as an instrument of the felony.

6 (b) The vehicle was used to transport a victim of the felony.

7 (c) The vehicle was used to flee the scene of the felony.

8 (d) The vehicle was necessary for the commission of the  
9 felony.

10 (11) If a person is charged with a felony in which a  
11 commercial motor vehicle was used and for which a vehicle group  
12 designation on a license is subject to suspension or revocation  
13 under section 319b(1) (c) (iii), 319b(1) (d), 319b(1) (e) (iii), or  
14 319b(1) (f) (i), the prosecuting attorney shall include the following  
15 statement on the complaint and information filed in district or  
16 circuit court:

17 "You are charged with the commission of a felony in which a  
18 commercial motor vehicle was used. If you are convicted and the  
19 judge finds that the conviction is for a felony in which a  
20 commercial motor vehicle was used, as defined in section 319b of  
21 the Michigan vehicle code, 1949 PA 300, MCL 257.319b, all vehicle  
22 group designations on your driver's license shall be suspended or  
23 revoked by the secretary of state."

24 (12) If the judge determines as part of the sentence that the  
25 felony for which the defendant was convicted and with respect to  
26 which notice was given under subsection (11) is a felony in which a  
27 commercial motor vehicle was used, the clerk of the court shall

1 forward an abstract of the court record of that conviction to the  
2 secretary of state.

3 (13) Every person required to forward abstracts to the  
4 secretary of state under this section shall certify for the period  
5 from January 1 through June 30 and for the period from July 1  
6 through December 31 that all abstracts required to be forwarded  
7 during the period have been forwarded. The certification shall be  
8 filed with the secretary of state not later than 28 days after the  
9 end of the period covered by the certification. The certification  
10 shall be made upon a form furnished by the secretary of state and  
11 shall include all of the following:

12 (a) The name and title of the person required to forward  
13 abstracts.

14 (b) The court for which the certification is filed.

15 (c) The time period covered by the certification.

16 (d) The following statement:

17 "I certify that all abstracts required by section 732 of the  
18 Michigan vehicle code, MCL 257.732; MSA 9.2432, for the period  
19 \_\_\_\_\_ through \_\_\_\_\_ have been forwarded to the  
20 secretary of state."

21 (e) Other information the secretary of state considers  
22 necessary.

23 (f) The signature of the person required to forward abstracts.

24 (14) The failure, refusal, or neglect of a person to comply  
25 with this section constitutes misconduct in office and is grounds  
26 for removal from office.

27 (15) Except as provided in subsection (16), the secretary of



1 state shall keep all abstracts received under this section at the  
2 secretary of state's main office and the abstracts shall be open  
3 for public inspection during the office's usual business hours.  
4 Each abstract shall be entered upon the master driving record of  
5 the person to whom it pertains.

6 (16) Except for controlled substance offenses described in  
7 subsection (4), the court shall not submit, and the secretary of  
8 state shall discard and not enter on the master driving record, an  
9 abstract for a conviction or civil infraction determination for any  
10 of the following violations:

11 (a) The parking or standing of a vehicle.

12 (b) A nonmoving violation that is not the basis for the  
13 secretary of state's suspension, revocation, or denial of an  
14 operator's or chauffeur's license.

15 (c) A violation of chapter II that is not the basis for the  
16 secretary of state's suspension, revocation, or denial of an  
17 operator's or chauffeur's license.

18 (d) A pedestrian, passenger, or bicycle violation, other than  
19 a violation of section 703(1) or (2) of the Michigan liquor control  
20 code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance  
21 substantially corresponding to section 703(1) or (2) of the  
22 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or  
23 section 624a or 624b or a local ordinance substantially  
24 corresponding to section 624a or 624b.

25 (e) A violation of section 710e or a local ordinance  
26 substantially corresponding to section 710e.

27 (f) A violation of section 328(1) if, before the appearance

1 date on the citation, the person submits proof to the court that  
2 the motor vehicle had insurance meeting the requirements of  
3 sections 3101 and 3102 of the insurance code of 1956, 1956 PA 218,  
4 MCL 500.3101 and 500.3102, at the time the citation was issued.  
5 Insurance obtained subsequent to the time of the violation does not  
6 make the violation an exception under this subsection.

7 (g) A violation described in section 319b(10) (b) (vii) if,  
8 before the court appearance date or date fines are to be paid, the  
9 person submits proof to the court that he or she held a valid  
10 commercial driver license on the date the citation was issued.

