

**SUBSTITUTE FOR
HOUSE BILL NO. 5696**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 320a, 707b, 707c, 707d, 732, and 907 (MCL
257.320a, 257.707b, 257.707c, 257.707d, 257.732, and 257.907),
section 320a as amended by 2023 PA 39, section 707c as amended by
2020 PA 382, section 732 as amended by 2023 PA 40, and section 907
as amended by 2024 PA 22.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 320a. (1) Within 5 days after receipt of a properly
2 prepared abstract from a court of this state or another state, the
3 secretary of state shall record the date of conviction, civil
4 infraction determination, or probate court disposition, and the
5 number of points for each, based on the following formula, except



- 1 as otherwise provided in this section and section 629c:
- 2 (a) Manslaughter, negligent homicide, or a felony
- 3 resulting from the operation of a motor vehicle, ORV, or
- 4 snowmobile..... 6 points
- 5 (b) A violation of section 601b(2) or (3), 601c(1) or
- 6 (2), or 653a(3) or (4) or, beginning October 31, 2010, a
- 7 violation of section 601d..... 6 points
- 8 (c) A violation of section 625(1), (4), (5), (7), or
- 9 (8), section 81134 or 82127(1) of the natural resources
- 10 and environmental protection act, 1994 PA 451, MCL
- 11 324.81134 and 324.82127, or a law or ordinance
- 12 substantially corresponding to section 625(1), (4), (5),
- 13 (7), or (8), or section 81134 or 82127(1) of the natural
- 14 resources and environmental protection act, 1994 PA 451,
- 15 MCL 324.81134 and 324.82127..... 6 points
- 16 (d) Failing to stop and disclose identity at the
- 17 scene of an accident when required by law..... 6 points
- 18 (e) Operating a motor vehicle in violation of section
- 19 626..... 6 points
- 20 (f) Fleeing or eluding an officer..... 6 points
- 21 (g) A violation of section 627(6) pertaining to speed
- 22 in a work zone described in that section by exceeding the
- 23 lawful maximum by more than 15 miles per
- 24 hour..... 5 points
- 25 (h) A violation of any law or ordinance pertaining to
- 26 speed by exceeding the lawful maximum by more than 15
- 27 miles per hour..... 4 points



1 (i) A violation of section 625(3) or (6), section
 2 82127(3) of the natural resources and environmental
 3 protection act, 1994 PA 451, MCL 324.82127, or a law or
 4 ordinance substantially corresponding to section 625(3) or
 5 (6) or section 82127(3) of the natural resources and
 6 environmental protection act, 1994 PA 451, MCL
 7 324.82127..... 4 points

8 (j) A violation of section 626a or a law or ordinance
 9 substantially corresponding to section 626a..... 4 points

10 (k) A violation of section 627(6) pertaining to speed
 11 in a work zone described in that section by exceeding the
 12 lawful maximum by more than 10 but not more than 15 miles
 13 per hour..... 4 points

14 (l) Beginning October 31, 2010, a moving violation
 15 resulting in an at-fault collision with another vehicle,
 16 an individual, or any other object..... 4 points

17 (m) Careless driving in violation of section 626b or
 18 a law or ordinance substantially corresponding to section
 19 626b..... 3 points

20 (n) A violation of any law or ordinance pertaining to
 21 speed by exceeding the lawful maximum by more than 10
 22 miles per hour but not more than 15 miles per hour..... 3 points

23 (o) A violation of section 653a(2)..... 2 points

24 (p) A violation of any law or ordinance pertaining to
 25 speed by exceeding the lawful maximum by more than 5 miles
 26 per hour but not more than 10 miles per hour..... 2 points

27 (q) A violation of any law or ordinance pertaining to
 28 speed by exceeding the lawful maximum by more than 1 mile
 29 per hour but not more than 5 miles per hour..... 1 point



1 (r) Disobeying a traffic signal or stop sign, or
2 improper passing..... 3 points

