

# Legislative Analysis



## CIVIL INFRACTIONS FOR CERTAIN VIOLATIONS

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

**House Bill 4141 (H-1) as reported from committee**  
**Sponsor: Rep. Kyra Harris Bolden**

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

**House Bill 4142 as reported from committee**  
**Sponsor: Rep. Kevin Coleman**

**House Bill 4143 (H-1) as reported from committee**  
**Sponsor: Rep. TC Clements**

**Committee: Judiciary**  
**Complete to 4-19-21**

### SUMMARY:

House Bills 4141 and 4143 would amend the Michigan Vehicle Code, and House Bill 4142 would amend the Natural Resources and Environmental Protection Act (NREPA), to remove criminal penalties for certain violations of those acts and instead make those violations civil infractions.

**House Bill 4141** would amend section 801e of the Michigan Vehicle Code, which among other things requires a moped certificate of registration to accompany the moped and be made available for inspection upon the demand of a law enforcement officer. 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, for which House Bill 4153 (as introduced) would provide that he or she could be ordered to pay a civil fine of up to \$150.

The bill would take effect October 1, 2021.

House Bills 4141 and 4153 are tie-barred to one another, which means that neither could take effect unless both were enacted.

MCL 257.801e

**House Bill 4142** would amend several sections of NREPA concerning the registration and operation of snowmobiles. Among other things, these sections require a snowmobile operator to show the certificate of registration upon demand by a peace officer, and not operate a snowmobile if the certificate of registration is lost, mutilated, or illegible. Currently, a person convicted of violating these provisions is guilty of a misdemeanor. (Under the Michigan Penal Code, a misdemeanor for which no specific penalty is prescribed is punishable by imprisonment for up to 90 days or a fine of up to \$500, or both.) Under the bill, a person violating the provisions would be responsible for a civil infraction and could be ordered to pay a civil fine of up to \$150.

NREPA also requires the operator of a snowmobile on a public highway to observe certain rules, such as observing the speed limit, traveling in single file, and riding to the far right with the flow of the highway, and requires that the operator of a snowmobile cross a public highway at a right angle after first coming to a complete stop and yielding the right-of-way to oncoming traffic. Currently, a person convicted of violating these provisions is guilty of a misdemeanor. (Under the Michigan Penal Code, a misdemeanor for which no specific penalty is prescribed is punishable by imprisonment for up to 90 days or a fine of up to \$500, or both.) Under the bill, a person violating the provisions would be responsible for a civil infraction and could be ordered to pay a civil fine of up to \$150.

MCL 324.82105 et seq.

**House Bill 4143** would amend several sections of the Michigan Vehicle Code 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, for which House Bill 4153 (as introduced) would provide that he or she could be ordered to pay a civil fine of up to \$150.

The bill would take effect October 1, 2021.

House Bills 4143 and 4153 are tie-barred to one another, which means that neither could take effect unless both were enacted.

MCL 257.215 et seq.

## **BACKGROUND:**

House Bills 4141, 4142, and 4143 are respectively reintroductions of House Bills 5695, 5684, and 5685 of the 2019-20 legislative session. Those bills were passed by the House of Representatives.

Additionally, the bills are part of a larger civil infraction package in the current legislative session (including at least House Bills 4144 through 4155) that either have been reported by the House Judiciary committee or are still under its consideration.

## **FISCAL IMPACT:**

**House Bill 4141** would have an indeterminate fiscal impact on the state and on local units of government. The bill would add a civil infraction penalty. 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.

**House Bill 4142** would have an indeterminate fiscal impact on the state and on local units of government. Currently, under section 82133 of NREPA, unless otherwise stated, a person who violates any provision within Part 821 of the act is guilty of a misdemeanor. Under House Bill 4142, a number of violations within Part 821 of the act would be reduced from misdemeanor charges to civil infractions. Reducing penalties from misdemeanors to civil infractions would impact costs to local county jails, revenue deposited into the state's Justice System Fund, and revenues used to support public and county law libraries. Costs to local county jails would be reduced. 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, but, under section 8827(4) of the Revised Judicature Act (RJA), \$10 of the civil fine would be deposited into the state's Justice System Fund, so revenue to the state would be increased. Justice System Fund revenue 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 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.

## **POSITIONS:**

A representative of the Department of State testified in support of HB 4143 (2-16-21) and indicated support for HBs 4141 and 4142 (2-23-21).

The following entities indicated support for the bills:

- Michigan Catholic Conference (2-23-21)
- Prosecuting Attorneys Association of Michigan (2-23-21)
- Criminal Defense Attorneys of Michigan (3-9-21)
- Safe and Just Michigan (3-9-21)
- Mackinac Center for Public Policy (3-16-21)

The Michigan Snowmobile and ORV Association indicated support for HB 4142. (3-9-21)

The American Civil Liberties Union (ACLU) of Michigan indicated support for HB 4143. (2-16-21)

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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.