



# HOUSE BILL No. 4069

February 2, 1993, Introduced by Reps. Nye, Weeks, Hoffman, Horton, Martin, McNutt and Dalman 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:

1       Sec. 321a. (1) A person who fails to answer a citation, or  
2 a notice to appear in court for a violation of this act or a  
3 local ordinance substantially corresponding to a provision of  
4 this act, or for any matter pending, or who fails to comply with  
5 an order or judgment issued pursuant to section 907 is guilty of  
6 a misdemeanor. A violation of this subsection OR SECTION 8827(8)  
7 OF THE REVISED JUDICATURE ACT OF 1961, ACT NO. 236 OF THE PUBLIC  
8 ACTS OF 1961, BEING SECTION 600.8827 OF THE MICHIGAN COMPILED  
9 LAWS, shall not be considered a violation for any purpose under  
10 section 320a.

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

26       (3) If the person is charged with, or convicted of, a  
27 violation of section 625(1), (2), (3), (4), or (5), or a local

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

22 (4) IF THE PERSON IS CITED WITH, OR IS DETERMINED TO BE  
23 RESPONSIBLE OR RESPONSIBLE "WITH EXPLANATION" FOR, A VIOLATION OF  
24 A STATE STATUTE PURSUANT TO CHAPTER 88 OF THE REVISED JUDICATURE  
25 ACT OF 1961, ACT NO. 236 OF THE PUBLIC ACTS OF 1961, BEING SEC-  
26 TIONS 600.8801 TO 600.8831 OF THE MICHIGAN COMPILED LAWS, THE  
27 VIOLATION OF WHICH IS DESIGNATED A CIVIL INFRACTION, AND THE

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

21 (5) ~~(4)~~ A suspension imposed under subsection (2), ~~or~~  
22 (3), OR (4) shall remain in effect until both of the following  
23 occur:

24 (a) The court informs the secretary of state that the person  
25 has appeared before the court and that all matters relating to  
26 the violation or to the noncompliance with section 907, OR  
27 SECTION 8827 OF ACT NO. 236 OF THE PUBLIC ACTS OF 1961, BEING

1 SECTION 600.8827 OF THE MICHIGAN COMPILED LAWS, AS APPLICABLE,  
2 are resolved.

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

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

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

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

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

19 (a) Failed to answer 2 or more parking violation notices or  
20 citations for violating a provision of this act or an ordinance  
21 substantially corresponding to a provision of this act pertaining  
22 to handicapper parking issued or served after ~~the effective date~~  
23 ~~of the amendatory act that added this subdivision~~ SEPTEMBER 19,  
24 1989.

25 (b) Failed to answer 6 or more parking violation notices or  
26 citations, issued or served after March 31, 1981, regarding  
27 illegal parking.

1       (8) ~~(7)~~ The secretary of state, upon being informed of the  
2 failure of a person to appear as provided in subsection ~~(6)~~  
3 (7), shall not issue a license to the person until both of the  
4 following occur:

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

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

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

25       (10) ~~(9)~~ Sixty percent of the driver license reinstatement  
26 fees received under subsections ~~(4)(b)~~ (5)(B) and ~~(7)(b)~~  
27 (8)(B) shall be transmitted by the court to the secretary of

1 state on a monthly basis. The funds received by the secretary of  
2 state pursuant to this subsection shall be deposited in the state  
3 general fund and shall be used to defray the expenses of the sec-  
4 retary of state in processing the suspension and reinstatement of  
5 driver licenses under this section.

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

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

1 1961, BEING SECTION 600.8827 OF THE MICHIGAN COMPILED LAWS, AS  
2 APPLICABLE, by imprisonment for not more than 90 days, or a fine  
3 of not more than \$100.00, or both.

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

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

15 (2) The secretary of state, upon receiving a record of the  
16 conviction or probate court disposition of a person upon a charge  
17 of unlawful operation of a motor vehicle while the license of the  
18 person is suspended or revoked or of the conviction, civil  
19 infraction determination, or probate court disposition of a  
20 person for a moving violation of the vehicle laws of this state  
21 or a political subdivision of this state while the license of the  
22 person is suspended or revoked immediately shall extend the  
23 period of the first suspension or revocation for an additional  
24 like period. This subsection shall apply only if the violation  
25 occurs during a suspension of definite length, or if the viola-  
26 tion occurs before the person is approved for a license following  
27 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 1994.

17       Section 3. This amendatory act shall not take effect unless  
18 Senate Bill No. \_\_\_\_ or House Bill No. 4068(request  
19 no. 01422'93) of the 87th Legislature is enacted into law.