

SENATE BILL No. 1451

September 25, 2002, Introduced by Senator DINGELL and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 321a (MCL 257.321a), as amended by 1999
PA 73.

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 reportable to the
3 secretary of state under section 732 or a local ordinance sub-
4 stantially corresponding to a violation of a law of this state
5 reportable to the secretary of state under section 732, or for
6 any matter pending, or who fails to comply with an order or judg-
7 ment of the court, including, but not limited to, paying all
8 fines, costs, fees, and assessments, is guilty of a misdemeanor
9 punishable by imprisonment for not more than 93 days or a fine of
10 not more than \$100.00, or both. A violation of this subsection

1 or failure to answer a citation or notice to appear for a
2 violation of section 33b(1) of former 1933 (Ex Sess) PA 8,
3 section 703(1) of the Michigan liquor control code of 1998, 1998
4 PA 58, MCL 436.1703, or a local ordinance substantially corre-
5 sponding to either of those sections shall not be considered a
6 violation for any purpose under section 320a.

7 (2) Except as provided in subsection (3), 28 days or more
8 after a person fails to answer a citation, or a notice to appear
9 in court for a violation reportable to the secretary of state
10 under section 732 or a local ordinance substantially correspond-
11 ing to a violation of a law of this state reportable to the sec-
12 retary of state under section 732, or for any matter pending, or
13 fails to comply with an order or judgment of the court, includ-
14 ing, but not limited to, paying all fines, costs, fees, and
15 assessments, the court shall give notice by mail at the last
16 known address of the person that if the person fails to appear or
17 fails to comply with the order or judgment within 14 days after
18 the 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 or fails to comply with the order or judgment within
21 the 14-day period, the court shall, within 14 days, inform the
22 secretary of state, who shall immediately suspend the license of
23 the person. The secretary of state shall immediately notify the
24 person of the suspension by regular mail at the person's last
25 known address.

26 (3) If the person is charged with, or convicted of, a
27 violation of section 625 or a local ordinance substantially

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

21 (4) If the person is charged with, or convicted of, a viola-
22 tion of section 33b(1) of former 1933 (Ex Sess) PA 8,
23 section 703(1) of the Michigan liquor control code of 1998, 1998
24 PA 58, MCL 436.1703, section 624a, section 624b, or a local ordi-
25 nance substantially corresponding to those sections and the
26 person fails to answer a citation or a notice to appear in court
27 issued pursuant to section 33b of former 1933 (Ex Sess) PA 8,

1 section 703 of the Michigan liquor control code of 1998, 1998
2 PA 58, MCL 436.1703, section 624a, section 624b, or a local ordi-
3 nance substantially corresponding to those sections or fails to
4 comply with an order or judgment of the court issued pursuant to
5 section 33b of former 1933 (Ex Sess) PA 8, section 703 of the
6 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703,
7 section 624a, section 624b, or a local ordinance substantially
8 corresponding to those sections including, but not limited to,
9 paying all fines and costs, the court shall immediately give
10 notice by first-class mail sent to the person's last known
11 address that if the person fails to appear within 7 days after
12 the notice is issued, or fails to comply with the order or judg-
13 ment of the court, including, but not limited to, paying all
14 fines and costs, within 14 days after the notice is issued, the
15 secretary of state shall suspend the person's operator's or
16 chauffeur's license. If the person fails to appear within the
17 7-day period, or fails to comply with the order or judgment of
18 the court, including, but not limited to, paying all fines and
19 costs, within the 14-day period, the court shall immediately
20 inform the secretary of state who shall immediately suspend the
21 person's operator's or chauffeur's license and notify the person
22 of the suspension by first-class mail sent to the person's last
23 known address.

24 (5) A suspension imposed under subsection (2) or (3) remains
25 in effect until both of the following occur:

26 (a) The secretary of state is notified by each court in
27 which the person failed to answer a citation or notice to appear

1 or failed to pay a fine or cost that the person has answered that
2 citation or notice to appear or paid that fine or cost.

3 (b) The person has paid to the court a ~~-\$25.00-~~ \$45.00
4 driver license clearance fee for each failure to answer a
5 citation or failure to pay a fine or cost.

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

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

12 (b) A pedestrian, passenger, or bicycle violation, other
13 than a violation of section 33b(1) or (2) of former 1933 (Ex
14 Sess) PA 8, section 703(1) or (2) of the Michigan liquor control
15 code of 1998, 1998 PA 58, MCL 436.1703, section 624a or 624b, or
16 a local ordinance substantially corresponding to section 33b(1)
17 or (2) of former 1933 (Ex Sess) PA 8, section 703(1) or (2) of
18 the Michigan liquor control code of 1998, 1998 PA 58,
19 MCL 436.1703, or section 624a or 624b.

