

SENATE BILL No. 433

May 1, 2003, Introduced by Senator SWITALSKI and referred to the Committee on Appropriations.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 629e and 907 (MCL 257.629e and 257.907), section 629e as amended by 2001 PA 213 and section 907 as amended by 2002 PA 534.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 629e. (1) ~~In~~ **Before October 1, 2003, in** addition to
2 any fine or cost ordered to be paid under this act, and in
3 addition to any assessment levied under section 907, the judge ~~—~~
4 ~~district or municipal court referee,~~ or district ~~or municipal~~
5 court magistrate shall levy a highway safety assessment of \$5.00,
6 a jail reimbursement program assessment of \$5.00, and a secondary
7 road patrol and training assessment of \$10.00 for each civil
8 infraction determination except for a parking violation or a
9 violation for which the total fine and costs imposed are \$10.00

1 or less. Upon payment of the assessments, the clerk of the court
2 shall transmit the assessments levied to the department of
3 treasury. ~~The~~ **Until October 1, 2003, the** state treasurer shall
4 deposit the revenue received pursuant to this subsection in the
5 highway safety fund, in the jail reimbursement program fund, and
6 in the secondary road patrol and training fund, and shall report
7 annually to the legislature all revenues received and disbursed
8 under this section. An assessment levied under this subsection
9 shall not be considered a civil fine for purposes of section
10 909.

11 (2) A highway safety fund, a jail reimbursement program fund,
12 and a secondary road patrol and training fund are created in the
13 department of treasury. The highway safety fund and the
14 secondary road patrol and training fund shall be administered by
15 the department of state police. The jail reimbursement program
16 fund shall be administered by the department of corrections.
17 ~~Money~~ **Until October 1, 2003, money** collected under subsection
18 (1) shall be deposited in the respective funds as provided in
19 subsection (1). **Beginning October 1, 2003, money collected under**
20 **subsection (1) shall be deposited in the justice system fund**
21 **created in section 181 of the revised judicature act of 1961,**
22 **1961 PA 236, MCL 600.181.** Money remaining in the respective funds
23 at the end of a fiscal year shall not lapse but shall remain in
24 the respective funds for use for the purposes of the funds. The
25 money deposited in the highway safety fund shall serve as a
26 supplement to, and not as a replacement for, the funds budgeted
27 for the department of state police. The money in the highway

1 safety fund shall be used by the department of state police for
2 the employment of additional state police enlisted personnel to
3 enforce the traffic laws on the highways and freeways of this
4 state. The money in the jail reimbursement program fund shall be
5 used by the department of corrections to reimburse counties for
6 housing and custody of convicted felons pursuant to the
7 requirements of section 35 of chapter IX of the code of criminal
8 procedure, 1927 PA 175, MCL 769.35. The money in the secondary
9 road patrol and training fund shall be used for secondary road
10 patrol and traffic accident grants pursuant to section 77 of 1846
11 RS 14, MCL 51.77, and for grants under section 14 of the
12 commission on law enforcement standards act, 1965 PA 203,
13 MCL 28.614. ~~If the revenue received from the \$10.00 assessment
14 for secondary road patrol and training for a fiscal year
15 increases the total revenue received from all sources for the
16 secondary road patrol and training fund for that fiscal year,
17 then the general fund appropriation shall be reduced
18 proportionally to the additional revenue collected and remitted
19 as a result of the increased assessment.~~ The department of state
20 police and the department of corrections shall report annually to
21 the legislature all revenues received and disbursed under this
22 section.

23 Sec. 907. (1) A violation of this act, or a local ordinance
24 substantially corresponding to a provision of this act, which is
25 designated a civil infraction shall not be considered a lesser
26 included offense of a criminal offense.

27 (2) If a person is determined pursuant to sections 741 to 750

1 to be responsible or responsible "with explanation" for a civil
2 infraction under this act or a local ordinance substantially
3 corresponding to a provision of this act, the judge, district
4 court referee, or district court magistrate may order the person
5 to pay a civil fine of not more than \$100.00 and costs as
6 provided in subsection (4). However, for a violation of
7 section 674(1)(s) or a local ordinance substantially
8 corresponding to section 674(1)(s), the person shall be ordered
9 to pay costs as provided in subsection (4) and a civil fine of
10 not less than \$50.00 or more than \$100.00. For a violation of
11 section 328 or 710d, the civil fine ordered under this subsection
12 shall not exceed \$10.00. For a violation of section 710e, the
13 civil fine and court costs ordered under this subsection shall be
14 \$25.00. For a violation of section 682 or a local ordinance
15 substantially corresponding to section 682, the person shall be
16 ordered to pay costs as provided in subsection (4) and a civil
17 fine of not less than \$100.00 or more than \$500.00. Permission
18 may be granted for payment of a civil fine and costs to be made
19 within a specified period of time or in specified installments,
20 but unless permission is included in the order or judgment, the
21 civil fine and costs shall be payable immediately.

