



SENATE BILL No. 420

March 21, 1995, Introduced by Senators GEAKE, HOFFMAN, CISKY, ROGERS, PETERS, BENNETT, DINGELL, A. SMITH, V. SMITH, GOUGEON, CONROY, STEIL, STILLE, YOUNG and SHUGARS and referred to the Committee on Judiciary.

A bill to amend sections 320e and 321a of Act No. 300 of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

section 320e as amended by Act No. 449 of the Public Acts of 1994 and section 321a as amended by Act No. 211 of the Public Acts of 1994, being sections 257.320e and 257.321a of the Michigan Compiled Laws; and to add section 624b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 320e and 321a of Act No. 300 of the
2 Public Acts of 1949, section 320e as amended by Act No. 449 of
3 the Public Acts of 1994 and section 321a as amended by Act
4 No. 211 of the Public Acts of 1994, being sections 257.320e and
5 257.321a of the Michigan Compiled Laws, are amended and
6 section 624b is added to read as follows:

1 Sec. 320e. (1) Except as otherwise provided in subsection
 2 (2), a person whose operator's or chauffeur's license is
 3 suspended, revoked, or restricted pursuant to section 303, 319,
 4 320, 324, 625, 625b, 625f, or 904 shall pay a license reinstate-
 5 ment fee of \$125.00 to the secretary of state before a license is
 6 issued or returned to the person. The increase in the reinstate-
 7 ment fee from \$60.00 to \$125.00 shall be imposed for a license
 8 that is issued or returned on or after October 1, 1991 regardless
 9 of when the license was suspended, revoked, or restricted. Of
 10 the increase in the reinstatement fee from \$60.00 to \$125.00,
 11 \$25.00 shall be allocated to the department of state, \$10.00
 12 shall be deposited by the department of treasury in the drunk
 13 driving prevention equipment and training fund created under sec-
 14 tion 625h(1), and \$30.00 shall be deposited by the department of
 15 treasury in the drunk driving caseflow assistance fund created
 16 under section 625h(5). The fee shall be waived if the license
 17 was suspended or restricted because of the person's mental or
 18 physical infirmity or disability.

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

1 suspended or restricted because of the person's mental or
2 physical infirmity or disability.

3 (3) A person whose operator's or chauffeur's license is sus-
4 pended, revoked, or restricted pursuant to section 319e shall pay
5 a license reinstatement fee of \$125.00 to the secretary of state
6 before a license is issued or returned to the person. Of the
7 \$125.00 fee, \$95.00 shall be allocated to the department of state
8 and \$30.00 shall be deposited by the department of treasury in
9 the drug case information management fund created under
10 section 323d.

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

23 (5) Except as otherwise provided in this subsection, judi-
24 cial review of an administrative licensing sanction under section
25 303 shall be governed by the law in effect at the time the
26 offense was committed or attempted. If 1 or more of the
27 convictions involved in an administrative licensing sanction to

1 be effected under section 303(1)(f)(ii) or 303(2)(f) is a
2 violation or attempted violation of section 625(1) or (3) or a
3 local ordinance substantially corresponding to section 625(1) or
4 (3) committed or attempted after January 1, 1992, judicial review
5 of that sanction shall be governed by the law in effect after
6 January 1, 1992.

7 Sec. 321a. (1) A person who fails to answer a citation, or
8 a notice to appear in court for a violation of this act or a
9 local ordinance substantially corresponding to a provision of
10 this act, or for any matter pending, or who fails to comply with
11 an order or judgment issued pursuant to section 907 is guilty of
12 a misdemeanor. A violation of this subsection OR SECTION 33B(1)
13 OF THE MICHIGAN LIQUOR CONTROL ACT, ACT NO. 8 OF THE PUBLIC ACTS
14 OF THE EXTRA SESSION OF 1933, BEING SECTION 436.33B OF THE
15 MICHIGAN COMPILED LAWS, shall not be considered a violation for
16 any purpose under section 320a.

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

1 shall, within 14 days, inform the secretary of state, who shall
2 immediately suspend the license of the person and notify the
3 person of the suspension by regular mail at the person's last
4 known address.

