

Act No. 55
Public Acts of 1995
Approved by the Governor
May 22, 1995
Filed with the Secretary of State
May 22, 1995

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1995**

Introduced by Rep. Nye

ENROLLED HOUSE BILL No. 4427

AN ACT to amend section 321a of Act No. 300 of the Public Acts of 1949, entitled as amended "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," as amended by Act No. 211 of the Public Acts of 1994, being section 257.321a of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 321a of Act No. 300 of the Public Acts of 1949, as amended by Act No. 211 of the Public Acts of 1994, being section 257.321a of the Michigan Compiled Laws, is amended to read as follows:

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

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

(3) If the person is charged with, or convicted of, a violation of section 625(1), (2), (3), (4), (5), or (6) or a local ordinance substantially corresponding to section 625(1), (2), (3), or (6) and the person fails to answer a citation or a notice to appear in court, or for any matter pending, or fails to comply with an order or judgment of the court, including, but

not limited to, paying all fines, costs, and crime victim rights assessments, the court shall immediately give notice by first-class mail sent to the person's last known address that if the person fails to appear within 7 days after the notice is issued, or fails to comply with the order or judgment of the court, including, but not limited to, paying all fines, costs, and crime victim rights assessments, within 14 days after the notice is issued, the secretary of state shall suspend the person's operator's or chauffeur's license. If the person fails to appear within the 7-day period, or fails to comply with the order or judgment of the court, including, but not limited to, paying all fines, costs, and crime victim rights assessments, within the 14-day period, the court shall immediately inform the secretary of state who shall immediately suspend the person's operator's or chauffeur's license and notify the person of the suspension by first-class mail sent to the person's last known address.

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

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

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

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

(a) The parking or standing of a vehicle.

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

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

(a) Failed to answer 2 or more parking violation notices or citations for violating a provision of this act or an ordinance substantially corresponding to a provision of this act pertaining to handicapper parking issued or served after September 19, 1989.

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

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

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

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

(8) Not less than 28 days after a person fails to appear in response to a citation issued for, or fails to comply with an order or judgment involving, a state civil infraction described in chapter 88 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being sections 600.8801 to 600.8831 of the Michigan Compiled Laws, the court shall give notice by ordinary mail, addressed to the person's last known address, that if the person fails to appear or fails to comply with the order or judgment described in this subsection within 14 days after the notice is issued, the court will give to the secretary of state notice of that failure. Upon receiving notice of that failure, the secretary of state shall not issue or renew an operator's or chauffeur's license for the person until both of the following occur:

(a) The court informs the secretary of state that the person has resolved all outstanding matters regarding each notice or citation.

(b) The person has paid to the court a \$25.00 driver license reinstatement fee. If the court determines that the person is not responsible for any violation for which the person's license was not issued or renewed under this subsection, the court shall waive the driver license reinstatement fee.

(9) For the purposes of subsections (4)(a), (7)(a), and (8)(a), the court shall give to the person a copy of the information being transmitted to the secretary of state. Upon showing that copy, the person shall not be arrested or issued a citation for driving on a suspended license, on an expired license, or without a license on the basis of any matter resolved under subsection (4)(a), (7)(a), or (8)(a), even if the information being sent to the secretary of state has not yet been received or recorded by the department.

(10) Sixty percent of the driver license reinstatement fees received under subsections (4)(b), (7)(b), or (8)(b) shall be transmitted by the court to the secretary of state on a monthly basis. The funds received by the secretary of state pursuant to this subsection shall be deposited in the state general fund and shall be used to defray the expenses of the secretary of state in processing the suspension and reinstatement of driver licenses under this section.

(11) Section 819 does not apply to a reinstatement fee collected for an operator's or chauffeur's license that is not issued or renewed pursuant to section 8827 of Act No. 236 of the Public Acts of 1961, being section 600.8827 of the Michigan Compiled Laws.

Section 2. This amendatory act shall take effect January 1, 1996.

Section 3. This amendatory act shall not take effect unless House Bill No. 4426 of the 88th Legislature is enacted into law.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.