

# HOUSE BILL NO. 4928

August 23, 2023, Introduced by Reps. Shannon and Filler and referred to the Committee on Regulatory Reform.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 682, 741, 742, 743, 907, 908, and 909 (MCL 257.682, 257.741, 257.742, 257.743, 257.907, 257.908, and 257.909), section 682 as amended by 2021 PA 50, sections 741 and 743 as amended by 2006 PA 298, section 742 as amended by 2008 PA 171, section 907 as amended by 2023 PA 40, and section 909 as amended by 2000 PA 94.

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

1           Sec. 682. (1) The operator of a vehicle overtaking or meeting  
2 a school bus that has stopped and is displaying 2 alternately  
3 flashing red lights located at the same level shall bring the  
4 vehicle to a full stop not less than 20 feet from the school bus  
5 and shall not proceed until the school bus resumes motion or the  
6 visual signals are no longer actuated. The operator **or, for a**  
7 **camera-based violation, the registered owner,** of a vehicle ~~who~~**that**  
8 fails to stop for a school bus as required by this subsection, ~~who~~  
9 **that** passes a school bus in violation of this subsection, or ~~who~~  
10 **that** fails to stop for a school bus in violation of an ordinance  
11 that is substantially similar to this subsection, is responsible  
12 for a civil infraction **and must be ordered to pay a civil fine of**  
13 **not less than \$250.00 and not more than \$500.00.**

14           (2) ~~The~~**Except where a crosswalk or pedestrian walkway is**  
15 **present, the** operator of a vehicle on a highway that has been  
16 divided into 2 roadways by leaving ~~an~~**a raised** intervening space,  
17 or by a physical barrier, or clearly indicated dividing sections so  
18 constructed as to impede vehicular traffic, is not required to stop  
19 upon meeting a school bus that has stopped across the ~~dividing~~  
20 **raised intervening** space, **physical** barrier, or **dividing** section.

21           (3) In a proceeding for a violation of subsection (1), proof  
22 that the particular vehicle described in the citation was in  
23 violation of subsection (1), together with proof that the defendant  
24 named in the citation was, at the time of the violation, the  
25 registered owner of the vehicle, constitutes a rebuttable  
26 presumption that the registered owner of the vehicle was the driver  
27 of the vehicle at the time of the violation.

28           (4) ~~A~~**Notwithstanding any provision of law to the contrary, if**  
29 **the operator of a vehicle fails to stop for a school bus may be**

1 ~~equipped with a stop-arm camera system in accordance with as~~  
 2 **required under subsection (1), or passes a school bus in violation**  
 3 **of subsection (1), or fails to stop for a school bus in violation**  
 4 **of an ordinance that is substantially similar to subsection (1),**  
 5 **and the school bus is equipped with a stop-arm camera system under**  
 6 **section 20 of the pupil transportation act, 1990 PA 187, MCL**  
 7 **257.1820, the photograph captured or video recorded by the stop-arm**  
 8 **camera system, or a certificate described in subsection (5), may be**  
 9 **used as prima facie evidence in a proceeding for a violation of**  
 10 **subsection (1).** A school **district** that uses a stop-arm camera  
 11 system shall provide a ~~video~~**photograph captured** or ~~photograph~~  
 12 **video** recorded by a stop-arm camera system for use as **prima facie**  
 13 evidence in a proceeding for a violation of subsection (1) if  
 14 requested by an investigating law enforcement agency. ~~A photograph~~  
 15 ~~or video recorded by a stop-arm camera system is admissible as~~  
 16 ~~evidence in a proceeding for a violation of subsection (1) to the~~  
 17 ~~extent permitted by the rules of evidence of this state.~~ However, a  
 18 photograph **captured** or video recorded by a stop-arm camera system,  
 19 **or a certificate described in subsection (5),** is not required for  
 20 the prosecution of a violation of subsection (1).