3 (s) A violation of section 624a, 624b, or a law or
4 ordinance substantially corresponding to section 624a or
5 624b..... 2 points

6 (t) A violation of section 310e(4) or (6) or a law or
7 ordinance substantially corresponding to section 310e(4)
8 or (6)..... 2 points

9 (u) All other moving violations pertaining to the
10 operation of motor vehicles reported under this
11 section..... 2 points

12 (v) A refusal by an individual less than 21 years of
13 age to submit to a preliminary breath test required by a
14 peace officer under section 625a..... 2 points

15 (w) A violation of section 627(6) pertaining to speed
16 in a work zone described in that section by exceeding the
17 lawful maximum by 10 miles per hour or
18 less..... 3 points

19 (x) A third or subsequent violation of section
20 602b..... 2 points

21 (y) A second violation of section
22 602b..... 1 point

23 (2) Points must not be entered for a violation of section
24 310e(14), 311, 602c, 625m, 658, **707c**, 710d, 717, 719, 719a, or 723.

25 (3) Points must not be entered for bond forfeitures.

26 (4) Points must not be entered for overweight loads or for
27 defective equipment.

28 (5) If more than 1 conviction, civil infraction determination,
29 or probate court disposition results from the same incident, points



1 must be entered only for the violation that receives the highest
2 number of points under this section.

3 (6) If an individual has accumulated 9 points as provided in
4 this section, the secretary of state may call the individual in for
5 an interview as to the individual's driving ability and record
6 after due notice as to time and place of the interview. If the
7 individual fails to appear as provided in this subsection, the
8 secretary of state shall add 3 points to the individual's record.

9 (7) If an individual violates a speed restriction established
10 by an executive order issued during a state of energy emergency as
11 provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of state
12 shall enter points for the violation under subsection (1).

13 (8) The secretary of state shall enter 6 points upon the
14 record of an individual whose license is suspended or denied under
15 section 625f. However, if a conviction, civil infraction
16 determination, or probate court disposition results from the same
17 incident, additional points for that offense must not be entered.

18 (9) If a Michigan driver commits a violation in another state
19 that would be a civil infraction if committed in this state, and a
20 conviction results solely because of the failure of the Michigan
21 driver to appear in that state to contest the violation, upon
22 receipt of the abstract of conviction by the secretary of state,
23 the violation must be noted on the Michigan driver's record, but
24 points must not be assessed against the Michigan driver license.

25 Sec. 707b. (1) A motor vehicle, while being operated on a
26 highway or street, ~~shall~~**must** be equipped with an exhaust system in
27 good working order to prevent excessive or unusual noise. ~~and shall~~
28 ~~be equipped to prevent noise in excess of the limits established in~~
29 ~~this act.~~



1 (2) For purposes of sections 707a to 707f, a motor vehicle
2 does not include a special mobile equipment.

3 Sec. 707c. (1) A motor vehicle must not be operated or driven
4 on a highway or street if the motor vehicle produces total noise
5 exceeding 1 of the following limits at a distance of 50 feet except
6 as provided in subdivisions (b) (iii) and (c) (iii):

7 (a) A motor vehicle with a gross weight or gross vehicle
8 weight rating of 8,500 pounds or more, combination vehicle with
9 gross weight or gross vehicle weight ratings of 8,500 pounds or
10 more: —

11 (i) Ninety DBA if the maximum lawful speed on the highway or
12 street is greater than 35 miles per hour.

13 (ii) Eighty-six DBA if the maximum lawful speed on the highway
14 or street is not more than 35 miles per hour.

15 (iii) Eighty-eight DBA under stationary run-up test.

16 (b) A motorcycle or a moped:

17 (i) Eighty-six DBA if the maximum lawful speed on the highway
18 or street is greater than 35 miles per hour.

19 (ii) Eighty-two DBA if the maximum lawful speed on the highway
20 or street is not more than 35 miles per hour.

