



# SENATE BILL No. 386

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 amend sections 35, 208, 317, 318, 321a, 728, 733, and 749 of Act No. 300 of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

section 208 as amended by Act No. 310 of the Public Acts of 1982, section 321a as amended by Act No. 95 of the Public Acts of 1991, section 728 as amended by Act No. 346 of the Public Acts of 1988, and section 749 as amended by Act No. 331 of the Public Acts of 1984, being sections 257.35, 257.208, 257.317, 257.318, 257.321a, 257.728, 257.733, and 257.749 of the Michigan Compiled Laws; and to add section 321c.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 35, 208, 317, 318, 321a, 728, 733, and  
2 749 of Act No. 300 of the Public Acts of 1949, section 208 as  
3 amended by Act No. 310 of the Public Acts of 1982, section 321a

1 as amended by Act No. 95 of the Public Acts of 1991, section 728  
2 as amended by Act No. 346 of the Public Acts of 1988, and  
3 section 749 as amended by Act No. 331 of the Public Acts of 1984,  
4 being sections 257.35, 257.208, 257.317, 257.318, 257.321a,  
5 257.728, 257.733, and 257.749 of the Michigan Compiled Laws, are  
6 amended and section 321c is added to read as follows:

7       Sec. 35. (1) "Nonresident operating privilege" means the  
8 privilege conferred upon a nonresident by the laws of this state  
9 pertaining to the operation by him OR HER of a motor vehicle, or  
10 the use of a motor vehicle owned by him OR HER, in this state.

11       (2) "NONRESIDENT VIOLATOR COMPACT" MEANS THE NONRESIDENT  
12 VIOLATOR COMPACT OF 1977.

13       Sec. 208. (1) Records of the department, other than those  
14 declared by law to be confidential for the use of the department,  
15 shall be open to public inspection under rules as the secretary  
16 of state may promulgate, pursuant to section 3 of the freedom of  
17 information act, Act No. 442 of the Public Acts of 1976, being  
18 section 15.233 of the Michigan Compiled Laws.

19       (2) The secretary of state may destroy any records of the  
20 department which have been maintained on file for 7 years,  
21 including the information contained in the central file main-  
22 tained under section 204a, except the following:

23       (a) Records of convictions of any offense for which points  
24 are provided under section 320a(1)(a), (b), ~~-(f)-~~ (C), OR (G), or  
25 SECTION 320A (9) which may be destroyed after being maintained on  
26 file for 10 years.

1 (b) Records of stolen vehicles reported in section 253,  
2 which may be destroyed after being maintained on file for the  
3 year of entry plus 4 years.

4 (c) Except as otherwise specified in this act, records which  
5 the secretary of state may consider obsolete and of no further  
6 service in carrying out the powers and duties of the department.

7 (3) The secretary of state may destroy a record of suspen-  
8 sion under section 321a, 180 days after termination of the sus-  
9 pension, if the record of suspension does not contain a convic-  
10 tion for a violation of section 904 or a local ordinance substan-  
11 tially corresponding to section 904 during the period of suspen-  
12 sion, or as provided in subsection (2).

13 (4) The secretary of state may destroy a record of receipt  
14 of the notice provided for in section ~~321a(3)~~ 321A(9) after the  
15 court involved informs the secretary of state that all outstand-  
16 ing matters regarding section ~~321a(3)~~ 321A(9) have been  
17 resolved.

18 (5) The secretary of state may destroy a record maintained  
19 pursuant to section 204a, 180 days after the nonresident driver  
20 against whom a civil infraction determination is entered complies  
21 with an order or judgment issued pursuant to section 907.

22 Sec. 317. (1) ~~The~~ EXCEPT FOR A VIOLATION UNDER THE MOTOR  
23 VEHICLE LAWS OF THIS STATE BY A NONRESIDENT WHO IS SUBJECT TO THE  
24 NONRESIDENT VIOLATOR COMPACT FOR THAT VIOLATION, THE secretary of  
25 state may suspend or revoke the right of a nonresident to operate  
26 a motor vehicle in this state for a cause for which the license  
27 of a resident driver may be suspended or revoked. A nonresident

1 who drives a motor vehicle upon a highway when the privilege to  
2 drive has been suspended, revoked, or denied by the secretary of  
3 state is guilty of a misdemeanor punishable as provided in  
4 section 904.

5 (2) The secretary of state, upon receiving a record of the  
6 conviction, civil infraction determination, FAILURE TO ANSWER A  
7 CITATION, FAILURE TO APPEAR IN COURT, FAILURE TO COMPLY WITH AN  
8 ORDER OR JUDGMENT, or forfeiture of bail in this state of a non-  
9 resident driver of a motor vehicle of a violation under the motor  
10 vehicle laws of this state, may forward a certified copy of the  
11 record to the motor vehicle administrator or other appropriate  
12 officer in the state in which the person is a resident.