5 (3) If the person is charged with, or convicted of, a viola-
6 tion of section 625(1), (2), (3), (4), (5), or (6) or a local
7 ordinance substantially corresponding to section 625(1), (2),
8 (3), or (6) and the person fails to answer a citation or a notice
9 to appear in court, or for any matter pending, or fails to comply
10 with an order or judgment of the court, including, but not
11 limited to, paying all fines, costs, and crime victim rights
12 assessments, the court shall immediately give notice by
13 first-class mail sent to the person's last known address that if
14 the person fails to appear within 7 days after the notice is
15 issued, or fails to comply with the order or judgment of the
16 court, including, but not limited to, paying all fines, costs,
17 and crime victim rights assessments, within 14 days after the
18 notice is issued, the secretary of state shall suspend the
19 person's operator's or chauffeur's license. If the person fails
20 to appear within the 7-day period, or fails to comply with the
21 order or judgment of the court, including, but not limited to,
22 paying all fines, costs, and crime victim rights assessments,
23 within the 14-day period, the court shall immediately inform the
24 secretary of state who shall immediately suspend the person's
25 operator's or chauffeur's license and notify the person of the
26 suspension by first-class mail sent to the person's last known
27 address.

1 (4) IF THE PERSON IS CITED WITH, OR IS DETERMINED TO BE
2 RESPONSIBLE FOR, A VIOLATION OF SECTION 33B(1) OF ACT NO. 8 OF
3 THE PUBLIC ACTS OF THE EXTRA SESSION OF 1933, BEING SECTION
4 436.33B OF THE MICHIGAN COMPILED LAWS, AND THE PERSON FAILS TO
5 ANSWER A CITATION OR A NOTICE TO APPEAR IN COURT ISSUED PURSUANT
6 TO SECTION 33B OF ACT NO. 8 OF THE PUBLIC ACTS OF THE EXTRA
7 SESSION OF 1933, OR FAILS TO COMPLY WITH AN ORDER OR JUDGMENT OF
8 THE COURT ISSUED PURSUANT TO SECTION 33B OF ACT NO. 8 OF THE
9 PUBLIC ACTS OF THE EXTRA SESSION OF 1933, INCLUDING, BUT NOT
10 LIMITED TO, PAYING ALL FINES AND COSTS, THE COURT SHALL IMMEDI-
11 ATELY GIVE NOTICE BY FIRST-CLASS MAIL SENT TO THE PERSON'S LAST
12 KNOWN ADDRESS THAT IF THE PERSON FAILS TO APPEAR WITHIN 7 DAYS
13 AFTER THE NOTICE IS ISSUED, OR FAILS TO COMPLY WITH THE ORDER OR
14 JUDGMENT OF THE COURT, INCLUDING, BUT NOT LIMITED TO, PAYING ALL
15 FINES AND COSTS, WITHIN 14 DAYS AFTER THE NOTICE IS ISSUED, THE
16 SECRETARY OF STATE SHALL SUSPEND THE PERSON'S OPERATOR'S OR
17 CHAUFFEUR'S LICENSE. IF THE PERSON FAILS TO APPEAR WITHIN THE
18 7-DAY PERIOD, OR FAILS TO COMPLY WITH THE ORDER OR JUDGMENT OF
19 THE COURT, INCLUDING, BUT NOT LIMITED TO, PAYING ALL FINES AND
20 COSTS, WITHIN THE 14-DAY PERIOD, THE COURT SHALL IMMEDIATELY
21 INFORM THE SECRETARY OF STATE WHO SHALL IMMEDIATELY SUSPEND THE
22 PERSON'S OPERATOR'S OR CHAUFFEUR'S LICENSE AND NOTIFY THE PERSON
23 OF THE SUSPENSION BY FIRST-CLASS MAIL SENT TO THE PERSON'S LAST
24 KNOWN ADDRESS.

25 (5) ~~(4)~~ A suspension imposed under subsection (2), ~~or~~
26 (3), OR (4) shall remain in effect until both of the following
27 occur:

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

5 (b) The person has paid to the court a \$25.00 driver license
6 reinstatement fee. The increase in the reinstatement fee from
7 \$10.00 to \$25.00 shall be imposed for a license that is suspended
8 on or after April 5, 1988 regardless of when the license was
9 suspended.

10 (6) ~~-(5)-~~ The court shall not notify the secretary of state,
11 and the secretary of state shall not suspend the person's
12 license, if the person fails to appear in response to a citation
13 issued for, or fails to comply with an order or judgment involv-
14 ing 1 or more of the following infractions:

15 (a) The parking or standing of a vehicle.

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

17 (7) ~~-(6)-~~ The court may notify a person who has done either
18 of the following, that if the person does not appear within 10
19 days after the notice is issued, the court will inform the secre-
20 tary of state of the person's failure to appear:

21 (a) Failed to answer 2 or more parking violation notices or
22 citations for violating a provision of this act or an ordinance
23 substantially corresponding to a provision of this act pertaining
24 to handicapper parking issued or served after ~~the effective date~~
25 ~~of the amendatory act that added this subdivision~~ SEPTEMBER 19,
26 1989.