22 (3) Except as provided in this subsection, if a person is
23 determined to be responsible or responsible "with explanation"
24 for a civil infraction under this act or a local ordinance
25 substantially corresponding to a provision of this act while
26 driving a commercial motor vehicle, he or she shall be ordered to
27 pay costs as provided in subsection (4) and a civil fine of not

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

7 (4) If a civil fine is ordered under subsection (2) or (3),
8 the judge ~~—, district court referee,—~~ or district court
9 magistrate shall summarily tax and determine the costs of the
10 action, which are not limited to the costs taxable in ordinary
11 civil actions, and may include all expenses, direct and indirect,
12 to which the plaintiff has been put in connection with the civil
13 infraction, up to the entry of judgment. Except in a civil
14 infraction for a parking violation, costs of not less than \$5.00
15 shall be ordered. Costs shall not be ordered in excess of
16 \$100.00. A civil fine ordered under subsection (2) or (3) shall
17 not be waived unless costs ordered under this subsection are
18 waived. Except as otherwise provided by law, costs are payable
19 to the general fund of the plaintiff.

20 (5) In addition to a civil fine and costs ordered under
21 subsection (2) or (3) and subsection (4) **and the justice system**
22 **assessment ordered under subsection (14)**, the judge ~~—, district~~
23 ~~court referee,—~~ or district court magistrate may order the person
24 to attend and complete a program of treatment, education, or
25 rehabilitation.

26 (6) A district court ~~—referee or district court—~~ magistrate
27 shall impose the sanctions permitted under subsections (2), (3),

1 and (5) only to the extent expressly authorized by the chief
2 judge or only judge of the district court district.

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

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

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

1 (10) A default in the payment of a civil fine or costs
2 ordered under subsection (2), (3), or (4) **or a justice system**
3 **assessment ordered under subsection (14)**, or an installment of
4 the fine, ~~or~~ costs, **or assessment**, may be collected by a means
5 authorized for the enforcement of a judgment under chapter 40 of
6 the revised judicature act of 1961, 1961 PA 236, MCL 600.4001 to
7 600.4065, or under chapter 60 of the revised judicature act of
8 1961, 1961 PA 236, MCL 600.6001 to 600.6098.

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

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

21 (13) ~~In~~ **Until October 1, 2003, in** addition to any fines and
22 costs ordered to be paid under this section, the judge ~~—~~
23 ~~district court referee,~~ or district court magistrate shall levy
24 an assessment of \$5.00 for each civil infraction determination,
25 except for a parking violation or a violation for which the total
26 fine and costs imposed are \$10.00 or less. ~~Upon payment of the~~
27 **An assessment — paid before October 1, 2003 shall be**

1 **transmitted by** the clerk of the court ~~shall transmit the~~
2 ~~assessment levied~~ to the state ~~treasury~~ **treasurer** to be
3 deposited into the Michigan justice training fund. **An assessment**
4 **ordered before October 1, 2003 but collected on or after October**
5 **1, 2003 shall be transmitted by the clerk of the court to the**
6 **state treasurer for deposit in the justice system fund created in**
7 **section 181 of the revised judicature act of 1961, 1961 PA 236,**
8 **MCL 600.181.** An assessment levied under this subsection is not a
9 civil fine for purposes of section 909.

10 (14) **Effective October 1, 2003, in addition to any fines and**
11 **costs ordered to be paid under this section, the judge or**
12 **district court magistrate shall order the defendant to pay a**
13 **justice system assessment of \$35.00 for each civil infraction**
14 **determination, except for a parking violation or a violation for**
15 **which the total fine and costs imposed are \$10.00 or less. Upon**
16 **payment of the assessment, the clerk of the court shall transmit**
17 **the assessment collected to the state treasury to be deposited**
18 **into the justice system fund created in section 181 of the**
19 **revised judicature act of 1961, 1961 PA 236, MCL 600.181. An**
20 **assessment levied under this subsection is not a civil fine for**
21 **purposes of section 909.**

22 (15) ~~(14)~~ If a person has received a citation for a
23 violation of section 223, the court shall waive any fine, ~~and~~
24 costs, **and assessment**, upon receipt of certification by a law
25 enforcement agency that the person, before the appearance date on
26 the citation, produced a valid registration certificate that was
27 valid on the date the violation of section 223 occurred.

1 Enacting section 1. This amendatory act takes effect
2 October 1, 2003.