13 Sec. 318. The secretary of state may suspend or revoke the  
14 ~~license of a resident of this state upon receiving notice of the~~  
15 ~~conviction of that person in another state of an offense in that~~  
16 ~~state, or the determination of responsibility of that person in~~  
17 ~~an administrative adjudication in another state for a violation~~  
18 ~~in that state which if committed in this state, would be grounds~~  
19 ~~for the suspension or revocation of the license of an operator or~~  
20 ~~chauffeur.~~ OPERATOR'S OR CHAUFFEUR'S LICENSE OF A PERSON WHO IS  
21 A RESIDENT OF THIS STATE UPON RECEIVING NOTICE THAT AN OMISSION  
22 BY THE PERSON OR ADJUDICATION REGARDING THE PERSON OCCURRED IN  
23 ANOTHER STATE OR JURISDICTION WHICH, IF THE OMISSION OR ADJUDICA-  
24 TION HAD OCCURRED IN THIS STATE, WOULD BE GROUNDS FOR THE SUSPEN-  
25 SION OR REVOCATION OF THE PERSON'S OPERATOR'S OR CHAUFFEUR'S  
26 LICENSE. THE OMISSIONS OR ADJUDICATIONS FOR WHICH THE SECRETARY

1 OF STATE MAY SUSPEND OR REVOKE THE OPERATOR'S OR CHAUFFEUR'S  
2 LICENSE OF A PERSON UNDER THIS SECTION ARE AS FOLLOWS:

3 (A) THE CONVICTION OF THE PERSON OF AN OFFENSE.

4 (B) THE DETERMINATION OF RESPONSIBILITY OF THE PERSON IN AN  
5 ADMINISTRATIVE OR JUDICIAL ADJUDICATION.

6 (C) THE ENTRY OF A DEFAULT JUDGMENT AGAINST THE PERSON.

7 (D) THE FAILURE OF THE PERSON TO APPEAR IN COURT OR AT AN  
8 ADMINISTRATIVE TRIBUNAL.

9 (E) THE FAILURE OF THE PERSON TO ANSWER A CITATION.

10 (F) THE FAILURE OF THE PERSON TO COMPLY WITH AN ORDER OR  
11 JUDGMENT.

12 (G) THE DETERMINATION IN AN ADMINISTRATIVE OR JUDICIAL ADJU-  
13 DICATION THAT THE PERSON REFUSED TO SUBMIT TO A CHEMICAL TEST OF  
14 HIS OR HER BLOOD, BREATH, OR URINE FOR THE PURPOSE OF DETERMINING  
15 THE PRESENCE OR AMOUNT OF ALCOHOL OR A CONTROLLED SUBSTANCE, OR  
16 BOTH, IN HIS OR HER BLOOD AS REQUIRED BY LAW.

17 Sec. 321a. (1) A person who fails to answer a citation, or  
18 a notice to appear in court for a violation of this act or a  
19 local ordinance substantially corresponding to a provision of  
20 this act, or for any matter pending, or who fails to comply with  
21 an order or judgment issued pursuant to section 907 is guilty of  
22 a misdemeanor. A violation of this subsection shall not be con-  
23 sidered a violation for any purpose under section 320a.

24 (2) Except as provided in subsection (3) OR (5), 28 days or  
25 more after the date of noncompliance with A CITATION, NOTICE TO  
26 APPEAR, OR an order or judgment, the court shall give notice by  
27 mail at the last known address of the person that if the person

1 fails to appear or fails to comply with the order or judgment  
2 issued pursuant to section 907, including, but not limited to,  
3 paying all fines and costs, within 14 days after the notice is  
4 issued, the secretary of state shall suspend the person's  
5 operator's or chauffeur's license. If the person fails to appear  
6 or fails to comply with the order or judgment issued pursuant to  
7 section 907, including, but not limited to, paying all fines and  
8 costs, within the 14-day period, the court shall, within 14 days,  
9 inform the secretary of state, who shall immediately suspend the  
10 license OR PRIVILEGE TO OPERATE of the person and notify the  
11 person of the suspension by regular mail at the person's last  
12 known address.

