

HOUSE BILL No. 5511

February 18, 1992, Introduced by Reps. Nye, Bandstra, Bartnik, Martin, Gubow, Profit, Palamara, Perry Bullard, Hoffman, Fitzgerald, McNutt, Dalman, Power, Jondahl, Strand and London and referred to the Committee on Judiciary.

A bill to amend sections 321a and 904 of Act No. 300 of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

section 321a as amended by Act No. 95 of the Public Acts of 1991 and section 904 as amended by Act No. 100 of the Public Acts of 1991, being sections 257.321a and 257.904 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 321a and 904 of Act No. 300 of the
2 Public Acts of 1949, section 321a as amended by Act No. 95 of the
3 Public Acts of 1991 and section 904 as amended by Act No. 100 of
4 the Public Acts of 1991, being sections 257.321a and 257.904 of
5 the Michigan Compiled Laws, are amended to read as follows:

6 Sec. 321a. (1) A person who fails to answer a citation, or
7 a notice to appear in court for a violation of this act or a

1 local ordinance substantially corresponding to a provision of
2 this act, or for any matter pending, or who fails to comply with
3 an order or judgment issued pursuant to section 907 is guilty of
4 a misdemeanor. A violation of this subsection OR SECTION 8827(8)
5 OF THE REVISED JUDICATURE ACT OF 1961, ACT NO. 236 OF THE PUBLIC
6 ACTS OF 1961, BEING SECTION 600.8827 OF THE MICHIGAN COMPILED
7 LAWS, shall not be considered a violation for any purpose under
8 section 320a.

9 (2) Except as provided in subsection (3) OR (4), 28 days or
10 more after the date of noncompliance with an order or judgment,
11 the court shall give notice by mail at the last known address of
12 the person that if the person fails to appear or fails to comply
13 with the order or judgment issued pursuant to section 907,
14 including, but not limited to, paying all fines and costs, within
15 14 days after the notice is issued, the secretary of state shall
16 suspend the person's operator's or chauffeur's license. If the
17 person fails to appear or fails to comply with the order or judg-
18 ment issued pursuant to section 907, including, but not limited
19 to, paying all fines and costs, within the 14-day period, the
20 court shall, within 14 days, inform the secretary of state, who
21 shall immediately suspend the license of the person and notify
22 the person of the suspension by regular mail at the person's last
23 known address.

24 (3) If the person is charged with, or convicted of, a viola-
25 tion of section 625(1), (2), (3), (4), or (5), or a local ordi-
26 nance substantially corresponding to section 625(1), (2), or (3),
27 and the person fails to answer a citation or a notice to appear

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

19 (4) IF THE PERSON IS CITED WITH, OR IS DETERMINED TO BE
20 RESPONSIBLE OR RESPONSIBLE "WITH EXPLANATION" FOR, A VIOLATION OF
21 STATE STATUTE PURSUANT TO CHAPTER 88 OF THE REVISED JUDICATURE
22 ACT OF 1961, ACT NO. 236 OF THE PUBLIC ACTS OF 1961, BEING SEC-
23 TIONS 600.8801 TO 600.8831 OF THE MICHIGAN COMPILED LAWS, THE
24 VIOLATION OF WHICH IS DESIGNATED A CIVIL INFRACTION, AND THE
25 PERSON FAILS TO ANSWER A CITATION OR A NOTICE TO APPEAR IN COURT
26 ISSUED PURSUANT TO CHAPTER 88 OF ACT NO. 236 OF THE PUBLIC ACTS
27 OF 1961, OR FOR ANY MATTER PENDING, OR FAILS TO COMPLY WITH AN

1 ORDER OR JUDGMENT OF THE COURT ISSUED PURSUANT TO CHAPTER 88 OF
2 ACT NO. 236 OF THE PUBLIC ACTS OF 1961, INCLUDING, BUT NOT
3 LIMITED TO, PAYING ALL FINES AND COSTS, THE COURT SHALL IMMEDI-
4 ATELY GIVE NOTICE BY FIRST-CLASS MAIL SENT TO THE PERSON'S LAST
5 KNOWN ADDRESS THAT IF THE PERSON FAILS TO APPEAR WITHIN 7 DAYS
6 AFTER THE NOTICE IS ISSUED, OR FAILS TO COMPLY WITH THE ORDER OR
7 JUDGMENT OF THE COURT, INCLUDING, BUT NOT LIMITED TO, PAYING ALL
8 FINES AND COSTS, WITHIN 14 DAYS AFTER THE NOTICE IS ISSUED, THE
9 SECRETARY OF STATE SHALL SUSPEND THE PERSON'S OPERATOR'S OR
10 CHAUFFEUR'S LICENSE. IF THE PERSON FAILS TO APPEAR WITHIN THE
11 7-DAY PERIOD, OR FAILS TO COMPLY WITH THE ORDER OR JUDGMENT OF
12 THE COURT, INCLUDING, BUT NOT LIMITED TO, PAYING ALL FINES AND
13 COSTS, WITHIN THE 14-DAY PERIOD, THE COURT SHALL IMMEDIATELY
14 INFORM THE SECRETARY OF STATE WHO SHALL IMMEDIATELY SUSPEND THE
15 PERSON'S OPERATOR'S OR CHAUFFEUR'S LICENSE AND NOTIFY THE PERSON
16 OF THE SUSPENSION BY FIRST-CLASS MAIL SENT TO THE PERSON'S LAST
17 KNOWN ADDRESS.

