

Legislative Analysis



CIVIL INFRACTIONS FOR CERTAIN VIOLATIONS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4143 as introduced
Sponsor: Rep. TC Clements

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4145 as introduced
Sponsor: Rep. Graham Filler

House Bill 4146 as introduced
Sponsor: Rep. David LaGrand

House Bill 4147 as introduced
Sponsor: Rep. Mari Manoogian

Committee: Judiciary
Complete to 2-15-21

SUMMARY:

House Bills 4143, 4145, 4146, and 4147 would amend the Michigan Vehicle Code to remove criminal penalties for certain violations of the act and instead make them civil infractions.

House Bill 4143 would amend several sections that deal with vehicle registrations, titles, and license plates. Among other things, these sections prohibit a person from driving a vehicle that is not properly registered, prohibit the improper use of temporary plates, require certain procedures and documentation when applying for a new title or transferring plates to another vehicle, prohibit certain holders of suspended or revoked licenses from buying or leasing a car during the suspension or revocation, and require certain procedures concerning the registration of vehicles by nonresident owners. Currently, a person convicted of violating these provisions is guilty of a misdemeanor punishable by imprisonment for up to 90 days (or, in two cases, 93 days) or a fine of up to \$100, or both. Under the bill, the person would be responsible for a civil infraction. (As introduced, another bill, HB 4153, would provide that a civil infraction described above could result in a civil fine of up to \$150. House Bill 4143 is tie-barred to HB 4153, which means it could not take effect unless HB 4153 were also enacted.)

MCL 257.215 et seq.

House Bill 4145 would amend section 244, which provides for special plates for manufacturers, transporters, and dealers, and registration plates for those picking up or delivering vehicles for repair, service, storage, or the like. Among other things, the section prohibits unauthorized use of special plates, requires certain people to have specified documentation in their possession while using the plates, and provides penalties for failure to return or procure plates under certain circumstances. Currently, a person convicted of violating the section is guilty of a misdemeanor punishable by imprisonment for up to 90 days or a fine of up to \$100, or both. Under the bill, the person would be responsible for a civil infraction. (As introduced, another bill, HB 4153, would provide that a civil infraction

described above could result in a civil fine of up to \$150. House Bill 4145 is tie-barred to HB 4153, which means it could not take effect unless HB 4153 were also enacted.)

MCL 257.244

House Bill 4146 would amend section 255, which prohibits a person from operating vehicles with no registration plates. Currently, a person convicted of operating a vehicle licensed under the international registration plan without a registration due to nonpayment of the fee is guilty of a misdemeanor punishable by imprisonment for up to 90 days or a fine of up to \$100, or both. Under the bill, a person violating these provisions would be responsible for a civil infraction.

Currently, a person convicted of operating certain commercial vehicles without a plate or with unauthorized or illegal plates is guilty of a misdemeanor punishable by imprisonment for up to 90 days or a fine of up to \$500, or both. Under the bill, a person operating such a commercial vehicle with no plates would be responsible for a civil infraction.

(As introduced, another bill, HB 4153, would provide that a civil infraction described above could result in a civil fine of up to \$150. House Bill 4146 is tie-barred to HB 4153, which means it could not take effect unless HB 4153 were also enacted.)

MCL 257.255

House Bill 4147 would amend sections 306 and 907. Section 306(3) provides that a student enrolled in a driver education course or motorcycle safety course may, while under the direct supervision of the program instructor, operate a motor vehicle without holding a license or permit as long as the vehicle does not require a group designation under section 312e. Under the bill, a person who violated section 306(3) would be responsible for a civil infraction and would have to be ordered to pay a civil fine of up to \$150.