21 (iii) Ninety-five DBA under stationary run-up test at 75 inches.

22 (c) A motor vehicle or a combination of vehicles towed by a
23 motor vehicle not covered in subdivision (a) or (b):

24 (i) Eighty-two DBA if the maximum lawful speed on the highway
25 or street is greater than 35 miles per hour.

26 (ii) Seventy-six DBA if the maximum lawful speed on the highway
27 or street is not more than 35 miles per hour.

28 (iii) Ninety-five DBA under stationary run-up test 20 inches
29 from the end of the tailpipe.



1 (2) A dealer shall not sell or offer for sale for use upon a
2 street or highway in this state a new motor vehicle that produces a
3 maximum noise exceeding the following limits:

4 (a) A motor vehicle with a gross vehicle weight rating of
5 8,500 pounds or more—83 DBA.

6 (b) A motorcycle or a moped—83 DBA.

7 (c) A motor vehicle not covered in subdivision (a) or (b)—80
8 DBA.

9 (3) A person shall not operate a vehicle on a highway or
10 street if the vehicle has a defect in the exhaust system that
11 affects sound reduction, is not equipped with a muffler or other
12 noise dissipative device. ~~7-08~~

13 **(4) A person shall not operate a vehicle on a highway or**
14 **street if the vehicle's exhaust system** is equipped with a cutout,
15 bypass, amplifier, or ~~a~~ similar device.

16 (5) ~~(4)~~—A person, either acting for himself or herself or as
17 the agent or employee of another, shall not sell, install, or
18 replace a muffler or exhaust part that causes the motor vehicle to
19 which the muffler or exhaust part is attached to exceed the noise
20 limits established by this act or a rule promulgated under this
21 act.

22 ~~(5) A person shall not modify, repair, replace, or remove a~~
23 ~~part of an exhaust system causing the motor vehicle to which the~~
24 ~~system is attached to produce noise in excess of the levels~~
25 ~~established by this act, or operate a motor vehicle so altered on a~~
26 ~~street or highway.~~

27 (6) A dealer shall not sell a used or secondhand motor vehicle
28 for use ~~upon~~ **on** a street or highway that is not in compliance with
29 this act.



1 ~~(7) A person who violates this section is responsible for a~~
 2 ~~civil infraction and shall be ordered to pay a civil fine of not~~
 3 ~~more than \$100.00.~~

4 Sec. 707d. (1) **Except as provided under subsection (7), a**
 5 **person who violates section 707b or 707c(1) or (3) is responsible**
 6 **for a civil infraction.**

7 (2) A person who violates section 707c(2), ~~(4),~~ ~~(5),~~ or (6) is
 8 guilty of a misdemeanor punishable by a fine ~~of \$100.00.~~ **as follows:**

9 (a) **For a first violation, \$500.00.**

10 (b) **For a second or subsequent violation, \$1,000.00.**

11 (3) ~~(2)~~ A person who violates section 707b or 707c(1), ~~(3),~~ or
 12 ~~(5)~~ **707c(4) is responsible for a civil infraction as follows:**

13 (a) **Except as provided under subsection (7), for a first**
 14 **violation, the individual is responsible for a civil infraction and**
 15 **must be ordered to pay a civil fine of \$500.00.**

16 (b) **Except as provided under subsection (7), for a second**
 17 **violation, the individual is responsible for a civil infraction and**
 18 **must be ordered to pay a civil fine of \$1,000.00.**

19 (c) **For a third or subsequent violation, the individual is**
 20 **responsible for a civil infraction and must be ordered to pay a**
 21 **civil fine of \$1,000.00.**

22 (4) ~~(3)~~ A person who, at the time of installation, knowingly
 23 installs a muffler or exhaust system which exceeds the decibel
 24 limits of this act ~~shall be~~ **is** liable to the person who receives a
 25 citation for violation of 707c for the amount of not less than
 26 \$100.00, plus reasonable attorney fees and court costs.