21 (5) A certificate or facsimile of a certificate based on an  
 22 inspection of a photograph captured or video recorded by a stop-arm  
 23 camera system and sworn to or affirmed by a law enforcement officer  
 24 of a law enforcement agency is prima facie evidence of the facts  
 25 contained in the photograph or video.

26 (6) For a camera-based violation only, by not later than 30  
 27 days after receiving stop-arm camera system information as  
 28 described in section 20 of the pupil transportation act, 1990 PA  
 29 187, MCL 257.1820, a law enforcement agency shall review that

1 information to determine if there is sufficient evidence that a  
2 violation of subsection (1) occurred and, if there is sufficient  
3 evidence that a violation occurred, shall electronically certify a  
4 citation and a notice of violation that must be mailed as described  
5 in subsection (7).

6 (7) For a camera-based violation only, if a law enforcement  
7 agency determines by a review of stop-arm camera system information  
8 described in subsection (6) that a violation of subsection (1) has  
9 occurred, the law enforcement agency or an agent authorized by the  
10 law enforcement agency shall send by first-class mail a citation  
11 and a notice of violation, certified by the law enforcement agency  
12 under subsection (6), to the registered owner of the motor vehicle  
13 involved in the violation. A citation and notice of violation  
14 required by this subsection are considered given on the date that  
15 they are mailed. The notice of violation must include all of the  
16 following information:

17 (a) A copy of the captured photograph or selected images from  
18 a recorded video showing the motor vehicle involved in the  
19 violation.

20 (b) If the violation is based on a recorded video, a method to  
21 review the recorded video on a website.

22 (c) The date, time, and location of the alleged violation.

23 (d) The amount of the civil fine and the date by which the  
24 civil fine must be paid.

25 (e) A copy of a certificate described in subsection (5), if  
26 applicable, and a statement of the facts inferred from the captured  
27 photograph or recorded video.

28 (f) Instructions for how to pay the civil fine or otherwise  
29 respond to the citation.

1           (g) A warning that a failure to pay the civil fine or to  
2 otherwise respond to the citation within 30 days after the citation  
3 is mailed is an admission of responsibility for the civil  
4 infraction.

5           (8) The registered owner of a motor vehicle involved in a  
6 camera-based violation may admit responsibility for the civil  
7 infraction and pay the civil fine as indicated on the citation and  
8 notice of violation or may otherwise respond as provided in section  
9 743. Payment of the civil fine is a final disposition of the civil  
10 infraction.

11           (9) For a camera-based violation only, if the registered owner  
12 of the vehicle involved in the camera-based violation has not paid  
13 the civil fine or otherwise responded to a citation within 30 days  
14 after the citation and the notice of violation required under  
15 subsection (7) are mailed, the law enforcement agency or an agent  
16 authorized by the law enforcement agency shall send by first-class  
17 mail a final notice of the unpaid civil fine, and all of the  
18 following apply:

19           (a) The final notice must inform the registered owner that the  
20 law enforcement agency or the agent authorized by the law  
21 enforcement agency will send an electronic referral to the  
22 secretary of state, in a form prescribed by the secretary of state,  
23 if the civil fine is not paid within 30 days after the final notice  
24 was mailed and that the referral will result in the secretary of  
25 state refusing to renew the registration of the motor vehicle and  
26 prohibiting the title transfer of the motor vehicle in this state.

27           (b) Within 5 days after receiving a referral, the secretary of  
28 state shall enter the referral into the secretary of state's motor  
29 vehicle database and refuse to renew the registration of the motor

1 vehicle and prohibit the title transfer of the motor vehicle in  
2 this state until the civil fine is paid.

3 (c) The secretary of state shall renew a registration that is  
4 refused or allow a title transfer that is prohibited under  
5 subdivision (b) on receiving notification, on an electronic format  
6 and method prescribed by the secretary of state, by a law  
7 enforcement agency or an agent authorized by the law enforcement  
8 agency that the civil fine has been paid.

