

SUBSTITUTE FOR  
HOUSE BILL NO. 5952

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending section 321a (MCL 257.321a), as amended by 1998 PA  
68, and by adding sections 904d and 904e.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 321a. (1) A person who fails to answer a citation, or  
2 a notice to appear in court for a violation ~~of this act~~  
3 REPORTABLE TO THE SECRETARY OF STATE UNDER SECTION 732 or a local  
4 ordinance substantially corresponding to a ~~provision of this~~  
5 ~~act~~ VIOLATION OF A LAW OF THIS STATE REPORTABLE TO THE SECRETARY  
6 OF STATE UNDER SECTION 732, or for any matter pending, or who  
7 fails to comply with an order or judgment ~~issued pursuant to~~  
8 ~~section 907~~ OF THE COURT, INCLUDING, BUT NOT LIMITED TO, PAYING  
9 ALL FINES, COSTS, FEES, AND ASSESSMENTS, is guilty of a  
10 misdemeanor PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS

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1 OR A FINE OF NOT MORE THAN \$100.00, OR BOTH. A violation of this  
2 subsection or failure to answer a citation or notice to ~~appeal~~  
3 APPEAR FOR A VIOLATION OF section 33b(1) of ~~the Michigan liquor~~  
4 ~~control act, MCL 436.33b,~~ FORMER 1933 (Ex Sess) PA 8,  
5 SECTION 703(1) OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998  
6 PA 58, MCL 436.1703, or a local ordinance substantially corre-  
7 sponding to ~~that section~~ EITHER OF THOSE SECTIONS shall not be  
8 considered a violation for any purpose under section 320a.

9 (2) Except as provided in ~~subsections (3) and (4)~~  
10 SUBSECTION (3), 28 days or more after ~~the date of noncompliance~~  
11 A PERSON FAILS TO ANSWER A CITATION OR NOTICE TO APPEAR IN COURT,  
12 OR FOR ANY MATTER PENDING, OR FAILS TO COMPLY with an order or  
13 judgment OF THE COURT, INCLUDING, BUT NOT LIMITED TO, PAYING ALL  
14 FINES, COSTS, FEES, AND ASSESSMENTS, the court shall give notice  
15 by mail at the last known address of the person that if the  
16 person fails to appear or fails to comply with the order or judg-  
17 ment ~~issued pursuant to section 907, including, but not limited~~  
18 ~~to, paying all fines and costs,~~ within 14 days after the notice  
19 is issued, the secretary of state shall suspend the person's  
20 operator's or chauffeur's license. If the person fails to appear  
21 or fails to comply with the order or judgment ~~issued pursuant to~~  
22 ~~section 907, including, but not limited to, paying all fines and~~  
23 ~~costs,~~ within the 14-day period, the court shall, within 14  
24 days, inform the secretary of state, who shall immediately sus-  
25 pend the license of the person. ~~and~~ THE SECRETARY OF STATE  
26 SHALL IMMEDIATELY notify the person of the suspension by regular  
27 mail at the person's last known address.

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

24 (4) If the person is charged with, or convicted of, a viola-  
25 tion of section 33b(1) of ~~the Michigan liquor control act,~~  
26 FORMER 1933 (Ex Sess) PA 8, ~~MCL 436.33b,~~ SECTION 703(1) OF THE  
27 MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1703,