27 (5) ~~(4)~~ If it is shown that the noise level of a motor vehicle
 28 is in excess of the DBA levels established in this act, that
 29 evidence ~~shall be~~ **is** prima facie evidence that the motor vehicle



1 was producing excessive noise in violation of this act.

2 (6) ~~(5)~~—A violation of section ~~707e(4)~~**707c(5)** or (6) by a
3 dealer licensed under this act is prima facie evidence of a
4 fraudulent act under section 249.

5 (7) **If, before the appearance date on a citation issued under**
6 **section 707b or 707c(1), (3), or (4), the defendant submits**
7 **sufficient proof to the court that the motor vehicle is no longer**
8 **in violation of the respective section, 1 of the following applies,**
9 **as applicable:**

10 (a) **For a violation of section 707b or 707c(1) or (3), or a**
11 **first violation of section 707c(4), the court shall not assess a**
12 **fine or costs.**

13 (b) **For a second violation of section 707c(4), the court shall**
14 **not assess \$500.00 of the fine.**

15 Sec. 732. (1) Each municipal judge and each clerk of a court
16 of record shall keep a full record of every case in which an
17 individual is charged with or cited for a violation of this act or
18 a local ordinance substantially corresponding to this act
19 regulating the operation of vehicles on highways and with those
20 offenses pertaining to the operation of ORVs or snowmobiles for
21 which points are assessed under section 320a(1)(c) or (i). Except
22 as provided in subsection (16), the municipal judge or clerk of the
23 court of record shall prepare and forward to the secretary of state
24 an abstract of the court record as follows:

25 (a) Not more than 5 days after a conviction, forfeiture of
26 bail, or entry of a civil infraction determination or default
27 judgment upon a charge of or citation for violating or attempting
28 to violate this act or a local ordinance substantially
29 corresponding to this act regulating the operation of vehicles on



1 highways.

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

7 (c) Immediately for each case charging a violation of section
8 82127(1) or (3) or 81134 of the natural resources and environmental
9 protection act, 1994 PA 451, MCL 324.82127 and 324.81134, or a
10 local ordinance substantially corresponding to those sections.

11 (2) If a city or village department, bureau, or person is
12 authorized to accept a payment of money as a settlement for a
13 violation of a local ordinance substantially corresponding to this
14 act, the city or village department, bureau, or person shall send a
15 full report of each case in which an individual pays any amount of
16 money to the city or village department, bureau, or person to the
17 secretary of state upon a form prescribed by the secretary of
18 state.

19 (3) The abstract or report required under this section must be
20 made upon a form furnished by the secretary of state. An abstract
21 must be certified by signature, stamp, or facsimile signature of
22 the individual required to prepare the abstract as correct. An
23 abstract or report must include all of the following:

24 (a) The name, address, and date of birth of the individual
25 charged or cited.

26 (b) The number of the individual's operator's or chauffeur's
27 license, if any.

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

29 (d) The type of vehicle driven at the time of the violation



1 and, if the vehicle is a commercial motor vehicle, that vehicle's
2 group designation.

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

5 (f) Whether bail was forfeited.

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

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

10 (i) Other information considered necessary to the secretary of
11 state.

12 (4) The clerk of the court also shall forward an abstract of
13 the court record to the secretary of state upon an individual's
14 conviction or, for the purposes of subdivision (d), a finding or
15 admission of responsibility, involving any of the following:

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

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

19 (c) Negligent homicide, manslaughter, or murder resulting from
20 the operation of a vehicle.

21 (d) A violation of sections 701(1) and 703 of the Michigan
22 liquor control code of 1998, 1998 PA 58, MCL 436.1701 and 436.1703,
23 or a local ordinance substantially corresponding to those sections.

24 (e) A violation of section 411a(2) of the Michigan penal code,
25 1931 PA 328, MCL 750.411a.