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

24 (a) Failed to answer 2 or more parking violation notices or
25 citations for violating a provision of this act or an ordinance
26 substantially corresponding to a provision of this act pertaining
27 to parking for persons with disabilities.

1 (b) Failed to answer 6 or more parking violation notices or
2 citations regarding illegal parking.

3 (8) The secretary of state, upon being informed of the fail-
4 ure of a person to appear or comply as provided in subsection
5 (7), shall not issue a license to the person or renew a license
6 for the person until both of the following occur:

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

10 (b) The person has paid to the court a ~~-\$25.00-~~ \$45.00
11 driver license clearance fee. If the court determines that the
12 person is responsible for only 1 parking violation under
13 subsection (7)(a) or less than 6 parking violations under
14 subsection (7)(b) for which the person's license was not issued
15 or renewed under this subsection, the court may waive payment of
16 the fee.

17 (9) Not less than 28 days after a person fails to appear in
18 response to a citation issued for, or fails to comply with an
19 order or judgment involving, a state civil infraction described
20 in chapter 88 of the revised judicature act of 1961, 1961 PA 236,
21 MCL 600.8801 to 600.8835, the court shall give notice by ordinary
22 mail, addressed to the person's last known address, that if the
23 person fails to appear or fails to comply with the order or judg-
24 ment described in this subsection within 14 days after the notice
25 is issued, the court will give to the secretary of state notice
26 of that failure. Upon receiving notice of that failure, the
27 secretary of state shall not issue or renew an operator's or

1 chauffeur's license for the person until both of the following
2 occur:

3 (a) The court informs the secretary of state that the person
4 has resolved all outstanding matters regarding each notice or
5 citation.

6 (b) The person has paid to the court a ~~-\$25.00-~~ \$45.00
7 driver license clearance fee. If the court determines that the
8 person is not responsible for any violation for which the
9 person's license was not issued or renewed under this subsection,
10 the court shall waive the fee.

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

20 (11) ~~The court shall transfer 60% of~~ FOR each fee received
21 under subsection (5)(b), (8)(b), or (9)(b), THE COURT SHALL
22 TRANSMIT THE FOLLOWING AMOUNTS ON A MONTHLY BASIS:

23 (A) FIFTEEN DOLLARS to the secretary of state. ~~on a monthly~~
24 ~~basis.~~ The funds received by the secretary of state under this
25 ~~subsection~~ SUBDIVISION shall be deposited in the state general
26 fund and shall be used to defray the expenses of the secretary of

1 state in processing the suspension and reinstatement of driver
2 licenses under this section.

3 (B) FIFTEEN DOLLARS TO 1 OF THE FOLLOWING, AS APPLICABLE:

4 (i) IF THE MATTER IS BEFORE THE CIRCUIT COURT, TO THE TREA-
5 SURER OF THE COUNTY FOR DEPOSIT IN THE GENERAL FUND.

6 (ii) IF THE MATTER IS BEFORE THE DISTRICT COURT, TO THE
7 TREASURER OF THE DISTRICT FUNDING UNIT FOR THAT COURT, FOR
8 DEPOSIT IN THE GENERAL FUND. AS USED IN THIS SECTION, "DISTRICT
9 FUNDING UNIT" MEANS THAT TERM AS DEFINED IN SECTION 8104 OF THE
10 REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.8104.

11 (iii) IF THE MATTER IS BEFORE A MUNICIPAL COURT, TO THE
12 TREASURER OF THE CITY IN WHICH THE MUNICIPAL COURT IS LOCATED,
13 FOR DEPOSIT IN THE GENERAL FUND.

14 (C) FIFTEEN DOLLARS TO THE JUROR COMPENSATION REIMBURSEMENT
15 FUND CREATED IN SECTION 151D OF THE REVISED JUDICATURE ACT OF
16 1961, 1961 PA 236, MCL 600.151D.

17 (12) Section 819 does not apply to a reinstatement fee col-
18 lected for an operator's or chauffeur's license that is not
19 issued or renewed under section 8827 of the revised judicature
20 act of 1961, 1961 PA 236, MCL 600.8827.

21 Enacting section 1. This amendatory act takes effect
22 January 1, 2003.

23 Enacting section 2. This amendatory act does not take
24 effect unless all of the following bills of the 91st Legislature
25 are enacted into law:

26 (a) Senate Bill No. 1448.

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1 (b) Senate Bill No.1449.

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3 (c) Senate Bill No.1450.

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5 (d) Senate Bill No. 1452.

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