11 (h) A violation of section 311 if the person was driving a  
12 noncommercial vehicle and, before the court appearance date or the  
13 date fines are to be paid, the person submits proof to the court  
14 that he or she held a valid driver license on the date the citation  
15 was issued.

16 **(I) A VIOLATION OF SECTION 602B.**

17 (17) Except as otherwise provided in this subsection, the  
18 secretary of state shall discard and not enter on the master  
19 driving record an abstract for a bond forfeiture that occurred  
20 outside this state. The secretary of state shall enter on the  
21 master driving record an abstract for a conviction as defined in  
22 section 8a(b) that occurred outside this state in connection with  
23 the operation of a commercial motor vehicle or for a conviction of  
24 a person licensed as a commercial motor vehicle driver.

25 (18) The secretary of state shall inform the courts of this  
26 state of the nonmoving violations and violations of chapter II that  
27 are used by the secretary of state as the basis for the suspension,

1 restriction, revocation, or denial of an operator's or chauffeur's  
2 license.

3 (19) If a conviction or civil infraction determination is  
4 reversed upon appeal, the person whose conviction or determination  
5 has been reversed may serve on the secretary of state a certified  
6 copy of the order of reversal. The secretary of state shall enter  
7 the order in the proper book or index in connection with the record  
8 of the conviction or civil infraction determination.

9 (20) The secretary of state may permit a city or village  
10 department, bureau, person, or court to modify the requirement as  
11 to the time and manner of reporting a conviction, civil infraction  
12 determination, or settlement to the secretary of state if the  
13 modification will increase the economy and efficiency of collecting  
14 and utilizing the records. If the permitted abstract of court  
15 record reporting a conviction, civil infraction determination, or  
16 settlement originates as a part of the written notice to appear,  
17 authorized in section 728(1) or 742(1), the form of the written  
18 notice and report shall be as prescribed by the secretary of state.

19 (21) Notwithstanding any other law of this state, a court  
20 shall not take under advisement an offense committed by a person  
21 while operating a commercial motor vehicle or by a person licensed  
22 to drive a commercial motor vehicle while operating a noncommercial  
23 motor vehicle at the time of the offense, for which this act  
24 requires a conviction or civil infraction determination to be  
25 reported to the secretary of state. A conviction or civil  
26 infraction determination that is the subject of this subsection  
27 shall not be masked, delayed, diverted, suspended, or suppressed by

1 a court. Upon a conviction or civil infraction determination, the  
2 conviction or civil infraction determination shall immediately be  
3 reported to the secretary of state in accordance with this section.

4 (22) Except as provided in this act and notwithstanding any  
5 other provision of law, a court shall not order expunction of any  
6 violation reportable to the secretary of state under this section.

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

11 (2) If a person is determined pursuant to sections 741 to 750  
12 to be responsible or responsible "with explanation" for a civil  
13 infraction under this act or a local ordinance substantially  
14 corresponding to a provision of this act, the judge or district  
15 court magistrate may order the person to pay a civil fine of not  
16 more than \$100.00 and costs as provided in subsection (4). However,  
17 **BEGINNING OCTOBER 31, 2010,** if the civil infraction was a moving  
18 violation that resulted in an at-fault collision with another  
19 vehicle, a person, or any other object, the civil fine ordered  
20 under this section shall be increased by \$25.00 but the total civil  
21 fine shall not exceed \$100.00. However, for a violation of section  
22 **602B, THE PERSON SHALL BE ORDERED TO PAY COSTS AS PROVIDED IN**  
23 **SUBSECTION (4) AND A CIVIL FINE OF \$100.00 FOR A FIRST OFFENSE AND**  
24 **\$200.00 FOR A SECOND OR SUBSEQUENT OFFENSE. FOR A VIOLATION OF**  
25 **SECTION 674(1)(s)** or a local ordinance substantially corresponding  
26 to section 674(1)(s), the person shall be ordered to pay costs as  
27 provided in subsection (4) and a civil fine of not less than

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

25 (3) Except as provided in this subsection, if a person is  
26 determined to be responsible or responsible "with explanation" for  
27 a civil infraction under this act or a local ordinance

1 substantially corresponding to a provision of this act while  
2 driving a commercial motor vehicle, he or she shall be ordered to  
3 pay costs as provided in subsection (4) and a civil fine of not  
4 more than \$250.00. If a person is determined to be responsible or  
5 responsible "with explanation" for a civil infraction under section  
6 319g or a local ordinance substantially corresponding to section  
7 319g, that person shall be ordered to pay costs as provided in  
8 subsection (4) and a civil fine of not more than \$10,000.00.

