

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 478

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 321a (MCL 257.321a), as amended by 2012 PA 13.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 321a. (1) A person who fails to answer a citation, or a
2 notice to appear in court for a violation reportable to the
3 secretary of state under section 732 or a local ordinance
4 substantially corresponding to a violation of a law of this state
5 reportable to the secretary of state under section 732, or for any
6 matter pending, or who fails to comply with an order or judgment of
7 the court, including, but not limited to, paying all fines, costs,
8 fees, and assessments, is guilty of a misdemeanor punishable by
9 imprisonment for not more than 93 days or a fine of not more than
10 \$100.00, or both. A violation of this subsection or failure to
11 answer a citation or notice to appear for a violation of section

1 33b(1) of former 1933 (Ex Sess) PA 8, section 703(1) of the
2 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or
3 a local ordinance substantially corresponding to either of those
4 sections ~~shall~~**MUST** not be considered a violation for any purpose
5 under section 320a.

6 (2) Except as provided in subsection (3), 28 days or more
7 after a person fails to answer a citation, or a notice to appear in
8 court for a violation reportable to the secretary of state under
9 section 732 or a local ordinance substantially corresponding to a
10 violation of a law of this state reportable to the secretary of
11 state under section 732, **INCLUDING FOR A VIOLATION OF SECTION**
12 **703(1) (A) OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58,**
13 **MCL 436.1703**, or for any matter pending, or fails to comply with an
14 order or judgment of the court, including, but not limited to,
15 paying all fines, costs, fees, and assessments, the court shall
16 give notice by mail at the last known address of the person that if
17 the person fails to appear or fails to comply with the order or
18 judgment within 14 days after the notice is issued, the secretary
19 of state shall suspend the person's operator's or chauffeur's
20 license. If the person fails to appear or fails to comply with the
21 order or judgment within the 14-day period, the court shall, within
22 14 days, inform the secretary of state, who shall immediately
23 suspend the license of the person. The secretary of state shall
24 immediately notify the person of the suspension by regular mail at
25 the person's last known address.

26 (3) If the person is charged with, or convicted of, a
27 violation of section 625 or a local ordinance substantially

1 corresponding to section 625(1), (2), (3), (6), or (8) and the
2 person fails to answer a citation or a notice to appear in court,
3 or for any matter pending, or fails to comply with an order or
4 judgment of the court, including, but not limited to, paying all
5 fines, costs, and crime victim rights assessments, the court shall
6 immediately give notice by first-class mail sent to the person's
7 last known address that if the person fails to appear within 7 days
8 after the notice is issued, or fails to comply with the order or
9 judgment of the court, including, but not limited to, paying all
10 fines, costs, and crime victim rights assessments, within 14 days
11 after the notice is issued, the secretary of state shall suspend
12 the person's operator's or chauffeur's license. If the person fails
13 to appear within the 7-day period, or fails to comply with the
14 order or judgment of the court, including, but not limited to,
15 paying all fines, costs, and crime victim rights assessments,
16 within the 14-day period, the court shall immediately inform the
17 secretary of state who shall immediately suspend the person's
18 operator's or chauffeur's license and notify the person of the
19 suspension by first-class mail sent to the person's last known
20 address.

21 (4) If the person is charged with, or convicted of, a
22 violation of section 33b(1) of former 1933 (Ex Sess) PA 8, section
23 ~~703(1)~~ **703(1) (B) OR (C)** of the Michigan liquor control code of
24 1998, 1998 PA 58, MCL 436.1703, section 624a, section 624b, or a
25 local ordinance substantially corresponding to those sections and
26 the person fails to answer a citation or a notice to appear in
27 court issued under section 33b of former 1933 (Ex Sess) PA 8,