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1 section 624a, section 624b, or a local ordinance substantially  
2 corresponding to those sections and the person fails to answer a  
3 citation or a notice to appear in court issued pursuant to sec-  
4 tion 33b of ~~the Michigan liquor control act,~~ FORMER 1933 (Ex  
5 Sess) PA 8, ~~MCL 436.33b,~~ SECTION 703 OF THE MICHIGAN LIQUOR  
6 CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1703, section 624a,  
7 section 624b, or a local ordinance substantially corresponding to  
8 those sections or fails to comply with an order or judgment of  
9 the court issued pursuant to section 33b of ~~the Michigan liquor  
10 control act,~~ FORMER 1933 (Ex Sess) PA 8, ~~MCL 436.33b,~~  
11 SECTION 703 OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998  
12 PA 58, MCL 436.1703, section 624a, section 624b, or a local ordi-  
13 nance substantially corresponding to those sections including,  
14 but not limited to, paying all fines and costs, the court shall  
15 immediately give notice by first-class mail sent to the person's  
16 last known address that if the person fails to appear within 7  
17 days after the notice is issued, or fails to comply with the  
18 order or judgment of the court, including, but not limited to,  
19 paying all fines and costs, within 14 days after the notice is  
20 issued, the secretary of state shall suspend the person's  
21 operator's or chauffeur's license. If the person fails to appear  
22 within the 7-day period, or fails to comply with the order or  
23 judgment of the court, including, but not limited to, paying all  
24 fines and costs, within the 14-day period, the court shall imme-  
25 diately inform the secretary of state who shall immediately sus-  
26 pend the person's operator's or chauffeur's license and notify

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1 the person of the suspension by first-class mail sent to the  
2 person's last known address.

3 (5) A suspension imposed under subsection (2) ~~—~~ OR (3) ~~—~~  
4 ~~or (4) shall remain~~ REMAINS in effect until both of the follow-  
5 ing occur:

6 (a) The ~~court informs the secretary of state that the~~  
7 ~~person has appeared before the court and that all matters relat-~~  
8 ~~ing to the violation or to the noncompliance with section 907 are~~  
9 ~~resolved~~ SECRETARY OF STATE IS NOTIFIED BY EACH COURT IN WHICH  
10 THE PERSON FAILED TO ANSWER A CITATION OR NOTICE TO APPEAR OR  
11 FAILED TO PAY A FINE OR COST THAT THE PERSON HAS ANSWERED THAT  
12 CITATION OR NOTICE TO APPEAR OR PAID THAT FINE OR COST.

13 (b) The person has paid to the court a \$25.00 driver license  
14 ~~reinstatement~~ CLEARANCE fee FOR EACH FAILURE TO ANSWER A  
15 CITATION OR FAILURE TO PAY A FINE OR COST. ~~The increase in the~~  
16 ~~reinstatement fee from \$10.00 to \$25.00 shall be imposed for a~~  
17 ~~license that is suspended on or after April 5, 1988 regardless of~~  
18 ~~when the license was suspended.~~

19 (6) The court shall not notify the secretary of state, and  
20 the secretary of state shall not suspend the person's license, if  
21 the person fails to appear in response to a citation issued for,  
22 or fails to comply with an order or judgment involving 1 or more  
23 of the following infractions:

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

25 (b) A pedestrian, passenger, or bicycle violation, OTHER  
26 THAN A VIOLATION OF SECTION 33B(1) OR (2) OF FORMER 1933 (EX  
27 SESS) PA 8, SECTION 703(1) OR (2) OF THE MICHIGAN LIQUOR CONTROL

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1 CODE OF 1998, 1998 PA 58, MCL 436.1703, SECTION 624A OR 624B, OR  
2 A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 33B(1)  
3 OR (2) OF FORMER 1933 (EX SESS) PA 8, SECTION 703(1) OR (2) OF  
4 THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58,  
5 MCL 436.1703, OR SECTION 624A OR 624B.

6 (7) 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 parking for persons with disabilities. ~~issued or served after~~  
14 ~~September 19, 1989.~~

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

18 (8) The secretary of state, upon being informed of the fail-  
19 ure of a person to appear or comply as provided in subsection  
20 (7), 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~~ CLEARANCE fee. ~~The increase in the~~  
27 ~~reinstatement fee from \$10.00 to \$25.00 shall be imposed for a~~

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1 ~~license that is reinstated on or after April 5, 1988 regardless~~  
2 ~~of when issuance or renewal of the license was denied.~~ If the  
3 court determines that the person is not responsible for any of  
4 the parking violations for which the person's license was sus-  
5 pended under this subsection, the court shall waive payment of  
6 the fee.