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

4 (8) ~~(7)~~ The secretary of state, upon being informed of the
5 failure of a person to appear as provided in subsection ~~(6)~~
6 (7), shall not issue a license to the person until both of the
7 following occur:

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

11 (b) The person has paid to the court a \$25.00 driver license
12 reinstatement fee. The increase in the reinstatement fee from
13 \$10.00 to \$25.00 shall be imposed for a license that is suspended
14 on or after April 5, 1988 regardless of when the license was
15 suspended. If the court determines that the person is not
16 responsible for any of the parking violations for which the
17 person's license was suspended under this subsection, the court
18 shall waive payment of the fee.

19 (9) ~~(8)~~ For the purposes of subsections ~~(4)(a)~~ (5)(A)
20 and ~~(7)(a)~~ (8)(A), the court shall give to the person a copy of
21 the information being transmitted to the secretary of state.
22 Upon showing that copy, the person shall not be arrested or
23 issued a citation for driving on a suspended license on the basis
24 of any matter resolved under subsection ~~(4)(a)~~ (5)(A) or
25 ~~(7)(a)~~ (8)(A), even if the information being sent to the secre-
26 tary of state has not yet been received or recorded by the
27 department.

1 (10) ~~(9)~~ Sixty percent of the driver license reinstatement
2 fees received under subsections ~~(4)(b)~~ (5)(A) and ~~(7)(b)~~
3 (8)(A) shall be transmitted by the court to the secretary of
4 state on a monthly basis. The funds received by the secretary of
5 state pursuant to this subsection shall be deposited in the state
6 general fund and shall be used to defray the expenses of the sec-
7 retary of state in processing the suspension and reinstatement of
8 driver licenses under this section.

9 SEC. 624B. (1) A PERSON LESS THAN 21 YEARS OF AGE SHALL NOT
10 KNOWINGLY TRANSPORT OR POSSESS, IN A MOTOR VEHICLE, ALCOHOLIC
11 LIQUOR UNLESS THE PERSON IS EMPLOYED BY A LICENSEE UNDER THE
12 MICHIGAN LIQUOR CONTROL ACT, ACT NO. 8 OF THE PUBLIC ACTS OF THE
13 EXTRA SESSION OF 1933, BEING SECTIONS 436.1 TO 436.58 OF THE
14 MICHIGAN COMPILED LAWS, A COMMON CARRIER DESIGNATED BY THE LIQUOR
15 CONTROL COMMISSION PURSUANT TO ACT NO. 8 OF THE PUBLIC ACTS OF
16 THE EXTRA SESSION OF 1933, THE LIQUOR CONTROL COMMISSION, OR AN
17 AGENT OF THE LIQUOR CONTROL COMMISSION AND IS TRANSPORTING OR
18 HAVING THE ALCOHOLIC LIQUOR IN A MOTOR VEHICLE UNDER THE PERSON'S
19 CONTROL DURING REGULAR WORKING HOURS AND IN THE COURSE OF THE
20 PERSON'S EMPLOYMENT. THIS SECTION DOES NOT PREVENT A PERSON LESS
21 THAN 21 YEARS OF AGE FROM KNOWINGLY TRANSPORTING ALCOHOLIC LIQUOR
22 IN A MOTOR VEHICLE IF A PERSON AT LEAST 21 YEARS OF AGE IS
23 PRESENT INSIDE THE MOTOR VEHICLE. A PERSON WHO VIOLATES THIS
24 SUBSECTION IS RESPONSIBLE FOR A CIVIL INFRACTION.

25 (2) WITHIN 30 DAYS AFTER THE CIVIL INFRACTION DETERMINATION
26 REGARDING A VIOLATION OF SUBSECTION (1), WHICH CIVIL INFRACTION
27 DETERMINATION HAS BECOME FINAL, COMPLAINT MAY BE MADE BY THE

