



HOUSE BILL No. 5389

November 8, 1995, Introduced by Reps. Bush, Horton, Green, Rocca, Perricone, Kukuk, Hill, Gire, Pitoniak, Curtis, Willard, Munsell and Baade and referred to the Committee on Human Services.

A bill to amend section 320e of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," 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:

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

5 Sec. 320e. (1) Except as otherwise provided in subsection
6 (2), a person whose operator's or chauffeur's license is
7 suspended, revoked, or restricted pursuant to section 303, 319,
8 320, 324, 625, 625b, 625f, or 904 shall pay a license

1 reinstatement fee of \$125.00 to the secretary of state before a
2 license is issued or returned to the person. The increase in the
3 reinstatement fee from \$60.00 to \$125.00 shall be imposed for a
4 license that is issued or returned on or after October 1, 1991
5 regardless of when the license was suspended, revoked, or
6 restricted. Of the increase in the reinstatement fee from \$60.00
7 to \$125.00, \$25.00 shall be allocated to the department of state,
8 \$10.00 shall be deposited by the department of treasury in the
9 drunk driving prevention equipment and training fund created
10 under section 625h(1), and \$30.00 shall be deposited by the
11 department of treasury in the drunk driving caseflow assistance
12 fund created under section 625h(5). The fee shall be waived if
13 the license was suspended or restricted because of the person's
14 mental or physical infirmity or disability.

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

25 (3) A person whose operator's or chauffeur's license is sus-
26 pended, revoked, or restricted pursuant to section 319e shall pay
27 a license reinstatement fee of \$125.00 to the secretary of state

1 before a license is issued or returned to the person. Of the
2 \$125.00 fee, \$95.00 shall be allocated to the department of state
3 and \$30.00 shall be deposited by the department of treasury in
4 the drug case information management fund created under
5 section 323d.

6 (4) A PERSON WHOSE OPERATOR'S OR CHAUFFEUR'S LICENSE IS SUS-
7 PENDED AS PROVIDED IN SECTION 321C SHALL PAY A LICENSE REINSTATE-
8 MENT FEE OF \$125.00 TO THE SECRETARY OF STATE BEFORE A LICENSE IS
9 ISSUED OR RETURNED TO THE PERSON. THE FEE SHALL BE DEPOSITED IN
10 THE STATE GENERAL FUND AND SHALL BE USED TO DEFRAY THE EXPENSES
11 OF THE SECRETARY OF STATE IN PROCESSING THE SUSPENSION AND REIN-
12 STATEMENT OF DRIVER LICENSES UNDER THIS SECTION.

13 (5) ~~(4)~~ Except as otherwise provided in this subsection,
14 the secretary of state shall assess points and take licensing
15 action, including suspending, revoking, or denying a license
16 under this act, according to the law in effect at the time of the
17 conspiracy to commit the offense or at the time the offense was
18 committed or attempted or the civil infraction occurred. If 1 or
19 more of the convictions involved in a licensing sanction to be
20 effected under section 303(1)(f)(ii) or 303(2)(f) is a violation
21 or attempted violation of section 625(1) or (3) or a local ordi-
22 nance substantially corresponding to section 625(1) or (3) com-
23 mitted or attempted after January 1, 1992, the secretary of state
24 shall apply the law in effect after January 1, 1992.

25 (6) ~~(5)~~ Except as otherwise provided in this subsection,
26 judicial review of an administrative licensing sanction under
27 section 303 shall be governed by the law in effect at the time

1 the offense was committed or attempted. If 1 or more of the
2 convictions involved in an administrative licensing sanction to
3 be effected under section 303(1)(f)(ii) or 303(2)(f) is a viola-
4 tion or attempted violation of section 625(1) or (3) or a local
5 ordinance substantially corresponding to section 625(1) or (3)
6 committed or attempted after January 1, 1992, judicial review of
7 that sanction shall be governed by the law in effect after
8 January 1, 1992.

9 SEC. 321C. (1) THE SECRETARY OF STATE SHALL COMPLY WITH A
10 SUSPENSION ORDER ISSUED UNDER THE SUPPORT AND VISITATION ENFORCE-
11 MENT ACT, ACT NO. 295 OF THE PUBLIC ACTS OF 1982, BEING SECTIONS
12 552.601 TO 552.650 OF THE MICHIGAN COMPILED LAWS, AND SHALL SUS-
13 PEND THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF A LICENSEE WITHIN 7
14 BUSINESS DAYS AFTER RECEIPT OF THE SUSPENSION ORDER.

15 (2) UPON BEING INFORMED OF A SUSPENSION UNDER SUBSECTION
16 (1), THE SECRETARY OF STATE SHALL NOT ISSUE A LICENSE TO A PERSON
17 WHOSE LICENSE IS ALREADY SUSPENDED, REVOKED, OR DENIED OR WHO
18 DOES NOT HAVE A LICENSE TO SUSPEND UNTIL THE PERSON IS IN COMPLI-
19 ANCE WITH SUBSECTION (3) AND OTHER PROVISIONS OF THIS ACT.

20 (3) AN ORDER RESCINDING A SUSPENSION ORDER ISSUED UNDER ACT
21 NO. 295 OF THE PUBLIC ACTS OF 1982 IS EFFECTIVE UPON ITS ENTRY BY
22 THE COURT AND PAYMENT BY THE LICENSEE OF THE REINSTATEMENT FEE
23 PROVIDED BY SECTION 320E. THE SECRETARY OF STATE SHALL REINSTATE
24 THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF A LICENSEE WHOSE SUSPEN-
25 SION ORDER IS RESCINDED WITHIN 7 BUSINESS DAYS AFTER RECEIPT OF
26 AN ORDER RESCINDING THE SUSPENSION ORDER AND PAYMENT OF THE
27 REINSTATEMENT FEE PROVIDED BY SECTION 320E.

1 Section 2. This amendatory act shall not take effect unless
2 Senate Bill No. _____ or House Bill No. 5385 (request
3 no. 02200'95 **) of the 88th Legislature is enacted into law.

4 Section 3. This amendatory act shall take effect upon the
5 expiration of 180 days after the date of its enactment.