26 (f) A violation of motor carrier safety regulations 49 CFR
27 392.10 or 392.11 as adopted by section 1a of the motor carrier
28 safety act of 1963, 1963 PA 181, MCL 480.11a.

29 (g) A violation of section 57 of the pupil transportation act,



1 1990 PA 187, MCL 257.1857.

2 (h) An attempt to violate, a conspiracy to violate, or a
3 violation of part 74 of the public health code, 1978 PA 368, MCL
4 333.7401 to 333.7461, or a local ordinance that prohibits conduct
5 prohibited under part 74 of the public health code, 1978 PA 368,
6 MCL 333.7401 to 333.7461, unless the convicted individual is
7 sentenced to life imprisonment or a minimum term of imprisonment
8 that exceeds 1 year for the offense.

9 (i) An attempt to commit an offense described in subdivisions
10 (a) to (g).

11 (j) A violation of chapter LXXXVIII-A of the Michigan penal
12 code, 1931 PA 328, MCL 750.543a to 750.543z.

13 (k) A violation of section 3101, 3102(1), or 3103 of the
14 insurance code of 1956, 1956 PA 218, MCL 500.3101, 500.3102, and
15 500.3103.

16 (l) A violation listed as a disqualifying offense under 49 CFR
17 383.51.

18 **(m) A violation of section 707c(4).**

19 (5) The clerk of the court shall also forward an abstract of
20 the court record to the secretary of state if an individual has
21 pled guilty to, or offered a plea of admission in a juvenile
22 proceeding for, a violation of section 703 of the Michigan liquor
23 control code of 1998, 1998 PA 58, MCL 436.1703, or a local
24 ordinance substantially corresponding to that section, and has had
25 further proceedings deferred under that section. If the individual
26 is sentenced to a term of probation and terms and conditions of
27 probation are fulfilled and the court discharges the individual and
28 dismisses the proceedings, the court shall also report the
29 dismissal to the secretary of state.



1 (6) As used in subsections (7) to (9), "felony in which a
 2 motor vehicle was used" means a felony during the commission of
 3 which the individual operated a motor vehicle and while operating
 4 the vehicle presented real or potential harm to individuals or
 5 property and 1 or more of the following circumstances existed:

- 6 (a) The vehicle was used as an instrument of the felony.
 7 (b) The vehicle was used to transport a victim of the felony.
 8 (c) The vehicle was used to flee the scene of the felony.
 9 (d) The vehicle was necessary for the commission of the
 10 felony.

11 (7) If an individual is charged with a felony in which a motor
 12 vehicle was used, other than a felony specified in subsection (4)
 13 or section 319, the prosecuting attorney shall include the
 14 following statement on the complaint and information filed in
 15 district or circuit court:

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

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

27 "You are accused of an act the nature of which constitutes a
 28 felony in which a motor vehicle was used. If the accusation is
 29 found to be true and the judge or referee finds that the nature of



1 the act constitutes a felony in which a motor vehicle was used, as
2 defined in section 319 of the Michigan vehicle code, 1949 PA 300,
3 MCL 257.319, your driver's license shall be suspended by the
4 secretary of state."

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

11 (10) As used in subsections (11) and (12), "felony in which a
12 commercial motor vehicle was used" means a felony during the
13 commission of which the individual operated a commercial motor
14 vehicle and while the individual was operating the vehicle 1 or
15 more of the following circumstances existed:

- 16 (a) The vehicle was used as an instrument of the felony.
17 (b) The vehicle was used to transport a victim of the felony.
18 (c) The vehicle was used to flee the scene of the felony.
19 (d) The vehicle was necessary for the commission of the
20 felony.