7       (9) 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, 1961 PA 236,  
11 MCL 600.8801 to 600.8835, the court shall give notice by ordinary  
12 mail, addressed to the person's last known address, that if the  
13 person fails to appear or fails to comply with the order or judg-  
14 ment described in this subsection within 14 days after the notice  
15 is issued, the court will give to the secretary of state notice  
16 of that failure. Upon receiving notice of that failure, the sec-  
17 retary of state shall not issue or renew an operator's or  
18 chauffeur's license for the person until both of the following  
19 occur:

20       (a) The court informs the secretary of state that the person  
21 has resolved all outstanding matters regarding each notice or  
22 citation.

23       (b) The person has paid to the court a \$25.00 driver license  
24 ~~reinstatement~~ CLEARANCE fee. If the court determines that the  
25 person is not responsible for any violation for which the  
26 person's license was not issued or renewed under this subsection,

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1 the court shall waive the driver license ~~reinstatement~~

2 CLEARANCE fee.

3       (10) For the purposes of subsections (5)(a), (8)(a), and  
4 (9)(a), the court shall give to the person a copy of the informa-  
5 tion being transmitted to the secretary of state. Upon showing  
6 that copy, the person shall not be arrested or issued a citation  
7 for driving on a suspended license, on an expired license, or  
8 without a license on the basis of any matter resolved under sub-  
9 section (5)(a), (8)(a), or (9)(a), even if the information being  
10 sent to the secretary of state has not yet been received or  
11 recorded by the department.

12       (11) ~~Sixty percent~~ SIX DOLLARS of ~~the driver license~~  
13 ~~reinstatement fees~~ EACH FEE received under ~~subsections~~  
14 SUBSECTION (5)(b), (8)(b), or (9)(b) shall be transmitted by the  
15 court to the secretary of state on a monthly basis. The funds  
16 received by the secretary of state ~~pursuant to~~ UNDER this sub-  
17 section shall be deposited in the state general fund and shall be  
18 used to defray the expenses of the secretary of state in process-  
19 ing the suspension and reinstatement of driver licenses under  
20 this section.

21       (12) Section 819 does not apply to a reinstatement fee col-  
22 lected for an operator's or chauffeur's license that is not  
23 issued or renewed ~~pursuant to~~ UNDER section 8827 of the revised  
24 judicature act of 1961, 1961 PA 236, MCL 600.8827.

25       SEC. 904D. (1) FOR A VIOLATION OF SECTION 625, THE FOLLOW-  
26 ING APPLY:

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1 (A) FOR A VIOLATION OF SECTION 625(1), (3), (4), OR (5), OR  
2 A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625(1)  
3 OR (3), THE COURT MAY ORDER VEHICLE IMMOBILIZATION FOR NOT MORE  
4 THAN 14 DAYS.

5 (B) FOR A VIOLATION OF SECTION 625(1) OR (3) PUNISHABLE  
6 UNDER SECTION 625(7)(B) OR (9)(B), THE COURT SHALL ORDER VEHICLE  
7 IMMOBILIZATION FOR 14 DAYS.

8 (C) FOR A VIOLATION OF SECTION 625(1) OR (3) PUNISHABLE  
9 UNDER SECTION 625(7)(C) OR (9)(C), THE COURT SHALL ORDER VEHICLE  
10 IMMOBILIZATION FOR 180 DAYS.

11 (2) FOR A VIOLATION OF SECTION 904, THE FOLLOWING APPLY:

12 (A) FOR 1 PRIOR SUSPENSION, REVOCATION, OR DENIAL OR ANY  
13 COMBINATION OF 2 PRIOR SUSPENSIONS, REVOCATIONS, OR DENIALS UNDER  
14 SECTION 904(1)(A) OR (B) WITHIN THE PAST 7 YEARS, THE COURT SHALL  
15 ORDER VEHICLE IMMOBILIZATION FOR 14 DAYS.