MCL 257.306 and 257.907

FISCAL IMPACT:

House Bill 4143 would have an indeterminate fiscal impact on the state and on local units of government. The bill would reduce the penalties for a number of offenses from the current misdemeanor charges to civil infractions. Also, the bill would add civil infraction penalties for a number of offenses. Changing penalties from misdemeanors to civil infractions and adding civil infraction penalties would impact costs to local county jails, revenue deposited into the state's Justice System Fund, and revenue used to support public and county law libraries. Costs to local county jails would be reduced as misdemeanor convictions would be replaced with civil infraction penalties. Costs of incarceration in local county jails varies by jurisdiction, so the savings to local units cannot be determined. Revenue collected from the payment of civil infraction penalties is used to support public and county law libraries. Any increase in the amount of fine revenue received would benefit the libraries. Under section 907(13) of the Michigan Vehicle Code, for any civil fines

ordered to be paid, the judge or district court magistrate is required to order the defendant to pay a justice system assessment of \$40 for each civil infraction determination, except for parking violations. Revenue deposited into the state's Justice System Fund supports various justice-related endeavors in the judicial branch, the Departments of State Police, Corrections, Health and Human Services, and Treasury, and the Legislative Retirement System. Because there is no practical way to determine the number of violations that will occur under provisions of the bill, an estimate of the amount of additional revenue the state would collect cannot be made.

House Bill 4145 would have an indeterminate fiscal impact on the state and on local units of government. The bill would reduce the penalty from the current misdemeanor charge to a civil infraction. Also, the bill would add a civil infraction penalty. Changing the penalty from a misdemeanor to a civil infraction and adding a civil infraction penalty would impact costs to local county jails, revenue deposited into the state's Justice System Fund, and revenue used to support public and county law libraries. Costs to local county jails would be reduced as misdemeanor convictions would be replaced with civil infraction penalties. Costs of incarceration in local county jails varies by jurisdiction, so the savings to local units cannot be determined. Revenue collected from the payment of civil infraction penalties is used to support public and county law libraries. Any increase in the amount of fine revenue received would benefit the libraries. Under section 907(13) of the Michigan Vehicle Code, for any civil fines ordered to be paid, the judge or district court magistrate is required to order the defendant to pay a justice system assessment of \$40 for each civil infraction determination, except for parking violations. Revenue deposited into the state's Justice System Fund supports various justice-related endeavors in the judicial branch, the Departments of State Police, Corrections, Health and Human Services, and Treasury, and the Legislative Retirement System. Because there is no practical way to determine the number of violations that will occur under provisions of the bill, an estimate of the amount of additional revenue the state would collect cannot be made.

House Bill 4146 would have an indeterminate fiscal impact on the state and on local units of government. The bill would reduce the penalties for a number of offenses from the current misdemeanor charges to civil infractions. Changing penalties from misdemeanors to civil infractions would impact costs to local county jails, revenue deposited into the state's Justice System Fund, and revenue used to support public and county law libraries. Costs to local county jails would be reduced as misdemeanor convictions would be replaced with civil infraction penalties. Costs of incarceration in local county jails varies by jurisdiction, so the savings to local units cannot be determined. Revenue collected from the payment of civil infraction penalties is used to support public and county law libraries. Any increase in the amount of fine revenue received would benefit the libraries. Under section 907(13) of the Michigan Vehicle Code, for any civil fines ordered to be paid, the judge or district court magistrate is required to order the defendant to pay a justice system assessment of \$40 for each civil infraction determination, except for parking violations. Revenue deposited into the state's Justice System Fund supports various justice-related endeavors in the judicial branch, the Departments of State Police, Corrections, Health and Human Services, and Treasury, and the Legislative Retirement System. Because there is no practical way to determine the number of violations that will occur under provisions of

the bill, an estimate of the amount of additional revenue the state would collect cannot be made.

House Bill 4147 would have an indeterminate fiscal impact on the state and on local units of government. The bill would add civil infraction penalties. Revenue collected from the payment of civil fines is used to support public and county law libraries. Also, under section 907(13) of the Michigan Vehicle Code, for any civil fines ordered to be paid, the judge or district court magistrate is required to order the defendant to pay a justice system assessment of \$40 for each civil infraction determination, except for parking violations. Revenue deposited into the state's Justice System Fund supports various justice-related endeavors in the judicial branch, the Departments of State Police, Corrections, Health and Human Services, and Treasury, and the Legislative Retirement System. Because there is no practical way to determine the number of violations that will occur under provisions of the bill, an estimate of the amount of additional revenue that libraries or the state would collect cannot be made.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.