



SENATE BILL No. 385

February 11, 1993, Introduced by Senators EHLERS, MC MANUS, PRIDNIA, CARL and HART and referred to the Committee on Transportation and Tourism.

A bill to enter this state into the nonresident violator compact of 1977.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The Nonresident Violator Compact, hereinafter
2 called "the compact", is hereby enacted into law and entered into
3 with all other jurisdictions legally joining therein in the form
4 substantially as follows:

ARTICLE I

6 (a) The party jurisdictions find that:

7 (1) In most instances, a motorist who is cited for a traffic
8 violation in a jurisdiction other than his or her home
9 jurisdiction:

10 (i) Must post collateral or bond to secure appearance for
11 trial at a later date; or

1 (ii) If unable to post collateral or bond, is taken into
2 custody until the collateral or bond is posted; or

3 (iii) Is taken directly to court for the trial to be held.

4 (2) In some instances, the motorist's driver's license may
5 be deposited as collateral to be returned after he or she has
6 complied with the terms of the citation.

7 (3) The purpose of the practices described in paragraphs (1)
8 and (2) above is to ensure compliance with the terms of a traffic
9 citation by the motorist who, if permitted to continue on his or
10 her way after receiving the traffic citation, could return to his
11 or her home jurisdiction and disregard his or her duty under the
12 terms of the traffic citation.

13 (4) A motorist receiving a traffic citation in his or her
14 home jurisdiction is permitted, except for certain violations, to
15 accept the citation from the officer at the scene of the viola-
16 tion and to immediately continue on his or her way after promis-
17 ing or being instructed to comply with the terms of the
18 citation.

19 (5) The practice described in paragraph (1) above causes
20 unnecessary inconvenience and, at times, a hardship for the
21 motorist who is unable at the time to post collateral, furnish a
22 bond, stand trial, or pay the fine, and thus is compelled to
23 remain in custody until some arrangement can be made.

24 (6) The deposit of a driver's license as a bail bond, as
25 directed in paragraph (2) above, is viewed with disfavor.

26 (7) The practices described herein consume an undue amount
27 of law enforcement time.

(b) It is the policy of the party jurisdictions to:

(1) Seek compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles in each of the jurisdictions.

(2) Allow motorists to accept a traffic citation for certain violations and proceed on their way without delay whether or not the motorist is a resident of the jurisdiction in which the citation was issued.

(3) Extend cooperation to its fullest extent among the jurisdictions for obtaining compliance with the terms of a traffic citation issued in one jurisdiction to a resident of another jurisdiction.

(4) Maximize effective utilization of law enforcement personnel and assist court systems in the efficient disposition of traffic violations.

(c) The purpose of this compact is to:

(1) Provide a means through which the party jurisdictions may participate in a reciprocal program to effectuate the policies enumerated in paragraph (b) above in a uniform and orderly manner.

(2) Provide for the fair and impartial treatment of traffic violators operating within party jurisdictions in recognition of the motorist's right of due process and the sovereign status of a party jurisdiction.

ARTICLE II

1 (a) In the Nonresident Violator Compact, the following words
2 have the meaning indicated, unless the context requires
3 otherwise.

4 (b)(1) "Citation" means any summons, ticket, or other offi-
5 cial document issued by a police officer for a traffic violation
6 containing an order which requires the motorist to respond.

7 (2) "Collateral" means any cash or other security deposited
8 to secure an appearance for trial, following the issuance by a
9 police officer of a citation for a traffic violation.

10 (3) "Compliance" means the act of answering a citation sum-
11 mons or subpoena through appearance at court, a tribunal, and/or
12 payment of fines and costs.

13 (4) "Court" means a court of law or traffic tribunal.

14 (5) "Driver's License" means any license or privilege to
15 operate a motor vehicle issued under the laws of the home
16 jurisdiction.

17 (6) "Home Jurisdiction" means the jurisdiction that issued
18 the driver's license of the traffic violator.

19 (7) "Issuing Jurisdiction" means the jurisdiction in which
20 the traffic citation was issued to the motorist.

21 (8) "Jurisdiction" means a state, territory, or possession
22 of the United States, the District of Columbia, Commonwealth of
23 Puerto Rico, Provinces of Canada, or other countries.