1 section 703 of the Michigan liquor control code of 1998, 1998 PA
2 58, MCL 436.1703, section 624a, section 624b, or a local ordinance
3 substantially corresponding to those sections or fails to comply
4 with an order or judgment of the court issued under section 33b of
5 former 1933 (Ex Sess) PA 8, section 703 of the Michigan liquor
6 control code of 1998, 1998 PA 58, MCL 436.1703, section 624a,
7 section 624b, or a local ordinance substantially corresponding to
8 those sections including, but not limited to, paying all fines and
9 costs, the court shall immediately give notice by first-class mail
10 sent to the person's last known address that if the person fails to
11 appear within 7 days after the notice is issued, or fails to comply
12 with the order or judgment of the court, including, but not limited
13 to, paying all fines and costs, within 14 days after the notice is
14 issued, the secretary of state shall suspend the person's
15 operator's or chauffeur's license. If the person fails to appear
16 within the 7-day period, or fails to comply with the order or
17 judgment of the court, including, but not limited to, paying all
18 fines and costs, within the 14-day period, the court shall
19 immediately inform the secretary of state who shall immediately
20 suspend the person's operator's or chauffeur's license and notify
21 the person of the suspension by first-class mail sent to the
22 person's last known address.

23 (5) A suspension imposed under subsection (2) or (3) remains
24 in effect until both of the following occur:

25 (a) The secretary of state is notified by each court in which
26 the person failed to answer a citation or notice to appear or
27 failed to pay a fine or cost that the person has answered that

1 citation or notice to appear or paid that fine or cost.

2 (b) The person has paid to the court a \$45.00 driver license
3 clearance fee for each failure to answer a citation or failure to
4 pay a fine or cost.

5 (6) The court shall not notify the secretary of state, and the
6 secretary of state shall not suspend the person's license, if the
7 person fails to appear in response to a citation issued for, or
8 fails to comply with an order or judgment involving 1 or more of
9 the following infractions:

10 (a) The parking or standing of a vehicle.

11 (b) A pedestrian, passenger, or bicycle violation, other than
12 a violation of section 33b(1) or (2) of former 1933 (Ex Sess) PA 8,
13 section 703(1) or (2) of the Michigan liquor control code of 1998,
14 1998 PA 58, MCL 436.1703, section 624a or 624b, or a local
15 ordinance substantially corresponding to section 33b(1) or (2) of
16 former 1933 (Ex Sess) PA 8, section 703(1) or (2) of the Michigan
17 liquor control code of 1998, 1998 PA 58, MCL 436.1703, or section
18 624a or 624b.

19 (7) The court may notify a person who has done either of the
20 following, that if the person does not appear within 10 days after
21 the notice is issued, the court will inform the secretary of state
22 of the person's failure to appear:

23 (a) Failed to answer 2 or more parking violation notices or
24 citations for violating a provision of this act or an ordinance
25 substantially corresponding to a provision of this act pertaining
26 to parking for persons with disabilities.

27 (b) Failed to answer 3 or more parking violation notices or

1 citations regarding illegal parking. ~~or, beginning January 1, 2018,~~
2 ~~failed to answer 6 or more parking violation notices or citations~~
3 ~~regarding illegal parking.~~

4 (8) The secretary of state, upon being informed of the failure
5 of a person to appear or comply as provided in subsection (7),
6 shall not issue a license to the person or renew a license for the
7 person until both of the following occur:

8 (a) The court informs the secretary of state that the person
9 has resolved all outstanding matters regarding the notices or
10 citations.

11 (b) The person has paid to the court a \$45.00 driver license
12 clearance fee. If the court determines that the person is
13 responsible for only 1 parking violation under subsection (7)(a) or
14 ~~less~~ **FEWER** than 3 parking violations under subsection (7)(b), ~~or,~~
15 ~~beginning January 1, 2018, less than 6 parking violations under~~
16 ~~subsection (7)(b),~~ for which the person's license was not issued or
17 renewed under this subsection, the court may waive payment of the
18 fee.

19 (9) Not less than 28 days after a person fails to appear in
20 response to a citation issued for, or fails to comply with an order
21 or judgment involving, a state civil infraction described in
22 chapter 88 of the revised judicature act of 1961, 1961 PA 236, MCL
23 600.8801 to 600.8835, the court shall give notice by ordinary mail,
24 addressed to the person's last known address, that if the person
25 fails to appear or fails to comply with the order or judgment
26 described in this subsection within 14 days after the notice is
27 issued, the court will give to the secretary of state notice of

1 that failure. Upon receiving notice of that failure, the secretary
2 of state shall not issue or renew an operator's or chauffeur's
3 license for the person until both of the following occur:

4 (a) The court informs the secretary of state that the person
5 has resolved all outstanding matters regarding each notice or
6 citation.