13       (3) If the person is charged with, or convicted of, a viola-  
14 tion of section 625(1), (2), (3), (4), or (5), or a local ordi-  
15 nance substantially corresponding to section 625(1), (2), or (3),  
16 and the person fails to answer a citation or a notice to appear  
17 in court, or for any matter pending, or fails to comply with an  
18 order or judgment of the court, including, but not limited to,  
19 paying all fines, costs, and crime victim rights assessments, the  
20 court shall immediately give notice by first-class mail sent to  
21 the person's last known address that if the person fails to  
22 appear within 7 days after the notice is issued, or fails to  
23 comply with the order or judgment of the court, including, but  
24 not limited to, paying all fines, costs, and crime victim rights  
25 assessments, within 14 days after the notice is issued, the sec-  
26 retary of state shall suspend the person's operator's or  
27 chauffeur's license. If the person fails to appear within the

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

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

10 (a) The court informs the secretary of state that the person  
11 has appeared before the court and that all matters relating to  
12 the violation or to the noncompliance with section 907 are  
13 resolved.

14 (b) The person has paid to the court a \$25.00 driver license  
15 reinstatement fee. ~~The increase in the reinstatement fee from~~  
16 ~~\$10.00 to \$25.00 shall be imposed for a license that is suspended~~  
17 ~~on or after April 5, 1988 regardless of when the license was~~  
18 ~~suspended.~~

19 (5) UPON RECEIPT OF NOTICE FROM A FOREIGN JURISDICTION THAT  
20 IS A MEMBER OF THE NONRESIDENT VIOLATOR COMPACT THAT A RESIDENT  
21 OF THIS STATE FAILED TO ANSWER A CITATION OR NOTICE TO APPEAR IN  
22 A COURT OR TRIBUNAL FOR A VIOLATION OF A TRAFFIC LAW OF THE FOR-  
23 EIGN JURISDICTION, OR FAILED TO COMPLY WITH AN ORDER OR JUDGMENT  
24 ISSUED FOR A VIOLATION OF A TRAFFIC LAW OF THE FOREIGN JURISDIC-  
25 TION BY NOT PAYING FINES AND COSTS, THE SECRETARY OF STATE SHALL  
26 GIVE NOTICE BY FIRST-CLASS MAIL SENT TO THE PERSON'S LAST KNOWN  
27 ADDRESS THAT IF THE PERSON FAILS TO PRESENT SATISFACTORY EVIDENCE

1 OF COMPLIANCE WITH THE CITATION, NOTICE TO APPEAR, ORDER, OR  
2 JUDGMENT, AS APPLICABLE, TO THE SECRETARY OF STATE WITHIN 21 DAYS  
3 AFTER THE NOTICE IS ISSUED, THE SECRETARY OF STATE SHALL DENY  
4 ISSUANCE OF AN OPERATOR'S OR CHAUFFEUR'S LICENSE TO THE PERSON OR  
5 SUSPEND THE PERSON'S OPERATOR'S OR CHAUFFEUR'S LICENSE. IF THE  
6 PERSON FAILS TO PRESENT SATISFACTORY EVIDENCE OF COMPLIANCE WITH  
7 THE CITATION, NOTICE TO APPEAR, ORDER, OR JUDGMENT, AS APPLICA-  
8 BLE, TO THE SECRETARY OF STATE WITHIN THE 21-DAY PERIOD, THE SEC-  
9 RETARY OF STATE SHALL DENY ISSUANCE OF AN OPERATOR'S OR  
10 CHAUFFEUR'S LICENSE TO THE PERSON OR SUSPEND THE OPERATOR'S OR  
11 CHAUFFEUR'S LICENSE OF THE PERSON AND NOTIFY THE PERSON OF THE  
12 DENIAL OR SUSPENSION BY FIRST-CLASS MAIL AT THE PERSON'S LAST  
13 KNOWN ADDRESS. THIS SUBSECTION DOES NOT APPLY TO A PERSON WHO  
14 PRESENTS EVIDENCE AS REQUIRED BY THE SECRETARY OF STATE THAT HE  
15 OR SHE IS NOT THE PERSON WHO WAS ISSUED THE CITATION OR NOTICE TO  
16 APPEAR, OR WHO FAILED TO COMPLY WITH THE ORDER OR JUDGMENT, IN  
17 THE FOREIGN JURISDICTION THAT SENT THE NOTICE DESCRIBED IN THIS  
18 SUBSECTION TO THE SECRETARY OF STATE.

19 (6) THE DENIAL OF ISSUANCE OF AN OPERATOR'S OR CHAUFFEUR'S  
20 LICENSE TO A PERSON OR A SUSPENSION OF A PERSON'S OPERATOR'S OR  
21 CHAUFFEUR'S LICENSE UNDER SUBSECTION (5) FOR FAILURE TO COMPLY  
22 WITH A CITATION, NOTICE TO APPEAR, ORDER, OR JUDGMENT SHALL  
23 REMAIN IN EFFECT UNTIL BOTH OF THE FOLLOWING OCCUR:

24 (A) EITHER OF THE FOLLOWING OCCUR:

25 (i) THE FOREIGN JURISDICTION THAT INFORMED THE SECRETARY OF  
26 STATE THAT THE PERSON FAILED TO COMPLY WITH THE CITATION, NOTICE

1 TO APPEAR, ORDER, OR JUDGMENT INFORMS THE SECRETARY OF STATE THAT  
2 ALL MATTERS RELATING TO THE NONCOMPLIANCE ARE RESOLVED.