21 (11) If an individual is charged with a felony in which a
22 commercial motor vehicle was used and for which a vehicle group
23 designation on a license is subject to suspension or revocation
24 under section 319b(1)(c) *(iii)*, 319b(1)(d), 319b(1)(e) *(iii)*, or
25 319b(1)(f) *(i)*, the prosecuting attorney shall include the following
26 statement on the complaint and information filed in district or
27 circuit court:

28 "You are charged with the commission of a felony in which a
29 commercial motor vehicle was used. If you are convicted and the



1 judge finds that the conviction is for a felony in which a
 2 commercial motor vehicle was used, as defined in section 319b of
 3 the Michigan vehicle code, 1949 PA 300, MCL 257.319b, all vehicle
 4 group designations on your driver's license shall be suspended or
 5 revoked by the secretary of state.".

6 (12) If the judge determines as part of the sentence that the
 7 felony for which the defendant was convicted and with respect to
 8 which notice was given under subsection (11) is a felony in which a
 9 commercial motor vehicle was used, the clerk of the court shall
 10 forward an abstract of the court record of that conviction to the
 11 secretary of state.

12 (13) Every individual required to forward abstracts to the
 13 secretary of state under this section shall certify for the period
 14 from January 1 through June 30 and for the period from July 1
 15 through December 31 that all abstracts required to be forwarded
 16 during the period have been forwarded. The certification must be
 17 filed with the secretary of state not later than 28 days after the
 18 end of the period covered by the certification. The certification
 19 must be made upon a form furnished by the secretary of state and
 20 must include all of the following:

21 (a) The name and title of the individual required to forward
 22 abstracts.

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

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

25 (d) The following statement:

26 "I certify that all abstracts required by section 732 of the
 27 Michigan vehicle code, 1949 PA 300, MCL 257.732, for the period
 28 _____ through _____ have been forwarded to the
 29 secretary of state.".



1 (e) Other information the secretary of state considers
2 necessary.

3 (f) The signature of the individual required to forward
4 abstracts.

5 (14) The failure, refusal, or neglect of an individual to
6 comply with this section constitutes misconduct in office and is
7 grounds for removal from office.

8 (15) Except as provided in subsection (16), the secretary of
9 state shall keep all abstracts received under this section at the
10 secretary of state's main office and the abstracts must be open for
11 public inspection during the office's usual business hours. Each
12 abstract must be entered upon the master driving record of the
13 individual to whom it pertains.

14 (16) Except for controlled substance offenses **and the exhaust**
15 **system violation** described in subsection (4), the court shall not
16 submit, and the secretary of state shall discard and not enter on
17 the master driving record, an abstract for a conviction or civil
18 infraction determination for any of the following violations:

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

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

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

26 (d) A pedestrian, passenger, or bicycle violation, other than
27 a violation of section 703(1) or (2) of the Michigan liquor control
28 code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance
29 substantially corresponding to section 703(1) or (2) of the



1 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or
2 section 624a or 624b or a local ordinance substantially
3 corresponding to section 624a or 624b.

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

6 (f) A violation of section 328(1) if, before the appearance
7 date on the citation, the individual submits proof to the court
8 that the motor vehicle had insurance meeting the requirements of
9 sections 3101 and 3102 of the insurance code of 1956, 1956 PA 218,
10 MCL 500.3101 and 500.3102, at the time the citation was issued.
11 Insurance obtained subsequent to the time of the violation does not
12 make the violation an exception under this subsection.

13 (g) A violation described in section 319b(10) (b) (vii) if,
14 before the court appearance date or date fines are to be paid, the
15 individual submits proof to the court that the individual held a
16 valid commercial driver license on the date the citation was
17 issued.

18 (h) A violation of section 311 if the individual was driving a
19 noncommercial vehicle and, before the court appearance date or the
20 date fines are to be paid, the individual submits proof to the
21 court that the individual held a valid driver license on the date
22 the citation was issued.

23 (17) Except as otherwise provided in this subsection, the
24 secretary of state shall discard and not enter on the master
25 driving record an abstract for a bond forfeiture that occurred
26 outside this state. The secretary of state shall enter on the
27 master driving record an abstract for a conviction as defined in
28 section 8a(b) that occurred outside this state in connection with
29 the operation of a commercial motor vehicle or for a conviction of



1 an individual licensed as a commercial motor vehicle driver.