9 (10) Notwithstanding any provision of law to the contrary, a  
10 civil fine for a camera-based violation must be paid to the county  
11 treasurer or the county treasurer's designee, who shall distribute  
12 the paid civil fines not less than monthly to the school district  
13 that operates the school bus.

14 (11) ~~(5)~~As used in this section:

15 (a) "Camera-based violation" means a violation based solely on  
16 a photograph captured or a video recorded by a stop-arm camera  
17 system.

18 (b) ~~(a)~~"Law enforcement agency" means any of the following:

19 (i) The department of state police.

20 (ii) The county sheriff's office.

21 (iii) The police department of a local unit of government.

22 (iv) Any other governmental law enforcement agency in this  
23 state.

24 (c) ~~(b)~~"Local unit of government" means a state university or  
25 college or a county, city, village, or township.

26 (d) ~~(e)~~"~~School~~"**School district**" means that term as defined  
27 by ~~in section 5 of the pupil transportation act, 1990 PA 187, MCL~~  
28 ~~257.1805.6~~ **of the revised school code, 1976 PA 451, MCL 380.6.**

29 (e) ~~(d)~~"Stop-arm camera system" means that term as defined by

1 **in** section ~~20-5~~ of the pupil transportation act, 1990 PA 187, MCL  
2 ~~257.1820-257.1805~~.

3       Sec. 741. (1) A civil infraction action is a civil action in  
4 which the defendant is alleged to be responsible for a civil  
5 infraction. A civil infraction action is commenced upon the  
6 issuance and service of a citation as provided in section 742. The  
7 plaintiff in a civil infraction action ~~shall~~**must** be either ~~the~~  
8 **this** state if the alleged civil infraction is a violation of this  
9 act, or a political subdivision if the alleged civil infraction is  
10 a violation of a local ordinance of that subdivision ~~which~~**that**  
11 substantially corresponds to a provision of this act.

12       (2) The following courts ~~shall~~ have jurisdiction over civil  
13 infraction actions:

14       (a) The district court.

15       (b) Any municipal court.

16       (3) ~~The~~**Except as otherwise provided in section 682, the** time  
17 specified in a citation for appearance ~~shall~~**must** be within a  
18 reasonable time after the citation is issued pursuant to section  
19 742.

20       (4) The place specified in the citation for appearance ~~shall~~  
21 **must** be the court listed in subsection (2) ~~which~~**that** has  
22 territorial jurisdiction of the place where the civil infraction  
23 occurred. Venue in the district court ~~shall be~~**is** governed by  
24 section 8312 of the revised judicature act of 1961, 1961 PA 236,  
25 MCL 600.8312.

26       (5) If the ~~person~~**individual** cited is a minor, that individual  
27 ~~shall be permitted to~~**may** appear in court or ~~to~~ admit  
28 responsibility for a civil infraction without the necessity of  
29 appointment of a guardian or next friend. The courts listed in

1 subsection (2) ~~shall~~ have jurisdiction over the minor and may  
 2 proceed in the same manner and in all respects as if that  
 3 individual were an adult.

4 Sec. 742. (1) A ~~If a~~ police officer ~~who witnesses a person an~~  
 5 **individual** violating this act or a local ordinance substantially  
 6 corresponding to this act, ~~which and that~~ violation is a civil  
 7 infraction, **that police officer** may stop the ~~person, individual,~~  
 8 detain the ~~person individual~~ temporarily for purposes of making a  
 9 record of vehicle check, and prepare and subscribe, as soon as  
 10 possible and as completely as possible, an original and 3 copies of  
 11 a written citation, which ~~shall must~~ be a notice to appear in court  
 12 for 1 or more civil infractions. If a police officer of a village,  
 13 city, township, or county, or a police officer who is an authorized  
 14 agent of a county road commission, witnesses ~~a person an individual~~  
 15 violating this act or a local ordinance substantially corresponding  
 16 to this act within that village, city, township, or county and that  
 17 violation is a civil infraction, **that police officer** may pursue,  
 18 stop, and detain the ~~person individual~~ outside the village, city,  
 19 township, or county where the violation occurred for the purpose of  
 20 exercising the authority and performing the duties prescribed in  
 21 this section and section 749, as applicable.