24 (9) "Motorist" means driver of a motor vehicle operating in
25 a party jurisdiction other than the home jurisdiction.

26 (10) "Personal Recognizance" means an agreement by a
27 motorist made at the time of issuance of the traffic citation

1 that he or she will comply with the terms of that traffic
2 citation.

3 (11) "Police Officer" means any individual authorized by the
4 party jurisdiction to issue a citation for a traffic violation.

5 (12) "Terms of the Citation" means those options expressly
6 stated upon the citation.

7 ARTICLE III

8 (a) When issuing a citation for a traffic violation, a
9 police officer shall issue the citation to a motorist who pos-
10 sesses a driver's license issued by a party jurisdiction and
11 shall not, subject to the exceptions noted in paragraph (b) of
12 this article, require the motorist to post collateral to secure
13 appearance, if the officer receives the motorist's personal
14 recognizance that he or she will comply with the terms of the
15 citation.

16 (b) Personal recognizance is acceptable only if not prohib-
17 ited by law. If mandatory appearance is required, it should take
18 place immediately following issuance of the citation.

19 (c) Upon failure of a motorist to comply with the terms of a
20 traffic citation, the appropriate official shall report the fail-
21 ure to comply to the licensing authority of the jurisdiction in
22 which the traffic citation was issued. The report shall be made
23 in accordance with procedures specified by the issuing jurisdic-
24 tion and shall contain information as specified in the Compact
25 Manual as minimum requirements for effective processing by the
26 home jurisdiction.

1 (d) Upon receipt of the report, the licensing authority of
2 the issuing jurisdiction shall transmit to the licensing
3 authority in the home jurisdiction of the motorist, the informa-
4 tion in a form and content as contained in the Compact Manual.

5 (e) The licensing authority of the issuing jurisdiction need
6 not suspend the privilege of a motorist for whom a report has
7 been transmitted.

8 (f) The licensing authority of the issuing jurisdiction
9 shall not transmit a report on any violation if the date of
10 transmission is more than six months after the date on which the
11 traffic citation was issued.

12 (g) The licensing authority of the issuing jurisdiction
13 shall not transmit a report on any violation where the date of
14 issuance of the citation predates the most recent of the effec-
15 tive dates of entry for the two jurisdictions affected.

16 ARTICLE IV

17 (a) Upon receipt of a report of a failure to comply from the
18 licensing authority of the issuing jurisdiction, the licensing
19 authority of the home jurisdiction shall notify the motorist and
20 initiate a suspension action in accordance with the home
21 jurisdiction's procedures, to suspend the motorist's driver's
22 license until satisfactory evidence of compliance with the terms
23 of the traffic citation has been furnished to the home jurisdic-
24 tion licensing authority. Due process safeguards will be
25 accorded.

1 (b) The licensing authority of the home jurisdiction shall
2 maintain a record of actions taken and make reports to issuing
3 jurisdictions as provided in the Compact Manual.

4 ARTICLE V

5 Except as expressly required by provisions of this compact,
6 nothing contained herein shall be construed to affect the right
7 of any party jurisdiction to apply any of its other laws relating
8 to license to drive to any person or circumstance, or to invali-
9 date or prevent any driver license agreement or other cooperative
10 arrangements between a party jurisdiction and a nonparty
11 jurisdiction.

12 ARTICLE VI

13 (a) For the purposes of administering the provisions of this
14 compact and to serve as a governing body for the resolution of
15 all matters relating to the operation of this compact, a Board of
16 Compact Administrators is established. The board shall be com-
17 posed of one representative from each party jurisdiction to be
18 known as the compact administrator. The compact administrator
19 shall be appointed by the jurisdiction executive and will serve
20 and be subject to removal in accordance with the laws of the
21 jurisdiction he or she represents. A compact administrator may
22 provide for the discharge of his or her duties and the per-
23 formance of his or her functions as a board member by an
24 alternate. An alternate may not be entitled to serve unless
25 written notification of his or her identity has been given to the
26 board.