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 not be ordered in excess of \$100.00. A civil  
16 fine ordered under subsection (2) or (3) shall not be waived unless  
17 costs ordered under this subsection are waived. Except as otherwise  
18 provided by law, costs are payable to the general fund of the  
19 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 (14), 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

1 district court district.

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

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

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

26 (10) A default in the payment of a civil fine or costs ordered  
27 under subsection (2), (3), or (4) or a justice system assessment

1 ordered under subsection (14), or an installment of the fine,  
2 costs, or assessment, may be collected by a means authorized for  
3 the enforcement of a judgment under chapter 40 of the revised  
4 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or  
5 under chapter 60 of the revised judicature act of 1961, 1961 PA  
6 236, MCL 600.6001 to 600.6098.

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

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

19 (13) Until October 1, 2003, in addition to any civil fines and  
20 costs ordered to be paid under this section, the judge or district  
21 court magistrate shall levy an assessment of \$5.00 for each civil  
22 infraction determination, except for a parking violation or a  
23 violation for which the total fine and costs imposed are \$10.00 or  
24 less. An assessment paid before October 1, 2003 shall be  
25 transmitted by the clerk of the court to the state treasurer to be  
26 deposited into the Michigan justice training fund. An assessment  
27 ordered before October 1, 2003 but collected on or after October 1,



1 2003 shall be transmitted by the clerk of the court to the state  
2 treasurer for deposit in the justice system fund created in section  
3 181 of the revised judicature act of 1961, 1961 PA 236, MCL  
4 600.181. An assessment levied under this subsection is not a civil  
5 fine for purposes of section 909.

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

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

24 (16) If a person has received a citation for a violation of  
25 section 328(1) for failing to produce a certificate of insurance  
26 pursuant to section 328(2), the court may waive the fee described  
27 in section 328(3)(c) and shall waive any fine, costs, and any other

Senate Bill No. 468 (H-1) as amended April 21, 2010

1 fee or assessment otherwise authorized under this act upon receipt  
 2 of verification by the court that the person, before the appearance  
 3 date on the citation, produced valid proof of insurance that was in  
 4 effect at the time the violation of section 328(1) occurred.

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

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

[Sec. 909. (1) Except as provided in ~~subsection (2)~~ **THIS SECTION**, a  
 civil fine ~~which~~ **THAT** is ordered under section 907 for a violation of  
 this act or other state statute shall be exclusively applied to the  
 support of public libraries and county law libraries in the same manner  
 as is provided by law for penal fines assessed and collected for  
 violation of a penal law of the state. ~~A-EXCEPT AS PROVIDED IN SUBSECTION~~  
**(3), A** civil fine ordered for a violation of a code or ordinance of a  
 local authority regulating the operation of commercial motor vehicles and  
 substantially corresponding to a provision of this act shall be paid to  
 the county treasurer and shall be allocated as follows:

(a) Seventy percent to the local authority in which the citation is  
 issued.

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

(2) Subsection (1) is intended to maintain a source of revenue for  
 public libraries which previously received penal fines for misdemeanor  
 violations of this act which are now civil infractions.

**(3) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT  
 ADDED THIS SUBSECTION, A CIVIL FINE ORDERED FOR A VIOLATION OF SECTION  
 602B OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 602B  
 SHALL BE DEPOSITED IN THE GENERAL FUND. THIS SUBSECTION IS INTENDED TO  
 OFFSET THE LOSS OF REVENUE OCCASIONED BY THE REDUCTION IN DRIVER  
 RESPONSIBILITY FEES COLLECTED UNDER SECTION 732A. THIS SUBSECTION DOES  
 NOT TAKE EFFECT UNLESS DRIVER RESPONSIBILITY FEES CEASE BEING ASSESSED  
 UNDER SECTION 732A(1) AND (2)(C) AND (D).]**

11 Enacting section 1. This amendatory act takes effect July 1,  
 12 2010.

13 Enacting section 2. This amendatory act does not take effect  
 14 unless all of the following bills of the 95th Legislature are  
 15 enacted into law:

16 (a) House Bill No. 4370.

17 (b) House Bill No. 4394.