



Michigan Supreme Court

State Court Administrative Office

Trial Court Services Division

Michigan Hall of Justice

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Jennifer Warner
Director

MEMORANDUM

DATE: January 5, 2017

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

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 2017 schedule include:

- The addition of “Seat/Foot Rest Violations” to Page 3.
- Clarification on Page 3 that the court shall waive any civil fine, costs, and assessments upon receipt of certification by a law enforcement agency that the person, before the appearance date on the citation, produced a valid registration certificate that was valid on the date the violation occurred. Also the same clarification to footnote A on page 5 and correction to citation MCL 257.907(14).
- Clarification on Page 4 that the court shall waive any civil fine, costs, and assessments upon receipt of certification by a law enforcement agency that repair of the defective equipment was made before the appearance date on the citation if the violation is written under MCL 257.683. Also the same clarification to footnote D on page 5.

- Clarification to footnote B on Page 5, that the court may waive any civil fine, cost, or assessment 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.
- Clarification to footnote C on Page 5, that the court shall waive any civil fine, cost, or assessment upon receipt of verification by the court that the person, before the appearance date on the citation, produced valid proof of insurance that was in effect at the time the violation occurred. Also added citation to MCL 257.907(15).
- Clarification to footnote 10 on Page 6, that the court may assess a fee of not more than \$25 but that it is not mandatory.
- Correction to the citation on Page 6, JSA to MCL 257.907(13).

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 70th District 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 our [Fines, Fees, Costs, and Rates](#) web page, or you can click [here](#) to go directly to the document.

If you have any questions concerning these recommendations, please contact Bobbi Morrow, Michele Muscat, or Andrew Smith at TrialCourtServices@courts.mi.gov.