16 (B) FOR ANY COMBINATION OF 3 OR MORE PRIOR SUSPENSIONS,  
17 REVOCATIONS, OR DENIALS UNDER SECTION 904(1)(A) OR (B) WITHIN THE  
18 PAST 7 YEARS, THE COURT SHALL ORDER VEHICLE IMMOBILIZATION FOR  
19 180 DAYS.

20 (3) THE DEFENDANT SHALL PROVIDE TO THE COURT THE VEHICLE  
21 IDENTIFICATION NUMBER AND REGISTRATION PLATE NUMBER OF THE VEHI-  
22 CLE INVOLVED IN THE VIOLATION.

23 (4) THE COURT SHALL NOT ORDER VEHICLE IMMOBILIZATION UNDER  
24 THIS SECTION IF THE DEFENDANT IS NOT THE OWNER OR LESSEE OF THE  
25 VEHICLE OPERATED DURING THE VIOLATION UNLESS THE OWNER OR LESSEE  
26 KNOWINGLY PERMITTED THE VEHICLE TO BE OPERATED IN VIOLATION OF  
27 SECTION 625(2) OR SECTION 904(1).

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1 (5) AN ORDER REQUIRED TO BE ISSUED UNDER THIS SECTION SHALL  
2 NOT BE SUSPENDED.

3 (6) IF A DEFENDANT IS ORDERED IMPRISONED FOR THE VIOLATION  
4 FOR WHICH IMMOBILIZATION IS ORDERED, THE PERIOD OF IMMOBILIZATION  
5 SHALL BEGIN AT THE END OF THE PERIOD OF IMPRISONMENT.

6 (7) THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

7 (A) A SUSPENSION, REVOCATION, OR DENIAL BASED ON A VIOLATION  
8 OF THE SUPPORT AND PARENTING TIME ENFORCEMENT ACT, 1982 PA 295,  
9 MCL 552.601 TO 552.650.

10 (B) FOR A VIOLATION OF SECTION 904, AN INDIVIDUAL WHO HAS NO  
11 CURRENTLY EFFECTIVE SUSPENSION OR DENIAL UNDER SECTION 321A OR  
12 WHO HAS 1 CURRENTLY EFFECTIVE SUSPENSION OR DENIAL UNDER SECTION  
13 321A BUT HAS NEVER VIOLATED A CONDITION OF THAT SUSPENSION OR  
14 DENIAL, AND WHO HAS NO OTHER SUSPENSIONS OR REVOCATIONS OR DENI-  
15 ALS UNDER THIS ACT.

16 (C) A VEHICLE THAT IS REGISTERED IN ANOTHER STATE OR THAT IS  
17 A RENTAL VEHICLE.

18 (D) ANY OF THE FOLLOWING:

19 (i) A VIOLATION OF CHAPTER II.

20 (ii) A VIOLATION OF CHAPTER V.

21 (iii) A VIOLATION FOR FAILURE TO CHANGE ADDRESS.

22 (iv) A PARKING VIOLATION.

23 (v) A BAD CHECK VIOLATION.

24 (vi) AN EQUIPMENT VIOLATION.

25 (vii) A PEDESTRIAN, PASSENGER, OR BICYCLE VIOLATION, OTHER  
26 THAN A VIOLATION OF SECTION 703(1) OR (2) OF THE MICHIGAN LIQUOR  
27 CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1703, OR A LOCAL

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1 ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 703(1) OR (2) OF  
2 THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58, MCL  
3 436.1703, OR SECTION 624A OR 624B OR A LOCAL ORDINANCE SUBSTAN-  
4 Tially CORRESPONDING TO SECTION 624A OR 624B.

5 (viii) A VIOLATION OF A LOCAL ORDINANCE SUBSTANTIALLY CORRE-  
6 SPONDING TO A VIOLATION DESCRIBED IN SUBPARAGRAPHS (i) TO (vii).