3 (ii) THE PERSON PRESENTS SATISFACTORY EVIDENCE OF COMPLIANCE  
4 WITH THE CITATION, NOTICE TO APPEAR, ORDER, OR JUDGMENT TO THE  
5 SECRETARY OF STATE.

6 (B) THE PERSON HAS PAID TO THE SECRETARY OF STATE A \$25.00  
7 DRIVER LICENSE REINSTATEMENT FEE. FUNDS RECEIVED BY THE SECRE-  
8 TARY OF STATE UNDER THIS SUBDIVISION SHALL BE DEPOSITED IN THE  
9 STATE GENERAL FUND AND SHALL BE EXPENDED TO DEFRAID THE EXPENSES  
10 INCURRED BY THE SECRETARY OF STATE IN THE FOLLOWING ORDER OF  
11 PRIORITY:

12 (i) PROCESSING THE DENIAL, SUSPENSION, AND REINSTATEMENT OF  
13 LICENSES UNDER SUBSECTION (5) AND THIS SUBSECTION.

14 (ii) PERFORMING OTHER DUTIES UNDER THE NONRESIDENT VIOLATOR  
15 COMPACT.

16 (7) AS USED IN SUBSECTIONS (5) AND (6):

17 (A) "COMPLIANCE" MEANS ANSWERING A CITATION, SUMMONS, SUB-  
18 POENA, OR NOTICE TO APPEAR AT A FOREIGN COURT OR TRIBUNAL BY AN  
19 APPEARANCE, OR THE PAYMENT OF FINES AND COSTS, OR BOTH.

20 (B) "SATISFACTORY EVIDENCE" MEANS EITHER OF THE FOLLOWING:

21 (i) AN OFFICIAL CERTIFICATE ISSUED BY A COURT OR TRIBUNAL.

22 (ii) A CERTIFIED COPY OF A JUDGMENT ISSUED BY A COURT OR  
23 TRIBUNAL.

24 (8) ~~-(5)-~~ The court shall not notify the secretary of state,  
25 and the secretary of state shall not suspend the person's  
26 license, if the person fails to appear in response to a citation

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

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

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

5 (9) ~~-(6)-~~ The court may notify a person who has done either  
6 of the following, that if the person does not appear within 10  
7 days after the notice is issued, the court will inform the secre-  
8 tary of state of the person's failure to appear:

9 (a) Failed to answer 2 or more parking violation notices or  
10 citations for violating a provision of this act or an ordinance  
11 substantially corresponding to a provision of this act pertaining  
12 to handicapper parking issued or served after the effective date  
13 of the amendatory act that added this subdivision.

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

17 (10) ~~-(7)-~~ The secretary of state, upon being informed of  
18 the failure of a person to appear as provided in subsection ~~-(6)-~~  
19 (9), shall not issue a license to the person until both of the  
20 following occur:

21 (a) The court informs the secretary of state that the person  
22 has resolved all outstanding matters regarding the notices or  
23 citations.

24 (b) The person has paid to the court a \$25.00 driver license  
25 reinstatement fee. ~~The increase in the reinstatement fee from~~  
26 ~~\$10.00 to \$25.00 shall be imposed for a license that is suspended~~  
27 ~~on or after April 5, 1988 regardless of when the license was~~

1 ~~suspended~~.— If the court determines that the person is not  
 2 responsible for any of the parking violations for which the  
 3 person's license was suspended under this subsection, the court  
 4 shall waive payment of the fee.

5 (11) ~~—(8)—~~ For the purposes of subsections (4)(a) and  
 6 ~~—(7)(a)—~~ (10)(A), the court shall give to the person a copy of  
 7 the information being transmitted to the secretary of state.  
 8 Upon showing that copy, the person shall not be arrested or  
 9 issued a citation for driving on a suspended license on the basis  
 10 of any matter resolved under subsection (4)(a) or ~~—(7)(a)—~~  
 11 (10)(A), even if the information being sent to the secretary of  
 12 state has not yet been received or recorded by the department.

13 (12) ~~—(9)—~~ Sixty percent of the driver license reinstatement  
 14 fees received under subsections (4)(b) and ~~—(7)(b)—~~ (10)(B) shall  
 15 be transmitted by the court to the secretary of state on a  
 16 monthly basis. The funds received by the secretary of state pur-  
 17 suant to this subsection shall be deposited in the state general  
 18 fund and shall be used to defray the expenses of the secretary of  
 19 state in processing the suspension and reinstatement of driver  
 20 licenses under this section.