22 (2) ~~Any If a~~ police officer, ~~having has~~ reason to believe  
 23 that the load, weight, height, length, or width of a vehicle or  
 24 load are in violation of section 717, 719, 719a, 722, 724, 725, or  
 25 726 ~~which and that~~ violation is a civil infraction, **that police**  
 26 **officer** may require the driver of the vehicle to stop, and the  
 27 **police** officer may investigate, weigh, or measure the vehicle or  
 28 load. If, after personally investigating, weighing, or measuring  
 29 the vehicle or load, the **police** officer determines that the load,



1 weight, height, length, or width of the vehicle or load are in  
2 violation of section 717, 719, 719a, 722, 724, 725, or 726, the  
3 **police** officer may temporarily detain the driver of the vehicle for  
4 purposes of making a record or vehicle check and issue a citation  
5 to the driver or owner of the vehicle as provided in those  
6 sections.

7 (3) A police officer may issue a citation to ~~a person~~**an**  
8 **individual** who is a driver of a motor vehicle involved in an  
9 accident when, based upon personal investigation, the officer has  
10 reasonable cause to believe that the ~~person~~**individual** is  
11 responsible for a civil infraction in connection with the accident.  
12 A police officer may issue a citation to ~~a person~~**an individual** who  
13 is a driver of a motor vehicle when, based upon personal  
14 investigation by the police officer of a complaint by someone who  
15 witnessed the ~~person~~**individual** violating this act or a local  
16 ordinance substantially corresponding to this act ~~, which~~**and that**  
17 violation is a civil infraction, the officer has reasonable cause  
18 to believe that the ~~person~~**individual** is responsible for a civil  
19 infraction and if the prosecuting attorney or attorney for the  
20 political subdivision approves in writing the issuance of the  
21 citation.

22 (4) The form of a citation issued under subsection (1), (2),  
23 ~~or~~(3), **or (9)** shall be as prescribed in sections 727c and 743.

24 (5) The officer shall inform the ~~person~~**individual** of the  
25 alleged civil infraction or infractions and shall deliver the third  
26 copy of the citation to the alleged offender.

27 (6) In a civil infraction action involving the parking or  
28 standing of a motor vehicle, a copy of the citation is not required  
29 to be served personally upon the defendant but may be served upon

1 the registered owner by attaching the copy to the vehicle. A city  
 2 may authorize personnel other than a police officer to issue and  
 3 serve a citation for a violation of its ordinance involving the  
 4 parking or standing of a motor vehicle. A city may authorize a  
 5 person other than personnel or a police officer to issue and serve  
 6 a citation for parking violations described in section 675d if the  
 7 city has complied with the requirements of section 675d. State  
 8 security personnel receiving authorization under section 6c of 1935  
 9 PA 59, MCL 28.6c, may issue and serve citations for violations  
 10 involving the parking or standing of vehicles on land owned by ~~the~~  
 11 **this** state or land of which ~~the~~**this** state is the lessee when  
 12 authorized to do so by the director of the department of state  
 13 police.

14 (7) If a parking violation notice other than a citation is  
 15 attached to a motor vehicle, and if an admission of responsibility  
 16 is not made and the civil fine and costs, if any, prescribed by  
 17 ordinance for the violation are not paid at the parking violations  
 18 bureau, a citation may be filed with the court described in section  
 19 741(4) and a copy of the citation may be served by first-class mail  
 20 upon the registered owner of the vehicle at the owner's last known  
 21 address. A parking violation notice may be issued by a police  
 22 officer, including a limited duty officer, or other personnel duly  
 23 authorized by the city, village, township, college, or university  
 24 to issue ~~such a~~**that parking violation** notice under its ordinance.  
 25 The citation filed with the court pursuant to this subsection need  
 26 not comply in all particulars with sections 727c and 743 but ~~shall~~  
 27 **must** consist of a sworn complaint containing the allegations stated  
 28 in the parking violation notice and ~~shall~~**must** fairly inform the  
 29 defendant how to respond to the citation.