7 (8) AS USED IN THIS SECTION, "VEHICLE IMMOBILIZATION" MEANS  
8 REQUIRING THE MOTOR VEHICLE INVOLVED IN THE VIOLATION IMMOBILIZED  
9 IN A MANNER PROVIDED IN SECTION 904E.

10 SEC. 904E. (1) A COURT SHALL ORDER A VEHICLE IMMOBILIZED  
11 UNDER SECTION 904D BY THE USE OF ANY AVAILABLE TECHNOLOGY THAT  
12 LOCKS THE IGNITION, WHEELS, OR STEERING OF THE VEHICLE OR OTHER-  
13 WISE PREVENTS ANY PERSON FROM OPERATING THE VEHICLE OR THAT PRE-  
14 VENTS THE DEFENDANT FROM OPERATING THE VEHICLE. IF A VEHICLE IS  
15 IMMOBILIZED UNDER THIS SECTION, THE COURT MAY ORDER THE VEHICLE  
16 STORED AT A LOCATION AND IN A MANNER CONSIDERED APPROPRIATE BY  
17 THE COURT. THE COURT MAY ORDER THE PERSON CONVICTED OF VIOLATING  
18 SECTION 625 OR 904(1) TO PAY THE COST OF IMMOBILIZING AND STORING  
19 THE VEHICLE.

20 (2) A VEHICLE SUBJECT TO IMMOBILIZATION UNDER THIS SECTION  
21 MAY BE SOLD DURING THE PERIOD OF IMMOBILIZATION, BUT SHALL NOT BE  
22 SOLD TO A PERSON WHO IS EXEMPT FROM PAYING A USE TAX UNDER SEC-  
23 TION 3(3)(A) OF THE USE TAX ACT, 1937 PA 94, MCL 205.93, WITHOUT  
24 PRIOR APPROVAL BY THE COURT.

25 (3) A DEFENDANT WHO IS PROHIBITED FROM OPERATING A MOTOR  
26 VEHICLE BY VEHICLE IMMOBILIZATION SHALL NOT PURCHASE, LEASE, OR

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1 OTHERWISE OBTAIN A MOTOR VEHICLE DURING THE IMMOBILIZATION PERIOD  
2 WITHOUT THE PRIOR APPROVAL OF THE COURT.

3 (4) A PERSON SHALL NOT REMOVE OR BYPASS OR ATTEMPT TO REMOVE  
4 OR BYPASS A DEVICE THAT HE OR SHE KNOWS OR HAS REASON TO KNOW HAS  
5 BEEN INSTALLED ON A VEHICLE BY COURT ORDER FOR VEHICLE IMMOBILI-  
6 ZATION OR OPERATE OR ATTEMPT TO OPERATE A VEHICLE THAT HE OR SHE  
7 KNOWS OR HAS REASON TO KNOW HAS BEEN ORDERED IMMOBILIZED.

8 (5) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDE-  
9 MEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A  
10 FINE OF NOT MORE THAN \$100.00, OR BOTH.

11 (6) TO THE EXTENT THAT A LOCAL ORDINANCE REGARDING THE STOR-  
12 AGE OR REMOVAL OF VEHICLES CONFLICTS WITH AN ORDER OF IMMOBILIZA-  
13 TION ISSUED BY THE COURT, THE LOCAL ORDINANCE IS PREEMPTED.

14 Enacting section 1. This amendatory act takes effect  
15 October 1, 1999.

16 Enacting section 2. This amendatory act does not take  
17 effect unless all of the following bills of the 89th Legislature  
18 are enacted into law:

19 (a) House Bill No. 4210.

20 (b) House Bill No. 4576.

21 (c) House Bill No. 4959.

22 (d) House Bill No. 4960.

23 (e) House Bill No. 4961.

24 (f) House Bill No. 5122.

25 (g) House Bill No. 5123.

26 (h) House Bill No. 5951.

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- 1 (i) House Bill No. 5953.
- 2 (j) House Bill No. 5954.
- 3 (k) House Bill No. 5955.
- 4 (l) House Bill No. 5956.