21 SEC. 321C. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SEC-  
 22 TION, 28 DAYS OR MORE AFTER THE DATE THAT A PERSON WHO IS A RESI-  
 23 DENT OF A FOREIGN JURISDICTION THAT IS A MEMBER OF THE NONRESI-  
 24 DENT VIOLATOR COMPACT AND WHO EXECUTED A PERSONAL RECOGNIZANCE  
 25 UNDER SECTION 749 FAILS TO ANSWER A CITATION OR A NOTICE TO  
 26 APPEAR IN COURT FOR A VIOLATION OF THIS ACT OR A LOCAL ORDINANCE  
 27 SUBSTANTIALLY CORRESPONDING TO A PROVISION OF THIS ACT, OR FOR

1 ANY MATTER PENDING, OR FAILS TO COMPLY WITH AN ORDER OR JUDGMENT  
2 OF THE COURT FOR A VIOLATION OF THIS ACT OR A LOCAL ORDINANCE  
3 SUBSTANTIALLY CORRESPONDING TO A PROVISION OF THIS ACT, INCLUD-  
4 ING, BUT NOT LIMITED TO, PAYING ALL FINES AND COSTS, THE COURT  
5 SHALL IMMEDIATELY GIVE NOTICE BY FIRST-CLASS MAIL SENT TO THE  
6 PERSON'S LAST KNOWN ADDRESS THAT IF THE PERSON FAILS TO ANSWER  
7 THE CITATION OR A NOTICE TO APPEAR OR FAILS TO COMPLY WITH THE  
8 ORDER OR JUDGMENT OF THE COURT, INCLUDING, BUT NOT LIMITED TO,  
9 PAYING ALL FINES AND COSTS, WITHIN 14 DAYS AFTER THE NOTICE IS  
10 ISSUED, THE COURT WILL NOTIFY THE SECRETARY OF STATE, WHO SHALL  
11 NOTIFY THE LICENSING AUTHORITY IN THE PERSON'S JURISDICTION OF  
12 RESIDENCE TO DENY ISSUANCE OF A DRIVER LICENSE TO THE PERSON OR  
13 SUSPEND THE PERSON'S DRIVER LICENSE UNTIL THE PERSON ANSWERS THE  
14 CITATION OR NOTICE TO APPEAR OR COMPLIES WITH THE ORDER OR JUDG-  
15 MENT, INCLUDING, BUT NOT LIMITED TO, PAYING ALL FINES AND COSTS.  
16 IF THE PERSON FAILS TO ANSWER THE CITATION OR A NOTICE TO APPEAR  
17 OR FAILS TO COMPLY WITH THE ORDER OR JUDGMENT, INCLUDING, BUT NOT  
18 LIMITED TO, PAYING ALL FINES AND COSTS, WITHIN THE 14-DAY PERIOD,  
19 THE COURT SHALL, WITHIN 14 DAYS, NOTIFY THE SECRETARY OF STATE,  
20 WHO SHALL IMMEDIATELY NOTIFY THE LICENSING AUTHORITY IN THE  
21 PERSON'S JURISDICTION OF RESIDENCE OF THE NONCOMPLIANCE AND  
22 REQUEST THE LICENSING AUTHORITY TO DENY ISSUANCE OF A DRIVER  
23 LICENSE TO THE PERSON OR SUSPEND THE PERSON'S LICENSE AS PROVIDED  
24 IN THE NONRESIDENT VIOLATOR COMPACT.

25 (2) THE SECRETARY OF STATE SHALL NOT SEND A NOTICE TO THE  
26 LICENSING AUTHORITY OF A PERSON'S JURISDICTION OF RESIDENCE UNDER  
27 SUBSECTION (1) AFTER THE EXPIRATION OF 6 MONTHS FROM THE DATE ON

1 WHICH THE PERSON RECEIVED THE CITATION FOR THE VIOLATION FOR  
2 WHICH THE NOTICE WOULD BE SENT.

3 (3) THIS SECTION DOES NOT APPLY TO A PERSON WHO IS CHARGED  
4 WITH, IS CONVICTED OF, IS DETERMINED RESPONSIBLE FOR, OR HAS A  
5 PROBATE COURT ORDER OF DISPOSITION ENTERED FOR, ANY OF THE  
6 FOLLOWING:

7 (A) A VIOLATION THAT REQUIRES A PERSONAL APPEARANCE.

8 (B) A MOVING VIOLATION THAT REQUIRES A MANDATORY SUSPENSION  
9 OR REVOCATION OF A LICENSE.