1 (b) Each member of the Board of Compact Administrators shall
2 be entitled to one vote. No action of the board shall be binding
3 unless taken at a meeting at which a majority of the total number
4 of votes on the board are cast in favor. Action by the board
5 shall be only at a meeting at which a majority of the party
6 jurisdictions are represented.

7 (c) The board shall elect annually, from its membership, a
8 chairman and vice chairman.

9 (d) The board shall adopt bylaws, not inconsistent with the
10 provisions of this compact or the laws of a party jurisdiction,
11 for the conduct of its business and shall have the power to amend
12 and rescind its bylaws.

13 (e) The board may accept for any of its purposes and func-
14 tions under this compact any and all donations, and grants of
15 money, equipment, supplies, materials, and services, conditional
16 or otherwise, from any jurisdiction, the United States, or any
17 other governmental agency, and may receive, utilize and dispose
18 of the same.

19 (f) The board may contract with, or accept services or per-
20 sonnel from any governmental or intergovernmental agency, person,
21 firm, or corporation, or any private nonprofit organization or
22 institution.

23 (g) The board shall formulate all necessary procedures and
24 develop uniform forms and documents for administering the provi-
25 sions of this compact. All procedures and forms adopted pursuant
26 to board action shall be contained in the Compact Manual.

ARTICLE VII

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

(a) This compact shall become effective when it has been adopted by at least two jurisdictions.

(b)(1) Entry into the compact shall be made by a Resolution of Ratification executed by the authorized officials of the applying jurisdiction and submitted to the chairman of the board.

(2) The resolution shall be in a form and content as provided in the Compact Manual and shall include statements that in substance are as follows:

(i) A citation of the authority by which the jurisdiction is empowered to become a party to this compact.

(ii) Agreement to comply with the terms and provisions of the compact.

(iii) That compact entry is with all jurisdictions then party to the compact and with any jurisdiction that legally becomes a party to the compact.

(3) The effective date of entry shall be specified by the applying jurisdiction, but it shall not be less than 60 days after notice has been given by the chairman of the Board of Compact Administrators or by the secretariat of the board to each party jurisdiction that the resolution from the applying jurisdiction has been received.

(c) A party jurisdiction may withdraw from this compact by official written notice to the other party jurisdictions, but a withdrawal shall not take effect until 90 days after notice of withdrawal is given. The notice shall be directed to the compact

1 administrator of each member jurisdiction. No withdrawal shall
2 affect the validity of this compact as to the remaining party
3 jurisdictions.

4 ARTICLE VIII

5 The provisions of this compact shall not apply to parking or
6 standing violations, highway weight limit violations, and viola-
7 tions of law governing the transportation of hazardous
8 materials.

9 ARTICLE IX

10 (a) This compact may be amended from time to time.
11 Amendments shall be presented in resolution form to the chairman
12 of the Board of Compact Administrators and may be initiated by
13 one or more party jurisdictions.

14 (b) Adoption of an amendment shall require endorsement of
15 all party jurisdictions and shall become effective 30 days after
16 the date of the last endorsement.

17 (c) Failure of a party jurisdiction to respond to the com-
18 pact chairman within 120 days after receipt of the proposed
19 amendment shall constitute endorsement.

20 ARTICLE X

21 This compact shall be liberally construed so as to effectu-
22 ate the purposes stated herein. The provisions of this compact
23 shall be severable and if any phrase, clause, sentence, or provi-
24 sion of this compact is declared to be contrary to the construc-
25 tion of any party jurisdiction or of the United States or the
26 applicability thereof to any government agency, person, or
27 circumstance, the compact shall not be affected thereby. If this

1 compact shall be held contrary to the constitution of any
2 jurisdiction party thereto, the compact shall remain in full
3 force and effect as to the remaining jurisdictions and in full
4 force and effect as to the jurisdiction affected as to all sever-
5 able matters.

6

ARTICLE XI

7 This compact shall be known as the Nonresident Violator
8 Compact of 1977.

9 Section 2. This act shall take effect October 1, 1993.

10 Section 3. This act shall not take effect unless Senate
11 Bill No. _____ or House Bill No. _____ (request no. 00580'93*) of
12 the 87th Legislature is enacted into law.