



HOUSE BILL No. 4427

February 15, 1995, Introduced by Rep. Nye and referred to the Committee on Judiciary and Civil Rights.

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 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 (6) The court may notify a person who has done either of the
6 following, that if the person does not appear within 10 days
7 after the notice is issued, the court will inform the secretary
8 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~~ SEPTEMBER 19,
14 1989.

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

18 (7) The secretary of state, upon being informed of the fail-
19 ure of a person to appear OR COMPLY as provided in subsection
20 (6), shall not issue a license to the person OR RENEW A LICENSE
21 FOR THE PERSON until both of the following occur:

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

25 (b) The person has paid to the court a \$25.00 driver license
26 reinstatement fee. The increase in the reinstatement fee from
27 \$10.00 to \$25.00 shall be imposed for a license that is

1 ~~suspended~~ REINSTATED on or after April 5, 1988 regardless of
2 when ISSUANCE OR RENEWAL OF the license was ~~suspended~~ DENIED.
3 If the court determines that the person is not responsible for
4 any of the parking violations for which the person's license was
5 suspended under this subsection, the court shall waive payment of
6 the fee.

7 (8) NOT LESS THAN 28 DAYS AFTER A PERSON FAILS TO APPEAR IN
8 RESPONSE TO A CITATION ISSUED FOR, OR FAILS TO COMPLY WITH AN
9 ORDER OR JUDGMENT INVOLVING, A STATE CIVIL INFRACTION DESCRIBED
10 IN CHAPTER 88 OF THE REVISED JUDICATURE ACT OF 1961, ACT NO. 236
11 OF THE PUBLIC ACTS OF 1961, BEING SECTIONS 600.8801 TO 600.8831
12 OF THE MICHIGAN COMPILED LAWS, THE COURT SHALL GIVE NOTICE BY
13 ORDINARY MAIL, ADDRESSED TO THE PERSON'S LAST KNOWN ADDRESS, THAT
14 IF THE PERSON FAILS TO APPEAR OR FAILS TO COMPLY WITH THE ORDER
15 OR JUDGMENT DESCRIBED IN THIS SUBSECTION WITHIN 14 DAYS AFTER THE
16 NOTICE IS ISSUED, THE COURT WILL GIVE TO THE SECRETARY OF STATE
17 NOTICE OF THAT FAILURE. UPON RECEIVING NOTICE OF THAT FAILURE,
18 THE SECRETARY OF STATE SHALL NOT ISSUE OR RENEW AN OPERATOR'S OR
19 CHAUFFEUR'S LICENSE FOR THE PERSON UNTIL BOTH OF THE FOLLOWING
20 OCCUR:

21 (A) THE COURT INFORMS THE SECRETARY OF STATE THAT THE PERSON
22 HAS RESOLVED ALL OUTSTANDING MATTERS REGARDING EACH NOTICE OR
23 CITATION.

24 (B) THE PERSON HAS PAID TO THE COURT A \$25.00 DRIVER LICENSE
25 REINSTATEMENT FEE. IF THE COURT DETERMINES THAT THE PERSON IS
26 NOT RESPONSIBLE FOR ANY VIOLATION FOR WHICH THE PERSON'S LICENSE

1 WAS NOT ISSUED OR RENEWED UNDER THIS SUBSECTION, THE COURT SHALL
2 WAIVE THE DRIVER LICENSE REINSTATEMENT FEE.

3 (9) ~~(8)~~ For the purposes of subsections (4)(a), ~~and~~
4 (7)(a), AND (8)(A), the court shall give to the person a copy of
5 the information being transmitted to the secretary of state.
6 Upon showing that copy, the person shall not be arrested or
7 issued a citation for driving on a suspended license, ON AN
8 EXPIRED LICENSE, OR WITHOUT A LICENSE on the basis of any matter
9 resolved under subsection (4)(a), ~~or~~ (7)(a), OR (8)(A), even if
10 the information being sent to the secretary of state has not yet
11 been received or recorded by the department.

12 (10) ~~(9)~~ Sixty percent of the driver license reinstatement
13 fees received under subsections (4)(b), ~~and~~ (7)(b), OR (8)(B)
14 shall be transmitted by the court to the secretary of state on a
15 monthly basis. The funds received by the secretary of state pur-
16 suant to this subsection shall be deposited in the state general
17 fund and shall be used to defray the expenses of the secretary of
18 state in processing the suspension and reinstatement of driver
19 licenses under this section.

20 (11) SECTION 819 DOES NOT APPLY TO A REINSTATEMENT FEE COL-
21 LECTED FOR AN OPERATOR'S OR CHAUFFEUR'S LICENSE THAT IS NOT
22 ISSUED OR RENEWED PURSUANT TO SECTION 8827 OF ACT NO. 236 OF THE
23 PUBLIC ACTS OF 1961, BEING SECTION 600.8827 OF THE MICHIGAN
24 COMPILED LAWS.

25 Section 2. This amendatory act shall take effect January 1,
26 1996.

1 Section 3. This amendatory act shall not take effect unless
2 Senate Bill No. _____ or House Bill No. 4426 (request
3 no. 01781'95) of the 88th Legislature is enacted into law.