10 (C) AN EQUIPMENT VIOLATION.

11 (D) AN INSPECTION VIOLATION.

12 (E) A SIZE OR WEIGHT VIOLATION.

13 (F) A TRANSPORTATION OF HAZARDOUS WASTE VIOLATION.

14 (G) A PARKING OR STANDING VIOLATION.

15 (H) A PEDESTRIAN, PASSENGER, OR BICYCLE VIOLATION.

16 (I) ANY OTHER VIOLATIONS EXCLUDED UNDER THE PROVISIONS OF  
17 THE NONRESIDENT VIOLATOR COMPACT.

18 (4) THE GOVERNOR SHALL APPOINT THE SECRETARY OF STATE TO  
19 SERVE AS THE COMPACT ADMINISTRATOR FOR THIS STATE TO ADMINISTER  
20 THE PROVISIONS OF THE NONRESIDENT VIOLATOR COMPACT IN THIS  
21 STATE. THE SECRETARY OF STATE SHALL PERFORM ALL DUTIES NECESSARY  
22 TO IMPLEMENT THE NONRESIDENT VIOLATOR COMPACT IN THIS STATE.

23 Sec. 728. (1) ~~When~~ IF a person is arrested without a war-  
24 rant for a violation of this act punishable as a misdemeanor, or  
25 an ordinance substantially corresponding to a provision of this  
26 act and punishable as a misdemeanor, under conditions not  
27 referred to in sections 617, 619, and ~~727(1), (2), and (3)~~

1 727(A), (B), AND (C), the arresting officer shall prepare, as  
2 soon as possible and as completely as possible, an original and 3  
3 copies of a written citation to appear in court containing the  
4 name and address of the person, the violation charged, and the  
5 time and place when and where the person shall appear in court.  
6 The officer shall inform the offender of the violation and shall  
7 give the second copy of the citation to the alleged offender. If  
8 the arrested person demands, he or she shall be taken before a  
9 magistrate or probate court as provided in section 727 in lieu of  
10 being given the citation.

11 (2) The time specified in the citation to appear shall be  
12 within a reasonable time after the arrest.

13 (3) The place specified in the citation to appear shall be  
14 before a magistrate or probate court within the county in which  
15 the violation charged is alleged to have been committed and who  
16 has jurisdiction of the violation.

17 (4) Appearance may be made in person, by representation, or  
18 by mail. When appearance is made by representation or mail, the  
19 magistrate may accept the plea of guilty or not guilty for pur-  
20 poses of arraignment, with the same effect as though the person  
21 personally appeared before him or her. The magistrate, by giving  
22 5 days' notice of the date of appearance, may require appearance  
23 in person at the time and place designated in the citation.

24 (5) When a person who is not a resident of this state is  
25 arrested without warrant for a violation of this act which is  
26 punishable as a misdemeanor, or an ordinance substantially  
27 corresponding to a provision of this act and punishable as a

1 misdemeanor, under conditions not referred to in section 727, the  
2 arresting officer, upon demand of the arrested person, immedi-  
3 ately shall take the person before a magistrate of the vicinity  
4 to answer to the complaint made against the person. If a magis-  
5 trate is not available or an immediate trial cannot be had, the  
6 person arrested may recognize to the officer for his or her  
7 appearance by leaving with the officer a guaranteed appearance  
8 certificate or a sum of money not to exceed \$100.00, in which  
9 case the following provisions shall apply:

10 (a) The officer making the arrest shall give a receipt to  
11 the person arrested for the guaranteed appearance certificate or  
12 the money deposited together with a written citation as provided  
13 in subsection (1).

14 (b) If the alleged offender fails to appear as required in  
15 the citation, the guaranteed appearance certificate or deposit  
16 shall be forfeited as in other cases of default in bail in addi-  
17 tion to any other penalty provided in this chapter.

18 (c) At or before the completion of his or her tour of duty a  
19 police officer taking a certificate or deposit of money shall  
20 deliver the certificate or deposit of money either to the magis-  
21 trate named in the citation together with a report of the facts  
22 relating to the arrest, or to the police chief or person autho-  
23 rized by the police chief to receive certificates and deposits.  
24 The police chief or person authorized by the police chief shall  
25 deposit with the court the certificate or the money deposited and  
26 the citation in the same manner as prescribed for citations in

1 section 728a. Failure to make a report and deliver the money  
2 deposited shall be embezzlement of public money.

3 (d) "Guaranteed appearance certificate" means a card or cer-  
4 tificate containing a printed statement that a surety company  
5 authorized to do business in this state guarantees the appearance  
6 of the person whose signature appears on the card or certificate,  
7 and that the company, if the person fails to appear in court at  
8 the time of trial or sentencing or to pay any fines or costs  
9 imposed pursuant to this act, will pay any fine, costs, or bond  
10 forfeiture imposed on the person in a total amount not to exceed  
11 \$200.00.