1 ARRESTING LAW ENFORCEMENT OFFICER OR THE OFFICER'S SUPERIOR
2 BEFORE THE COURT FROM WHICH THE CITATION WAS ISSUED, WHICH COM-
3 PLAINTE SHALL BE UNDER OATH AND SHALL CONTAIN A DESCRIPTION OF THE
4 MOTOR VEHICLE IN WHICH ALCOHOLIC LIQUOR WAS POSSESSED OR TRANS-
5 PORTED BY THE PERSON LESS THAN 21 YEARS OF AGE IN COMMITTING THE
6 VIOLATION AND REQUESTING THAT THE MOTOR VEHICLE BE IMPOUNDED AS
7 PROVIDED IN THIS SECTION. UPON THE FILING OF THE COMPLAINT, THE
8 COURT SHALL ISSUE TO THE OWNER OF THE MOTOR VEHICLE AN ORDER TO
9 SHOW CAUSE WHY THE MOTOR VEHICLE SHOULD NOT BE IMPOUNDED. THE
10 ORDER TO SHOW CAUSE SHALL HAVE A DATE AND TIME FIXED IN THE ORDER
11 FOR A HEARING, WHICH DATE SHALL NOT BE LESS THAN 10 DAYS AFTER
12 THE ISSUANCE OF THE ORDER AND SHALL BE SERVED BY DELIVERING A
13 TRUE COPY TO THE OWNER NOT LESS THAN 3 FULL DAYS BEFORE THE DATE
14 OF HEARING OR, IF THE OWNER CANNOT BE LOCATED, BY SENDING A TRUE
15 COPY BY CERTIFIED MAIL TO THE LAST KNOWN ADDRESS OF THE OWNER.
16 IF THE OWNER IS A NONRESIDENT OF THE STATE, SERVICE MAY BE MADE
17 UPON THE SECRETARY OF STATE AS PROVIDED IN SECTION 403.

18 (3) IF THE COURT DETERMINES UPON THE HEARING OF THE ORDER TO
19 SHOW CAUSE, FROM COMPETENT AND RELEVANT EVIDENCE, THAT AT THE
20 TIME OF THE COMMISSION OF THE VIOLATION THE MOTOR VEHICLE WAS
21 BEING DRIVEN BY THE PERSON LESS THAN 21 YEARS OF AGE WITH THE
22 EXPRESS OR IMPLIED CONSENT OR KNOWLEDGE OF THE OWNER IN VIOLATION
23 OF SUBSECTION (1), AND THAT THE USE OF THE MOTOR VEHICLE IS NOT
24 NEEDED BY THE OWNER IN THE DIRECT PURSUIT OF THE OWNER'S EMPLOY-
25 MENT OR THE ACTUAL OPERATION OF THE OWNER'S BUSINESS, THE COURT
26 SHALL AUTHORIZE THE IMPOUNDING OF THE VEHICLE FOR A PERIOD, TO BE
27 DETERMINED BY THE COURT, OF NOT LESS THAN 15 DAYS OR MORE THAN 30

1 DAYS. THE COURT'S ORDER AUTHORIZING THE IMPOUNDING OF THE
2 VEHICLE SHALL AUTHORIZE A LAW ENFORCEMENT OFFICER TO TAKE POSSES-
3 SION WITHOUT OTHER PROCESS OF THE MOTOR VEHICLE WHEREVER LOCATED
4 AND TO STORE THE VEHICLE IN A PUBLIC OR PRIVATE GARAGE AT THE
5 EXPENSE AND RISK OF THE OWNER OF THE VEHICLE. THE OWNER OF THE
6 VEHICLE MAY APPEAL THE ORDER TO THE CIRCUIT COURT AND THE PROVI-
7 SIONS GOVERNING THE TAKING OF APPEALS FROM JUDGMENTS FOR DAMAGES
8 SHALL APPLY TO THE APPEAL. THIS SECTION DOES NOT PREVENT A BONA
9 FIDE LIENHOLDER FROM EXERCISING RIGHTS UNDER A LIEN.

10 (4) A PERSON WHO KNOWINGLY TRANSFERS TITLE TO A MOTOR VEHI-
11 CLE FOR THE PURPOSE OF AVOIDING THIS SECTION IS RESPONSIBLE FOR A
12 CIVIL INFRACTION.

13 (5) IMMEDIATELY UPON THE ENTRY OF A CIVIL INFRACTION DETER-
14 MINATION OR A PROBATE COURT ORDER OF DISPOSITION FOR A VIOLATION
15 OF THIS SECTION OR ENTRY OF A DEFAULT JUDGMENT, THE COURT SHALL
16 CONSIDER ALL PRIOR CIVIL INFRACTION DETERMINATIONS OR PROBATE
17 COURT ORDERS OF DISPOSITION FOR VIOLATION OF THIS SECTION, OR A
18 LOCAL ORDINANCE OR LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPOND-
19 ING TO THIS SECTION, AND THE COURT SHALL DO THE FOLLOWING:

20 (A) IF THE COURT FINDS THAT THE PERSON HAS 1 SUCH PRIOR
21 CIVIL INFRACTION DETERMINATION OR PROBATE COURT ORDER OF DISPOSI-
22 TION, THE COURT SHALL ORDER THE SECRETARY OF STATE TO SUSPEND THE
23 OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE PERSON FOR A PERIOD OF
24 NOT LESS THAN 90 DAYS AND NOT MORE THAN 180 DAYS. THE COURT MAY
25 ORDER THE SECRETARY OF STATE TO ISSUE TO THE PERSON A RESTRICTED
26 LICENSE AFTER THE FIRST 30 DAYS OF THE PERIOD OF THE SUSPENSION
27 IN THE MANNER PROVIDED FOR IN SECTION 319(7). IN THE CASE OF A

1 PERSON WHO DOES NOT POSSESS AN OPERATOR OR CHAUFFEUR LICENSE, THE
2 SECRETARY OF STATE SHALL DENY THE APPLICATION FOR AN OPERATOR OR
3 CHAUFFEUR LICENSE FOR THE APPLICABLE SUSPENSION PERIOD.

4 (B) IF THE COURT FINDS THAT THE PERSON HAS 2 OR MORE SUCH
5 PRIOR CIVIL INFRACTION DETERMINATIONS OR PROBATE COURT ORDERS OF
6 DISPOSITION, THE COURT SHALL ORDER THE SECRETARY OF STATE TO SUS-
7 PEND THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE PERSON FOR A
8 PERIOD OF NOT LESS THAN 180 DAYS AND NOT MORE THAN 1 YEAR. THE
9 COURT MAY ORDER THE SECRETARY OF STATE TO ISSUE TO THE PERSON A
10 RESTRICTED LICENSE AFTER THE FIRST 60 DAYS OF THE PERIOD OF THE
11 SUSPENSION IN THE MANNER PROVIDED FOR IN SECTION 319(7). IN THE
12 CASE OF A PERSON WHO DOES NOT POSSESS AN OPERATOR OR CHAUFFEUR
13 LICENSE, THE SECRETARY OF STATE SHALL DENY THE APPLICATION FOR AN
14 OPERATOR OR CHAUFFEUR LICENSE FOR THE APPLICABLE SUSPENSION
15 PERIOD.

16 (6) THE COURT SHALL IMMEDIATELY FORWARD THE SURRENDERED
17 LICENSE AND AN ABSTRACT OF CONVICTION TO THE SECRETARY OF STATE.
18 A SUSPENSION ORDERED UNDER THIS SUBSECTION SHALL BE IN ADDITION
19 TO ANY OTHER SUSPENSION OF THE PERSON'S OPERATOR'S OR CHAUFFEUR'S
20 LICENSE. IF THE JUDGMENT IS APPEALED TO CIRCUIT COURT, THE COURT
21 MAY, EX PARTE, ORDER THE SECRETARY OF STATE TO STAY THE SUSPEN-
22 SION ISSUED PURSUANT TO THIS SECTION PENDING THE OUTCOME OF THE
23 APPEAL.

24 (7) A LAW ENFORCEMENT AGENCY, UPON DETERMINING THAT A PERSON
25 LESS THAN 18 YEARS OF AGE ALLEGEDLY VIOLATED THIS SECTION, SHALL
26 NOTIFY THE PARENT OR PARENTS, CUSTODIAN, OR GUARDIAN OF THE
27 PERSON AS TO THE NATURE OF THE VIOLATION IF THE NAME OF A PARENT,

1 GUARDIAN, OR CUSTODIAN IS REASONABLY ASCERTAINABLE BY THE LAW
2 ENFORCEMENT AGENCY. THE NOTICE REQUIRED BY THIS SUBSECTION SHALL
3 BE MADE NOT LATER THAN 48 HOURS AFTER THE LAW ENFORCEMENT AGENCY
4 DETERMINES THAT THE PERSON WHO ALLEGEDLY VIOLATED THIS SECTION IS
5 LESS THAN 18 YEARS OF AGE AND MAY BE MADE IN PERSON, BY TELE-
6 PHONE, OR BY FIRST-CLASS MAIL.

7 (8) AS USED IN THIS SECTION, "ALCOHOLIC LIQUOR" MEANS THAT
8 TERM AS DEFINED IN SECTION 2(A) OF ACT NO. 8 OF THE PUBLIC ACTS
9 OF THE EXTRA SESSION OF 1933, BEING SECTION 436.2 OF THE MICHIGAN
10 COMPILED LAWS.

11 Section 2. This amendatory act shall take effect October 1,
12 1995.

13 Section 3. This amendatory act shall not take effect unless
14 Senate Bill No. 258 of the 88th Legislature is enacted into law.