



HOUSE BILL No. 4246

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February 11, 1993, Introduced by Rep. Bankes and referred to the Committee on Human Services and Children.

A bill to amend section 321a of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," as amended by Act No. 95 of the Public Acts of 1991, being section 257.321a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 321a of Act No. 300 of the Public Acts
2 of 1949, as amended by Act No. 95 of the Public Acts of 1991,
3 being section 257.321a of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 321a. (1) A person who fails to answer a citation, or
6 a notice to appear in court for a violation of this act or a
7 local ordinance substantially corresponding to a provision of
8 this act, or for any matter pending, or who fails to comply with

1 an order or judgment issued pursuant to section 907 is guilty of
2 a misdemeanor. A violation of this subsection shall not be con-
3 sidered a violation for any purpose under section 320a.

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

19 (3) If the person is charged with, or convicted of, a viola-
20 tion of section 625(1), (2), (3), (4), or (5), or a local ordi-
21 nance substantially corresponding to section 625(1), (2), or (3),
22 and the person fails to answer a citation or a notice to appear
23 in court, or for any matter pending, or fails to comply with an
24 order or judgment of the court, including, but not limited to,
25 paying all fines, costs, and crime victim rights assessments, the
26 court shall immediately give notice by first-class mail sent to
27 the person's last known address that if the person fails to

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

14 (4) A suspension imposed under subsection (2) or (3) shall
15 remain in effect until both of the following occur:

16 (a) The court informs the secretary of state that the person
17 has appeared before the court and that all matters relating to
18 the violation or to the noncompliance with section 907 are
19 resolved.

20 (b) The person has paid to the court a \$25.00 driver license
21 reinstatement fee. The increase in the reinstatement fee from
22 \$10.00 to \$25.00 shall be imposed for a license that is suspended
23 on or after April 5, 1988 regardless of when the license was
24 suspended.

25 (5) The court shall not notify the secretary of state, and
26 the secretary of state shall not suspend the person's license, if
27 the person fails to appear in response to a citation issued for,

1 or fails to comply with an order or judgment involving 1 or more
2 of the following infractions:

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

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

5 (6) UPON RECEIPT FROM THE OFFICE OF THE FRIEND OF THE COURT
6 OF A COPY OF A SUSPENSION ORDER ENTERED PURSUANT TO SECTION 26A,
7 33, OR 35 OF THE SUPPORT AND VISITATION ENFORCEMENT ACT, ACT
8 NO. 295 OF THE PUBLIC ACTS OF 1982, BEING SECTIONS 552.626A,
9 552.633, AND 552.635 OF THE MICHIGAN COMPILED LAWS, THE SECRETARY
10 OF STATE SHALL SEND A NOTICE TO THE PERSON THAT IS THE SUBJECT OF
11 THE ORDER INDICATING THAT HIS OR HER OPERATOR'S OR CHAUFFEUR'S
12 LICENSE SHALL BE SUSPENDED 28 DAYS AFTER THE DATE OF MAILING THE
13 NOTICE UNTIL BOTH OF THE FOLLOWING OCCUR:

14 (A) THE OFFICE OF THE FRIEND OF THE COURT SENDS A COPY OF AN
15 ORDER RESCINDING A SUSPENSION ORDER TO THE SECRETARY OF STATE.

16 (B) THE PERSON HAS PAID TO THE SECRETARY OF STATE A \$6.00
17 DRIVER LICENSE REINSTATEMENT FEE. THE FEE SHALL BE DEPOSITED IN
18 THE STATE GENERAL FUND, AND SHALL BE USED TO DEFRAY THE EXPENSES
19 OF THE SECRETARY OF STATE IN PROCESSING THE SUSPENSION AND REIN-
20 STATEMENT OF DRIVER LICENSES UNDER THIS SECTION.

21 (7) ~~-(6)-~~ The court may notify a person who has done either
22 of the following, that if the person does not appear within 10
23 days after the notice is issued, the court will inform the secre-
24 tary of state of the person's failure to appear:

25 (a) Failed to answer 2 or more parking violation notices or
26 citations for violating a provision of this act or an ordinance
27 substantially corresponding to a provision of this act pertaining

1 to handicapper parking issued or served after the effective date
2 of the amendatory act that added this subdivision.

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

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

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

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

21 (9) ~~(8)~~ For the purposes of subsections (4)(a) and
22 ~~(7)(a)~~ (8)(A), the court shall give to the person a copy of the
23 information being transmitted to the secretary of state. Upon
24 showing that copy, the person shall not be arrested or issued a
25 citation for driving on a suspended license on the basis of any
26 matter resolved under subsection (4)(a) or ~~(7)(a)~~ (8)(A), even

1 if the information being sent to the secretary of state has not
2 yet been received or recorded by the department.

3 (10) ~~(9)~~ Sixty percent of the driver license reinstatement
4 fees received under subsections (4)(b) and ~~(7)(b)~~ (8)(B) shall
5 be transmitted by the court to the secretary of state on a
6 monthly basis. The funds received by the secretary of state pur-
7 suant to this subsection shall be deposited in the state general
8 fund and shall be used to defray the expenses of the secretary of
9 state in processing the suspension and reinstatement of driver
10 licenses under this section.

11 Section 2. This amendatory act shall not take effect unless
12 all of the following bills of the 87th Legislature are enacted
13 into law:

14 (a) Senate Bill No. _____ or House Bill No. 4247 (request
15 no. 02277'93a).

16 (b) Senate Bill No. _____ or House Bill No. 4248 (request
17 no. 02277'93b).

18 (c) Senate Bill No. _____ or House Bill No. 4249 (request
19 no. 02277'93c).