12 (6) An officer making an arrest under this chapter for a  
13 misdemeanor without a warrant, except under section ~~727(1), (2),~~  
14 ~~and (3)~~ 727(A), (B), AND (C), shall not be entitled to any fees  
15 for making the arrest or the issuance of a citation under this  
16 section.

17 (7) An officer or magistrate violating this section is  
18 guilty of misconduct in office and subject to removal from  
19 office.

20 (8) A police officer may issue a citation to a person who is  
21 a driver of a motor vehicle involved in an accident when, based  
22 upon personal investigation, the officer has reasonable cause to  
23 believe that the person has committed a misdemeanor under the act  
24 in connection with the accident. The officer shall prepare an  
25 original and 3 copies of the citation, setting forth the name and  
26 address of the person, the violation that may be charged against  
27 the person, and the time and place of the appearance of the

1 person in court. The citation shall inform the person of the  
2 office, bureau, or department to which requests for a change or  
3 adjournment of the court date may be made.

4 (9) If the citation is issued to a person who is operating a  
5 commercial motor vehicle, the citation shall contain the vehicle  
6 group designation and indorsement description of the vehicle  
7 operated by the person at the time of the alleged violation.

8 Sec. 733. (1) ~~The~~ SUBJECT TO SUBSECTIONS (2) AND (3), THE  
9 department shall not release information relating to an accident  
10 on the record of a driver to a nongovernmental agency unless the  
11 driver was subsequently convicted of or determined responsible  
12 for a violation of this act in connection with the accident.

13 (2) THE DEPARTMENT SHALL NOT RELEASE INFORMATION RELATING TO  
14 AN ACCIDENT ON THE RECORD OF A DRIVER WHO IS A POLICE OFFICER TO  
15 A NONGOVERNMENTAL AGENCY IF THE ACCIDENT OCCURRED WHILE THE  
16 POLICE OFFICER WAS ON DUTY AND DRIVING A MOTOR VEHICLE IN THE  
17 PERFORMANCE OF HIS OR HER DUTIES AS A POLICE OFFICER.

18 (3) THE DEPARTMENT SHALL NOT RELEASE INFORMATION RELATING TO  
19 AN ACCIDENT ON THE RECORD OF A DRIVER WHO IS A FIRE FIGHTER OR  
20 AMBULANCE DRIVER TO A NONGOVERNMENTAL AGENCY IF THE ACCIDENT  
21 OCCURRED WHILE THE FIRE FIGHTER OR AMBULANCE DRIVER WAS ON DUTY  
22 AND DRIVING A FIRE DEPARTMENT VEHICLE OR A LICENSED AMBULANCE IN  
23 THE PERFORMANCE OF HIS OR HER DUTIES AS A FIRE FIGHTER OR AN  
24 AMBULANCE DRIVER.

25 (4) AS USED IN THIS SECTION, "LICENSED AMBULANCE" MEANS AN  
26 AMBULANCE LICENSED UNDER SECTION 20923 OF THE PUBLIC HEALTH CODE,

1 ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SECTION 333.20923  
2 OF THE MICHIGAN COMPILED LAWS.

3       Sec. 749. (1) ~~When~~ IF a person who is not a resident of  
4 this state is stopped for a civil infraction pursuant to  
5 section 742, the police officer making the stop shall take that  
6 person's driver's license as security for the nonresident's  
7 appearance in court and satisfaction of any order which may be  
8 issued under section 907 and shall issue to that person a  
9 citation as provided in sections 727c and 742. At or before the  
10 completion of his or her tour of duty a police officer taking the  
11 driver's license shall deliver the driver's license either to the  
12 court named in the citation or to the police chief or person  
13 authorized by the police chief to receive citations and drivers'  
14 licenses. The police chief or person authorized shall deposit  
15 the driver's license and citation with the court in the same  
16 manner as prescribed for citations in section 728a. Failure to  
17 deliver the license shall be considered contempt of court. If  
18 the person does not have a license in immediate possession in  
19 violation of section 301 or a license or the receipt described in  
20 section 311a in violation of section 311, the officer shall  
21 arrest that person pursuant to section ~~727(4)~~ 727(D).

22       (2) In lieu of the officer's taking of the license under  
23 subsection (1) or before appearance in court, the person stopped  
24 may recognize to the officer or to the court for his or her  
25 appearance by leaving with the officer or court ~~a~~ 1 OF THE  
26 FOLLOWING:

1 (A) A guaranteed appearance certificate. ~~or a~~

2 (B) A sum of money not to exceed \$100.00.