1 (8) A citation issued under subsection (6) or (7) for a  
 2 parking or standing violation ~~shall~~**must** be processed in the same  
 3 manner as a citation issued personally to a defendant under  
 4 subsection (1) or (3).

5 (9) **A citation may be issued by mail to the registered owner**  
 6 **of a vehicle as provided in section 682 for a camera-based**  
 7 **violation as defined in section 682.**

8 (10) ~~(9)~~—As used in subsection (7):

9 (a) "Parking violation notice" means a notice, other than a  
 10 citation, directing a person to appear at a parking violations  
 11 bureau in the city, village, or township in which, or of the  
 12 college or university for which, the notice is issued and to pay  
 13 the fine and costs, if any, prescribed by ordinance for the parking  
 14 or standing of a motor vehicle in violation of the ordinance.

15 (b) "Parking violations bureau" means a parking violations  
 16 bureau established pursuant to section 8395 of the revised  
 17 judicature act of 1961, 1961 PA 236, MCL 600.8395, or a comparable  
 18 parking violations bureau established in a city or village served  
 19 by a municipal court or established pursuant to law by the  
 20 governing board of a state university or college.

21 Sec. 743. (1) A citation issued pursuant to section 742 ~~shall~~  
 22 **must** contain the name of ~~the state~~**this state** or ~~the~~ political  
 23 subdivision acting as plaintiff, the name and address of the ~~person~~  
 24 **defendant** to whom the citation is issued, the civil infraction  
 25 alleged, the place where the ~~person shall~~**defendant must** appear in  
 26 court, the telephone number of the court, the time at or by which  
 27 the appearance ~~shall~~**must** be made, and the additional information  
 28 required by this section.

29 (2) The citation shall inform the defendant to the effect that

1 ~~he or she,~~ **the defendant**, at or by the time specified for  
2 appearance, may:

3 (a) Admit responsibility for the civil infraction in person,  
4 by representation, or by mail.

5 (b) Admit responsibility for the civil infraction "with  
6 explanation" in person, by representation, or by mail.

7 (c) Deny responsibility for the civil infraction by doing  
8 either of the following:

9 (i) Appearing in person for an informal hearing before a  
10 district court magistrate or a judge without the opportunity of  
11 being represented by an attorney.

12 (ii) Appearing in court for a formal hearing before a judge,  
13 with the opportunity of being represented by an attorney.

14 (3) The citation shall inform the defendant that if the ~~person~~  
15 **defendant** desires to admit responsibility "with explanation" other  
16 than by mail or to have an informal hearing or a formal hearing,  
17 the ~~person~~**defendant** must apply to the court in person, by mail, or  
18 by telephone, within the time specified for appearance and obtain a  
19 scheduled date and time to appear for a hearing. A hearing date may  
20 be specified on the citation.

21 (4) ~~The~~**A** citation shall ~~shall~~**must** contain a notice in boldface  
22 type that the failure of a ~~person~~**an individual** to appear within  
23 the time specified in the citation or at the time scheduled for a  
24 hearing or appearance will result in entry of a default judgment  
25 against the ~~person~~**individual** and, **except for a citation served on**  
26 **the registered owner of a vehicle as provided in section 682 for a**  
27 **camera-based violation as defined in section 682, will result** in  
28 the immediate suspension of the ~~person's~~**individual's** operator's or  
29 chauffeur's license. Timely application to the court for a hearing

1 or return of the citation with an admission of responsibility and  
2 with full payment of applicable civil fines and costs constitute a  
3 timely appearance.