2 (18) The secretary of state shall inform the courts of this
3 state of the nonmoving violations and violations of chapter II that
4 are used by the secretary of state as the basis for the suspension,
5 restriction, revocation, or denial of an operator's or chauffeur's
6 license.

7 (19) If a conviction or civil infraction determination is
8 reversed upon appeal, the individual whose conviction or
9 determination has been reversed may serve on the secretary of state
10 a certified copy of the order of reversal. The secretary of state
11 shall enter the order in the proper book or index in connection
12 with the record of the conviction or civil infraction
13 determination.

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

24 (21) Notwithstanding any other law of this state, a court
25 shall not take under advisement an offense committed by an
26 individual while operating a motor vehicle for which this act
27 requires a conviction or civil infraction determination to be
28 reported to the secretary of state. A conviction or civil
29 infraction determination that is the subject of this subsection



1 must not be masked, delayed, diverted, suspended, or suppressed by
 2 a court. Upon a conviction or civil infraction determination, the
 3 conviction or civil infraction determination must immediately be
 4 reported to the secretary of state in accordance with this section.

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

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

12 (2) Permission may be granted for payment of a civil fine and
 13 costs to be made within a specified period of time or in specified
 14 installments but, unless permission is included in the order or
 15 judgment, the civil fine and costs must be payable immediately.
 16 Except as otherwise provided, a person found responsible or
 17 responsible "with explanation" for a civil infraction must pay
 18 costs as provided in subsection (4) and 1 or more of the following
 19 civil fines, as applicable:

20 (a) Except as otherwise provided, for a civil infraction under
 21 this act or a local ordinance that substantially corresponds to a
 22 provision of this act, the person must be ordered to pay a civil
 23 fine of not more than \$100.00.

24 (b) If the civil infraction was a moving violation that
 25 resulted in an at-fault collision with another vehicle, an
 26 individual, or any other object, the civil fine ordered under this
 27 section is increased by \$25.00 but the total civil fine must not be
 28 more than \$100.00.

29 (c) For a violation of section 240, the civil fine ordered



1 under this section is \$15.00.

2 (d) For a violation of section 312a(4) (a), the civil fine
3 ordered under this section must not be more than \$250.00.

4 (e) For a first violation of section 319f(1), the civil fine
5 ordered under this section must not be less than \$2,500.00 or more
6 than \$2,750.00; for a second or subsequent violation, the civil
7 fine must not be less than \$5,000.00 or more than \$5,500.00.

8 (f) For a violation of section 319g(1) (a), the civil fine
9 ordered under this section must not be more than \$10,000.00.

10 (g) For a violation of section 319g(1) (g), the civil fine
11 ordered under this section must not be less than \$2,750.00 or more
12 than \$25,000.00.

13 (h) For a violation of section 602b, the civil fine ordered
14 under this section must be as follows:

15 (i) For a violation of section 602b(1), either of the
16 following:

17 (A) If the violation does not involve an accident, \$100.00 for
18 a first offense and \$250.00 for a second or subsequent offense.

19 (B) If the violation involves an accident, \$200.00 for a first
20 offense and \$500.00 for a second or subsequent offense.

21 (ii) For a violation of section 602b(2), either of the
22 following:

23 (A) If the violation does not involve an accident, \$200.00 for
24 a first offense and \$500.00 for a second or subsequent offense.

25 (B) If the violation involves an accident, \$400.00 for a first
26 offense and \$1,000.00 for a second or subsequent offense.

27 (i) For a violation of section 674(1) (s) or a local ordinance
28 that substantially corresponds to section 674(1) (s), the civil fine
29 ordered under this section must not be less than \$100.00 or more



1 than \$250.00.

2 (j) For a violation of section 676a(3), the civil fine ordered
3 under this section must not be more than \$10.00.