18 (5) ~~-(4)-~~ A suspension imposed under subsection (2), ~~-or-~~
19 (3), OR (4) shall remain in effect until both of the following
20 occur:

21 (a) The court informs the secretary of state that the person
22 has appeared before the court and that all matters relating to
23 the violation or to the noncompliance with section 907, OR SEC-
24 TION 8827 OF ACT NO. 236 OF THE PUBLIC ACTS OF 1961, BEING SEC-
25 TION 600.8827 OF THE MICHIGAN COMPILED LAWS, AS APPLICABLE, are
26 resolved.

1 (b) The person has paid to the court a \$25.00 driver license
2 reinstatement fee. The increase in the reinstatement fee from
3 \$10.00 to \$25.00 shall be imposed for a license that is suspended
4 on or after April 5, 1988 regardless of when the license was
5 suspended.

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

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

12 (b) A pedestrian, passenger, or bicycle violation.

13 (7) ~~-(6)-~~ The court may notify a person who has done either
14 of the following, that if the person does not appear within 10
15 days after the notice is issued, the court will inform the secre-
16 tary of state of the person's failure to appear:

17 (a) Failed to answer 2 or more parking violation notices or
18 citations for violating a provision of this act or an ordinance
19 substantially corresponding to a provision of this act pertaining
20 to handicapper parking issued or served after ~~the effective date~~
21 ~~of the amendatory act that added this subdivision~~ SEPTEMBER 19,
22 1989.

23 (b) Failed to answer 6 or more parking violation notices or
24 citations, issued or served after March 31, 1981, regarding ille-
25 gal parking.

26 (8) ~~-(7)-~~ The secretary of state, upon being informed of the
27 failure of a person to appear as provided in subsection ~~-(6)-~~

1 (7), shall not issue a license to the person until both of the
2 following occur:

3 (a) The court informs the secretary of state that the person
4 has resolved all outstanding matters regarding the notices or
5 citations.

6 (b) The person has paid to the court a \$25.00 driver license
7 reinstatement fee. The increase in the reinstatement fee from
8 \$10.00 to \$25.00 shall be imposed for a license that is suspended
9 on or after April 5, 1988 regardless of when the license was
10 suspended. If the court determines that the person is not
11 responsible for any of the parking violations for which the
12 person's license was suspended under this subsection, the court
13 shall waive payment of the fee.

14 (9) ~~(8)~~ For the purposes of subsections ~~(4)(a)~~ (5)(A)
15 and ~~(7)(a)~~ (8)(A), the court shall give to the person a copy of
16 the information being transmitted to the secretary of state.
17 Upon showing that copy, the person shall not be arrested or
18 issued a citation for driving on a suspended license on the basis
19 of any matter resolved under subsection ~~(4)(a)~~ (5)(A) or
20 ~~(7)(a)~~ (8)(A), even if the information being sent to the secre-
21 tary of state has not yet been received or recorded by the
22 department.

23 (10) ~~(9)~~ Sixty percent of the driver license reinstatement
24 fees received under subsections ~~(4)(b)~~ (5)(B) and ~~(7)(b)~~
25 (8)(B) shall be transmitted by the court to the secretary of
26 state on a monthly basis. The funds received by the secretary of
27 state pursuant to this subsection shall be deposited in the state

1 general fund and shall be used to defray the expenses of the
2 secretary of state in processing the suspension and reinstatement
3 of driver licenses under this section.