4 (5) If the citation is issued to ~~a person~~**an individual** who is  
5 operating a commercial motor vehicle, the citation ~~shall~~**must**  
6 contain a vehicle group designation and indorsement description of  
7 the vehicle ~~, which vehicle is~~**that was** operated by the ~~person~~  
8 **individual** at the time of the alleged civil infraction.

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

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

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

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

1 (c) For a violation of section 240, the civil fine ordered  
2 under this subsection is \$15.00.

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

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

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

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

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

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

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

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

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

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

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

28 (i) For a violation of section 674(1) (s) or a local ordinance  
29 that substantially corresponds to section 674(1) (s), the civil fine

1 ordered under this section must not be less than \$100.00 or more  
2 than \$250.00.

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

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

7 (l) For a violation of section 682 or a local ordinance that  
8 substantially corresponds to section 682, the civil fine ordered  
9 under this section must not be less than ~~\$100.00~~ **\$250.00** or more  
10 than \$500.00.

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

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

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

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

1 fine ordered under subsection (2) or (3) must not be waived unless  
2 costs ordered under this subsection are waived. Except as otherwise  
3 provided by law, costs are payable to the general fund of the  
4 plaintiff.

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

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

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

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



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

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

9 (10) ~~A~~**Except for a civil fine ordered against the registered**  
10 **owner of a vehicle for a camera-based violation as defined in**  
11 **section 682 or a local ordinance that substantially corresponds to**  
12 **a camera-based violation as defined in section 682, a default in**  
13 the payment of a civil fine or costs ordered under subsection (2),  
14 (3), or (4) or a justice system assessment ordered under subsection  
15 (12), or an installment of the fine, costs, or assessment, may be  
16 collected by a means authorized for the enforcement of a judgment  
17 under chapter 40 of the revised judicature act of 1961, 1961 PA  
18 236, MCL 600.4001 to 600.4065, or under chapter 60 of the revised  
19 judicature act of 1961, 1961 PA 236, MCL 600.6001 to 600.6098.

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

26 (12) In addition to any civil fines or costs ordered to be  
27 paid under this section, the judge or district court magistrate  
28 shall order the defendant to pay a justice system assessment of  
29 \$40.00 for each civil infraction determination, except for a

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

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

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

24 (15) If a person is determined to be responsible or  
25 responsible "with explanation" for a civil infraction under this  
26 act or a local ordinance that substantially corresponds to a  
27 provision of this act and the civil infraction arises out of the  
28 ownership or operation of a commercial quadricycle, the person must  
29 be ordered to pay costs as provided in subsection (4) and a civil

1 fine of not more than \$500.00.

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

6 Sec. 908. (1) ~~If~~ **Except for a civil fine ordered against the**  
7 **registered owner of a vehicle for a camera-based violation as**  
8 **defined in section 682 or a local ordinance that substantially**  
9 **corresponds to a camera-based violation as defined in section 682,**  
10 **if** a defendant defaults in the payment of a civil fine, costs, or  
11 both, or of any installment, as ordered pursuant to section 907(2),  
12 the court, upon the motion of the plaintiff or upon its own motion,  
13 may require the defendant to show cause why the default should not  
14 be treated as in civil contempt and may issue a summons or order to  
15 show cause or a bench warrant of arrest for the defendant's  
16 appearance.

17 (2) When a corporation or an association is ordered to pay a  
18 civil fine or costs, the persons authorized to make disbursement  
19 shall pay the fine or costs, and their failure to do so ~~shall be~~ **is**  
20 civil contempt unless they make the showing required in this  
21 section.

22 (3) Unless the defendant shows that the default was not  
23 attributable to an intentional refusal to obey the order of the  
24 court or to a failure on ~~his or her~~ **the defendant's** part to make a  
25 good faith effort to obtain the funds required for payment, the  
26 court shall find that the default constitutes a civil contempt and  
27 may order the defendant committed until the civil fine, costs, or  
28 both, or a specified part thereof, is paid.