4 (k) For a violation of section 676c, the civil fine ordered
5 under this section is \$1,000.00.

6 (l) For a violation of section 682 or a local ordinance that
7 substantially corresponds to section 682, the civil fine ordered
8 under this section must not be less than \$100.00 or more than
9 \$500.00.

10 (m) **Except as provided in section 707d(7), for a first**
11 **violation of section 707c(4), the civil fine ordered under this**
12 **section is \$500.00; for a second or subsequent violation, the civil**
13 **fine ordered under this section is \$1,000.00.**

14 (n) ~~(m)~~ For a violation of section 710d, the civil fine
15 ordered under this section must not be more than \$10.00, subject to
16 subsection (11).

17 (o) ~~(n)~~ For a violation of section 710e, the civil fine and
18 court costs ordered under this subsection must be \$25.00.

19 (3) Except as otherwise provided in this section, if an
20 individual is determined to be responsible or responsible "with
21 explanation" for a civil infraction under this act or a local
22 ordinance that substantially corresponds to a provision of this act
23 while driving a commercial motor vehicle, the individual must be
24 ordered to pay costs as provided in subsection (4) and a civil fine
25 of not more than \$250.00.

26 (4) If a civil fine is ordered under subsection (2) or (3),
27 the judge or district court magistrate shall summarily tax and
28 determine the costs of the action, which are not limited to the
29 costs taxable in ordinary civil actions, and may include all



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

8 (5) In addition to a civil fine and costs ordered under
9 subsection (2) or (3) and subsection (4) and the justice system
10 assessment ordered under subsection (12), the judge or district
11 court magistrate may order the individual to attend and complete a
12 program of treatment, education, or rehabilitation.

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

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

27 (8) The state court administrator shall annually publish and
28 distribute to each district and court a recommended range of civil
29 fines and costs for first-time civil infractions. This



1 recommendation is not binding on the courts that have jurisdiction
 2 over civil infractions but is intended to act as a normative guide
 3 for judges and district court magistrates and a basis for public
 4 evaluation of disparities in the imposition of civil fines and
 5 costs throughout this state.

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

12 (10) A default in the payment of a civil fine or costs ordered
 13 under subsection (2), (3), or (4) or a justice system assessment
 14 ordered under subsection (12), or an installment of the fine,
 15 costs, or assessment, may be collected by a means authorized for
 16 the enforcement of a judgment under chapter 40 of the revised
 17 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or
 18 under chapter 60 of the revised judicature act of 1961, 1961 PA
 19 236, MCL 600.6001 to 600.6098.

20 (11) ~~The~~ **Before the effective date of 2024 PA 22, the court**
 21 **may waive any civil fine, cost, or assessment against an individual**
 22 **who received a civil infraction citation for a violation of section**
 23 **710d if the individual, before the appearance date on the citation,**
 24 **supplies the court with evidence of acquisition, purchase, or**
 25 **rental of a child seating system meeting the requirements of**
 26 **section 710d. Beginning on the effective date of 2024 PA 22, the**
 27 court may waive any civil fine, cost, or assessment against an
 28 individual who received a civil infraction citation for a violation
 29 of section 710d if the individual, before the appearance date on



1 the citation, supplies the court with evidence of acquisition of a
2 child seating system that meets the requirements of section 710d
3 and evidence that the individual has received education from a
4 certified child passenger safety technician.

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

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

22 (14) If a person has received a citation for a violation of
23 section 328(1) for failing to produce a certificate of insurance
24 under section 328(2), the court may waive the fee described in
25 section 328(3)(c) and shall waive any fine, costs, and any other
26 fee or assessment otherwise authorized under this act on receipt of
27 verification by the court that the person, before the appearance
28 date on the citation, produced valid proof of insurance that was in
29 effect when the violation of section 328(1) occurred. Insurance



1 obtained after the violation occurred does not make the person
2 eligible for a waiver under this subsection.

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

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

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

