



## Michigan Supreme Court

State Court Administrative Office

### Trial Court Services Division

Michigan Hall of Justice

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Jennifer Warner  
Director

### MEMORANDUM

DATE: March 20, 2014

TO: Judges  
Court Administrators  
District Court Magistrates  
Clerks of the Court

FROM: Bobbi Morrow, Management Analyst

RE: Recommended Range of Civil Fines and Costs for First-Time Civil Infractions

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The following schedule of recommended ranges of civil fines and costs for first-time civil infractions is published and distributed by the state court administrator pursuant to MCL 257.907(8). These recommendations are “intended to act as a normative guide for judges and district court magistrates and as a basis for public evaluation of disparities in the imposition of civil fines and costs throughout the state.” Shaded fields indicate areas that are controlled in some way by statute – a minimum, maximum, or mandatory amount. Please refer to the notes on page 6 for specific information regarding those fields. Column contents are also explained on page 6.

Changes in the 2014 schedule include:

- The removal of reference to 2 or more riders on a moped on page 3.
- The addition of a new offense, “Using Cell Phone While Driving (Level 1 & 2),” on page 4.
- The correction of footnote B on page 5 indicating a court may waive (as opposed to must waive) any civil fine, cost, or assessment against a person who received a civil infraction citation for a child restraint violation if the person, before the appearance date on the citation, supplies the court with evidence of acquisition, purchase, or rental of a child seating system that meets the requirements of section 710d.
- The addition of note 14 on page 6 that cites the mandatory fine for the new violation “Using Cell Phone While Driving (Level 1 & 2).”

MCL 257.907(4) prohibits the assessment of costs unless a fine has been ordered, and prohibits the waiver of assessed fines unless the costs are also waived. “Costs imposed must reasonably relate to the costs of the prosecution of a civil infraction violation and cannot include the costs of the daily operation of the courts. . . .” *Saginaw Public Libraries v Judges of the 70<sup>th</sup> District*

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*Court*, 118 Mich App 379, 389 (1982). A range of costs has been recommended to allow for variable factors.

Each court is encouraged to prepare its own schedule of fines and costs that reflects all direct and indirect expenses of the plaintiff. Additional costs incurred by the plaintiff because of multiple appearances or accidents can be added to the scheduled amount. Costs shall not be ordered in excess of \$100, pursuant to MCL 257.907(4). Fifty-six days after any amount due and owing remains unpaid, courts must impose a late penalty equal to 20 percent of the outstanding amount, pursuant to MCL 600.4803.

Each court that establishes a schedule of fines and costs must prominently post it and make it readily available for public inspection, pursuant to MCL 257.907(7).

This schedule should be distributed to judges, court administrators, district court magistrates, and other appropriate parties. The current schedule is posted on the State Court Administrative Office website at <http://courts.mi.gov/Administration/admin/Pages/Fines,-Fees,-Costs,-and-Rates.aspx>.

If you have any questions concerning these recommendations, please contact me at 517-373-2175 or [morrowb@courts.mi.gov](mailto:morrowb@courts.mi.gov).