29 (4) If it appears that the default in the payment of a civil

1 fine or costs does not constitute civil contempt, the court may  
 2 enter an order allowing the defendant additional time for payment,  
 3 reducing the amount of payment or of each installment, or revoking  
 4 the fine or costs or the unpaid portion thereof ~~of the fine or~~  
 5 **costs** in whole or in part.

6 (5) The term of imprisonment on civil contempt for nonpayment  
 7 of a civil fine or costs ~~shall~~**must** be specified in the order of  
 8 commitment, and ~~shall~~**must** not ~~exceed~~**be more than** 1 day for each  
 9 \$10.00 of the fine and costs. ~~A person~~**An individual** committed for  
 10 nonpayment of a civil fine or costs ~~shall~~**must** be given credit  
 11 toward payment for each day of imprisonment and each day of  
 12 detention in default of recognizance before judgment at the rate of  
 13 \$10.00 per day.

14 (6) A defendant committed to imprisonment for civil contempt  
 15 for nonpayment of a civil fine or costs ~~shall~~**must** not be  
 16 discharged from custody until 1 of the following occurs:

17 (a) The defendant has been credited with the amount due  
 18 pursuant to subsection (5).

19 (b) The amount due has actually been collected through  
 20 execution of process or otherwise.

21 (c) The amount due has been satisfied pursuant to a  
 22 combination of subdivisions (a) and (b).

23 (7) The civil contempt ~~shall~~**must** be purged upon discharge of  
 24 the defendant pursuant to subsection (6).

25 Sec. 909. (1) Except as provided in ~~subsection~~**subsections** (2)  
 26 **and (3)**, a civil fine ~~which~~**that** is ordered under section 907 for a  
 27 violation of this act or other state statute ~~shall~~**must** be  
 28 exclusively applied to the support of public libraries and county  
 29 law libraries in the same manner as is provided by law for penal

1 fines assessed and collected for violation of a penal law of ~~the~~  
2 ~~state. A~~ **this state. Except as provided in subsection (4),** a civil  
3 fine ordered for a violation of a code or ordinance of a local  
4 authority regulating the operation of commercial motor vehicles and  
5 substantially corresponding to a provision of this act ~~shall~~**must**  
6 be paid to the county treasurer and ~~shall~~**must** be allocated as  
7 follows:

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

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

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

15 (3) **A civil fine ordered for a violation of section 682 that**  
16 **is a camera-based violation as defined in section 682 must be paid**  
17 **to the county treasurer or the county treasurer's designee and be**  
18 **distributed by the county treasurer or the county treasurer's**  
19 **designee to the school district that operates the school bus as**  
20 **provided in section 682.**

21 (4) **A civil fine ordered for a violation of a code or**  
22 **ordinance of a local authority that substantially corresponds to**  
23 **section 682 that is a camera-based violation as defined in section**  
24 **682 must be paid to the county treasurer or the county treasurer's**  
25 **designee and be distributed by the county treasurer or the county**  
26 **treasurer's designee to the school district that operates the**  
27 **school bus as provided in section 682.**

28 (5) **A county treasurer may enter into a contract with and**  
29 **designate a private vendor to process a civil fine described in**

1 subsection (3) or (4). A private vendor described in this  
2 subsection may be a private vendor contracted by a school district  
3 to install, operate, and provide support to a stop-arm camera  
4 system on a school bus under section 20 of the pupil transportation  
5 act, 1990 PA 187, MCL 257.1820.

6 Enacting section 1. This amendatory act does not take effect  
7 unless all of the following bills of the 102nd Legislature are  
8 enacted into law:

9 (a) Senate Bill No. \_\_\_\_ or House Bill No. 4930 (request no.  
10 01534'23 a \*).

11 (b) Senate Bill No. \_\_\_\_ or House Bill No. 4929 (request no.  
12 01535'23 \*).