4 Sec. 904. (1) A person whose operator's or chauffeur's
5 license or registration certificate has been suspended or revoked
6 and who has been notified as provided in section 212 of that sus-
7 pension or revocation, whose application for license has been
8 denied, or who has never applied for a license, shall not operate
9 a motor vehicle upon a highway or other place open to the general
10 public or generally accessible to motor vehicles, including an
11 area designated for the parking of motor vehicles within this
12 state. A person shall not knowingly permit a motor vehicle owned
13 by the person to be operated upon a highway or other place open
14 to the general public or generally accessible to motor vehicles,
15 including an area designated for the parking of vehicles, within
16 this state by a person whose license or registration certificate
17 is suspended or revoked, whose application for license has been
18 denied, or who has never applied for a license, except as permit-
19 ted under this act. A person who violates this subsection is
20 guilty of a misdemeanor, punishable as follows:

21 (a) If the person's operator's or chauffeur's license has
22 been suspended under section 321a because that person has failed
23 to answer a citation or has failed to comply with an order or
24 judgment issued pursuant to section 907, OR SECTION 8827 OF THE
25 REVISED JUDICATURE ACT OF 1961, ACT NO. 236 OF THE PUBLIC ACTS OF
26 1961, BEING SECTION 600.8827 OF THE MICHIGAN COMPILED LAWS, AS

1 APPLICABLE, by imprisonment for not more than 90 days, or a fine
2 of not more than \$100.00, or both.

3 (b) For a violation, other than a violation punishable under
4 subdivision (a), by imprisonment for not more than 90 days, or by
5 a fine of not more than \$500.00, or both. Unless the vehicle was
6 stolen or used with the permission of a person who did not know-
7 ingly permit an unlicensed driver to operate the vehicle, the
8 registration plates of the vehicle shall be confiscated.

9 (c) For a second or subsequent violation punishable under
10 subdivision (b), by imprisonment for not more than 1 year, or a
11 fine of not more than \$1,000.00, or both. Unless the vehicle was
12 stolen, the registration plates of the vehicle shall be
13 confiscated.

14 (2) The secretary of state, upon receiving a record of the
15 conviction or probate court disposition of a person upon a charge
16 of unlawful operation of a motor vehicle while the license of the
17 person is suspended or revoked or of the conviction, civil
18 infraction determination, or probate court disposition of a
19 person for a moving violation of the vehicle laws of this state
20 or a political subdivision of this state while the license of the
21 person is suspended or revoked immediately shall extend the
22 period of the first suspension or revocation for an additional
23 like period. This subsection shall apply only if the violation
24 occurs during a suspension of definite length, or if the viola-
25 tion occurs before the person is approved for a license following
26 a revocation.

1 (3) The secretary of state, upon receiving a record of the
2 conviction, bond forfeiture, or a civil infraction determination
3 of a person upon a charge of unlawful operation of a motor vehi-
4 cle requiring a class 1, class 2, or class 3 indorsement or vehi-
5 cle group designation while the indorsement or designation is
6 suspended pursuant to section 319a or 319b, or revoked, immedi-
7 ately shall extend the period of suspension or revocation for an
8 additional like period. This subsection shall apply only if the
9 violation occurs during a suspension of definite length, or if
10 the violation occurs before the person is approved for a license
11 following a revocation, or if the person operates a commercial
12 vehicle while disqualified under the commercial motor vehicle
13 safety act of 1986, title XII of Public Law 99-570, 100 Stat.
14 3207-170.

15 (4) If the secretary of state receives records of more than
16 1 conviction, civil infraction determination, or probate court
17 disposition resulting from the same incident, all of the convic-
18 tions, civil infraction determinations, or probate court disposi-
19 tions shall be treated as a single violation for purposes of
20 extending the period of suspension or revocation under
21 subsection (2) or (3).

22 (5) Before a person is arraigned before a district court
23 magistrate or judge on a charge of violating this section, the
24 arresting officer shall obtain the driving record of the person
25 from the secretary of state and shall furnish the record to the
26 court. The driving record of the person may be obtained from the
27 secretary of state's computer information network.

1 (6) This section does not apply to a person who operates a
2 vehicle solely for the purpose of protecting human life or prop-
3 erty, if the life or property is endangered and the summoning of
4 prompt aid is essential.

5 (7) A person whose vehicle group designation is suspended or
6 revoked and who has been notified as provided in section 212 of
7 that suspension or revocation, or whose application for a vehicle
8 group designation has been denied, as provided in this act, or
9 who has never applied for a vehicle group designation, and who
10 operates a commercial motor vehicle within this state, except as
11 permitted under this act, while any of those conditions exist is
12 guilty of a misdemeanor, punishable, except as otherwise provided
13 in this section, by imprisonment for not less than 3 days or more
14 than 90 days, or a fine of not more than \$100.00, or both.

15 Section 2. This amendatory act shall take effect January 1,
16 1993.

17 Section 3. This amendatory act shall not take effect unless
18 Senate Bill No. ____ or House Bill No. 5512 (request
19 no. 03017'91) of the 86th Legislature is enacted into law.