

Act No. 240  
Public Acts of 1996  
Approved by the Governor  
June 5, 1996  
Filed with the Secretary of State  
June 5, 1996

**STATE OF MICHIGAN**  
**88TH LEGISLATURE**  
**REGULAR SESSION OF 1996**

Introduced by Reps. Bush, Horton, Green, Rocca, Perricone, Kukuk, Hill, Gire, Pitoniak, Willard,  
Munsell and Baade

# **ENROLLED HOUSE BILL No. 5389**

AN ACT to amend section 320e 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. 449 of the Public Acts of 1994, being section 257.320e of the Michigan Compiled Laws; and to add section 321c.

*The People of the State of Michigan enact:*

Section 1. Section 320e of Act No. 300 of the Public Acts of 1949, as amended by Act No. 449 of the Public Acts of 1994, being section 257.320e of the Michigan Compiled Laws, is amended and section 321c is added to read as follows:

Sec. 320e. (1) Except as otherwise provided in subsection (2), a person whose operator's or chauffeur's license is suspended, revoked, or restricted pursuant to section 303, 319, 320, 324, 625, 625b, 625f, or 904 shall pay a license reinstatement fee of \$125.00 to the secretary of state before a license is issued or returned to the person. The increase in the reinstatement fee from \$60.00 to \$125.00 shall be imposed for a license that is issued or returned on or after October 1, 1991 regardless of when the license was suspended, revoked, or restricted. Of the increase in the reinstatement fee from \$60.00 to \$125.00, \$25.00 shall be allocated to the department of state, \$10.00 shall be deposited by the department of treasury in the drunk driving prevention equipment and training fund created under section 625h(1), and \$30.00 shall be deposited by the department of treasury in the drunk driving caseload assistance fund created under section 625h(5). The fee shall be waived if the license was suspended or restricted because of the person's mental or physical infirmity or disability.

(2) A person whose operator's or chauffeur's license is suspended, revoked, or restricted pursuant to section 319(7) shall pay a license reinstatement fee of \$125.00 to the secretary of state before a license is issued or returned to the person. Of the \$125.00, \$95.00 shall be allocated to the department of state and \$30.00 shall be deposited by the department of treasury in the underage drinking case information management fund created under section 323e. The fee shall be waived if the license was suspended or restricted because of the person's mental or physical infirmity or disability.

(3) A person whose operator's or chauffeur's license is suspended, revoked, or restricted pursuant to section 319e shall pay a license reinstatement fee of \$125.00 to the secretary of state before a license is issued or returned to the person. Of the \$125.00 fee, \$95.00 shall be allocated to the department of state and \$30.00 shall be deposited by the department of treasury in the drug case information management fund created under section 323d.

(4) A person whose operator's or chauffeur's license is suspended as provided in section 321c shall pay a license reinstatement fee of \$85.00 to the secretary of state before a license is issued or returned to the person. The fee 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.

(5) Except as otherwise provided in this subsection, the secretary of state shall assess points and take licensing action, including suspending, revoking, or denying a license under this act, according to the law in effect at the time of the conspiracy to commit the offense or at the time the offense was committed or attempted or the civil infraction occurred. If 1 or more of the convictions involved in a licensing sanction to be effected under section 303(1)(f)(ii) or 303(2)(f) is a violation or attempted violation of section 625(1) or (3) or a local ordinance substantially corresponding to section 625(1) or (3) committed or attempted after January 1, 1992, the secretary of state shall apply the law in effect after January 1, 1992.

(6) Except as otherwise provided in this subsection, judicial review of an administrative licensing sanction under section 303 shall be governed by the law in effect at the time the offense was committed or attempted. If 1 or more of the convictions involved in an administrative licensing sanction to be effected under section 303(1)(f)(ii) or 303(2)(f) is a violation or attempted violation of section 625(1) or (3) or a local ordinance substantially corresponding to section 625(1) or (3) committed or attempted after January 1, 1992, judicial review of that sanction shall be governed by the law in effect after January 1, 1992.

Sec. 321c. (1) The secretary of state shall comply with a suspension order issued under the support and parenting time enforcement act, Act No. 295 of the Public Acts of 1982, being sections 552.601 to 552.650 of the Michigan Compiled Laws, and shall suspend the operator's or chauffeur's license of a licensee within 7 business days after receipt of the suspension order.

(2) Upon being informed of a suspension under subsection (1), the secretary of state shall not issue a license to a person whose license is already suspended, revoked, or denied or who does not have a license to suspend until the person is in compliance with subsection (3) and other provisions of this act.

(3) An order rescinding a suspension order issued under Act No. 295 of the Public Acts of 1982 is effective upon its entry by the court and payment by the licensee of the reinstatement fee provided by section 320e, and, unless the license is otherwise suspended, revoked, or invalid, the license is immediately reinstated and valid. The secretary of state shall reissue the operator's or chauffeur's license of a licensee whose suspension order is rescinded within 7 business days after receipt of an order rescinding the suspension order and payment of the reinstatement fee provided by section 320e.

Section 2. This amendatory act shall take effect January 1, 1997.

Section 3. This amendatory act shall not take effect unless all of the following bills of the 88th Legislature are enacted into law:

- (a) Senate Bill No. 881.
- (b) House Bill No. 5384.
- (c) House Bill No. 5385.
- (d) House Bill No. 5386.
- (e) House Bill No. 5387.
- (f) House Bill No. 5388.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved -----

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Governor.