



# HOUSE BILL No. 4214

January 30, 1995, Introduced by Rep. Bryant and referred to the Committee on Transportation.

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. 211 of the Public Acts of 1994, 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. 211 of the Public Acts of 1994,  
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  
9 an order or judgment issued pursuant to section 907 is guilty of

1 a misdemeanor. A violation of this subsection shall not be  
2 considered a violation for any purpose under section 320a.

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

18 (3) If the person is charged with, or convicted of, a viola-  
19 tion of section 625(1), (2), (3), (4), (5), or (6) or a local  
20 ordinance substantially corresponding to section 625(1), (2),  
21 (3), or (6) and the person fails to answer a citation or a notice  
22 to appear in court, or for any matter pending, or fails to comply  
23 with an order or judgment of the court, including, but not  
24 limited to, paying all fines, costs, and crime victim rights  
25 assessments, the court shall immediately give notice by  
26 first-class mail sent to the person's last known address that if  
27 the person fails to appear within 7 days after the notice is

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

14 (4) A suspension imposed under subsection (2) or (3) ~~shall~~  
15 ~~remain~~ REMAINS 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 (C) A VIOLATION OF SECTION 710E.

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

10 (a) Failed to answer 2 or more parking violation notices or  
11 citations for violating a provision of this act or an ordinance  
12 substantially corresponding to a provision of this act pertaining  
13 to handicapper parking issued or served after ~~the effective date~~  
14 ~~of the amendatory act that added this subdivision~~ SEPTEMBER 19,  
15 1989.

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

19 (7) ~~The secretary of state, upon~~ UPON being informed of  
20 the failure of a person to appear as provided in subsection (6),  
21 THE SECRETARY OF STATE shall not issue a license to the person  
22 until both of the following occur:

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

26 (b) The person has paid to the court a \$25.00 driver license  
27 reinstatement fee. The increase in the reinstatement fee from

1 \$10.00 to \$25.00 shall be imposed for a license that is suspended  
2 on or after April 5, 1988 regardless of when the license was  
3 suspended. If the court determines that the person is not  
4 responsible for any of the parking violations for which the  
5 person's license was suspended under this subsection, the court  
6 shall waive payment of the fee.

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

15 (9) Sixty percent of the driver license reinstatement fees  
16 received under subsections (4)(b) and (7)(b) shall be transmitted  
17 by the court to the secretary of state on a monthly basis. The  
18 funds received by the secretary of state pursuant to this subsec-  
19 tion shall be deposited in the state general fund and shall be  
20 used to defray the expenses of the secretary of state in process-  
21 ing the suspension and reinstatement of driver licenses under  
22 this section.