3 (C) IF THE PERSON IS A RESIDENT OF A FOREIGN JURISDICTION

4 THAT IS A MEMBER OF THE NONRESIDENT VIOLATOR COMPACT AND IS

5 LICENSED TO OPERATE A MOTOR VEHICLE UNDER THE LAWS OF THE FOREIGN

6 JURISDICTION, AND THE VIOLATION IS NOT LISTED IN SECTION 321C, A

7 PERSONAL RECOGNIZANCE.

8 (3) If a magistrate is available for an immediate appear-

9 ance, upon demand of the person stopped, the officer immediately

10 shall take the nonresident driver before the magistrate to answer

11 to the civil infraction alleged. Upon entry of an admission of

12 responsibility for the civil infraction, with or without explana-

13 tion, or upon completion of an informal hearing, the defendant's

14 license shall be returned if judgment is entered for the

15 defendant, if any adverse judgment entered against the defendant

16 is satisfied, or if the defendant leaves with the court a guaran-

17 teed appearance certificate, or a sum of money not to exceed

18 \$100.00 as security, OR IF THE DEFENDANT IS A RESIDENT OF A

19 JURISDICTION THAT IS A MEMBER OF THE NONRESIDENT VIOLATOR COMPACT

20 AND IS LICENSED TO OPERATE A MOTOR VEHICLE UNDER THE LAWS OF THE

21 FOREIGN JURISDICTION, AND THE VIOLATION IS NOT LISTED IN

22 SECTION 321C, A PERSONAL RECOGNIZANCE, for payment of any fines

23 or costs ordered. If the nonresident defendant requests a formal

24 hearing, the hearing shall be scheduled as provided in

25 section 747 but the defendant's license shall be retained by the

26 court until final resolution of the matter unless the defendant

27 leaves with the court the guaranteed appearance certificate, ~~or~~

1 deposit, OR PERSONAL RECOGNIZANCE as provided in subsection (2)  
2 as security for appearance at the scheduled formal hearing.

3       (4) The officer receiving a guaranteed appearance  
4 certificate, ~~or~~ deposit of money, OR PERSONAL RECOGNIZANCE  
5 under subsection (2) shall give a receipt to the person stopped  
6 for the guaranteed appearance certificate, ~~or~~ the money  
7 deposited, OR THE PERSONAL RECOGNIZANCE together with the written  
8 citation required under subsection (1).

9       (5) At or before the completion of his or her tour of duty a  
10 police officer taking a certificate, ~~or~~ deposit of money, OR  
11 PERSONAL RECOGNIZANCE shall deliver the certificate, ~~or~~ deposit  
12 of money, OR PERSONAL RECOGNIZANCE, and the citation either to  
13 the court named in the citation, or to the police chief or person  
14 authorized by the police chief to receive certificates, ~~or~~  
15 deposits, OR PERSONAL RECOGNIZANCES. The police chief or person  
16 authorized shall deposit the certificate, ~~or~~ the money  
17 deposited, OR THE PERSONAL RECOGNIZANCE and the citation with the  
18 court in the same manner as prescribed for citations in  
19 section 728a. Failure to deliver the money deposited shall be  
20 embezzlement of public money.

21       (6) If the person who posts a certificate, ~~or~~ deposit, OR  
22 PERSONAL RECOGNIZANCE fails to appear as required in the citation  
23 or for a scheduled formal hearing, the court having jurisdiction  
24 and venue over the civil infraction shall enter a default judg-  
25 ment against the person, and the guaranteed appearance certifi-  
26 cate or money deposited shall be forfeited and applied to any  
27 civil fine or costs ordered pursuant to section 907.

(7) For purposes of this section: ~~"/"guaranteed~~

(A) "GUARANTEED appearance certificate" means a card or certificate containing a printed statement that a surety company authorized to do business in this state guarantees the appearance of the person whose signature appears on the card or certificate, and that the company, if the person fails to appear in court at the time of a scheduled informal or formal hearing or to pay any fine or costs imposed pursuant to section 907, will pay any fine, costs, or bond forfeiture imposed on the person in a total amount not to exceed \$200.00.

(B) "PERSONAL RECOGNIZANCE" MEANS AN AGREEMENT THAT IS SIGNED BY A MOTORIST AT THE TIME OF ISSUANCE OF A TRAFFIC CITATION OR APPEARANCE IN COURT THAT HE OR SHE WILL COMPLY WITH THE TERMS OF THE CITATION OR WITH THE ORDER OF THE COURT.

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

Section 3. This amendatory act shall not take effect unless Senate Bill No. \_\_\_\_ or House Bill No. \_\_\_\_ (request no. 00579'93\*) of the 87th Legislature is enacted into law.