7 (b) The person has paid to the court a \$45.00 driver license
8 clearance fee. If the court determines that the person is not
9 responsible for any violation for which the person's license was
10 not issued or renewed under this subsection, the court shall waive
11 the fee.

12 (10) For the purposes of subsections (5)(a), (8)(a), and
13 (9)(a), the court shall give to the person a copy of the
14 information being transmitted to the secretary of state. Upon
15 showing that copy, the person ~~shall~~**MUST** not be arrested or issued
16 a citation for driving on a suspended license, on an expired
17 license, or without a license on the basis of any matter resolved
18 under subsection (5)(a), (8)(a), or (9)(a), even if the information
19 being sent to the secretary of state has not yet been received or
20 recorded by the department.

21 (11) For each fee received under subsection (5)(b), (8)(b), or
22 (9)(b), the court shall transmit the following amounts on a monthly
23 basis:

24 (a) Fifteen dollars to the secretary of state. The funds
25 received by the secretary of state under this subdivision ~~shall~~
26 **MUST** be deposited in the state general fund and shall be used to
27 defray the expenses of the secretary of state in processing the

1 suspension and reinstatement of driver licenses under this section.

2 (b) Fifteen dollars to 1 of the following, as applicable:

3 (i) If the matter is before the circuit court, to the
4 treasurer of the county for deposit in the general fund.

5 (ii) If the matter is before the district court, to the
6 treasurer of the district funding unit for that court, for deposit
7 in the general fund. As used in this section, "district funding
8 unit" means that term as defined in section 8104 of the revised
9 judicature act of 1961, 1961 PA 236, MCL 600.8104.

10 (iii) If the matter is before a municipal court, to the
11 treasurer of the city in which the municipal court is located, for
12 deposit in the general fund.

13 (c) Fifteen dollars to the juror compensation reimbursement
14 fund created in section 151d of the revised judicature act of 1961,
15 1961 PA 236, MCL 600.151d.

16 (12) Section 819 does not apply to a reinstatement fee
17 collected for an operator's or chauffeur's license that is not
18 issued or renewed under section 8827 of the revised judicature act
19 of 1961, 1961 PA 236, MCL 600.8827.

20 (13) The secretary of state shall immediately suspend the
21 operator's and chauffeur's license of a person licensed to operate
22 a commercial motor vehicle, or a person who operates a commercial
23 motor vehicle without a license to operate that vehicle, if the
24 person fails to answer an out-state citation, or a notice to appear
25 in a court or an authorized administrative tribunal for a violation
26 reportable to the secretary of state under section 732, or fails to
27 comply with an order or judgment of an out-state court or an

1 authorized administrative tribunal reportable to the secretary of
2 state under section 732, or fails to appear or fails to comply with
3 the out-state court or an authorized administrative tribunal order
4 or judgment reportable to the secretary of state under section 732,
5 including, but not limited to, paying all fines, costs, fees, and
6 assessments. For a suspension imposed under this subsection, the
7 secretary of state shall immediately notify the person of the
8 suspension by regular mail at the person's last known address.

9 (14) A suspension imposed under subsection (13) remains in
10 effect until the secretary of state is notified by the court or
11 authorized administrative tribunal of the other state in which the
12 person failed to answer a citation, or notice to appear, or failed
13 to pay a fine or cost, that the person has answered that citation
14 or notice to appear or has paid the fine or cost.

15 (15) The secretary of state shall not suspend the person's
16 license under subsection (13) if the person fails to appear in
17 response to a citation issued for, or fails to comply with an order
18 or judgment involving, the parking or standing of a vehicle.

19 (16) The secretary of state, upon being informed of the
20 failure of a person to appear or comply as provided in subsection
21 (13), shall not issue a license to the person or renew a license
22 for the person until the court or authorized administrative
23 tribunal of the other state informs the secretary of state that the
24 person has resolved all outstanding matters regarding the notices,
25 orders, or citations.

26 Enacting section 1. This amendatory act takes effect January
27 1, 2018.