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BILL



ANALYSIS

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House Bill 5503 (Substitute H-1 as passed by the House)  
Sponsor: Representative Kenneth Kurtz  
House Committee: Families and Children's Services  
Senate Committee: Families and Human Services

Date Completed: 12-9-09

### **CONTENT**

**The bill would amend the Michigan Vehicle Code to do the following:**

- **Require the Secretary of State to suspend a payer's driver license immediately upon notice from a Friend of the Court (FOC) office that the payer had failed to appear for a hearing, comply with a repayment plan order, or respond to a license suspension notice.**
- **Require a suspension order to remain in effect until the person obtained a certificate from the FOC showing that he or she was complying with the custody, parenting time, or support order, had paid the circuit court clerk a \$45 driver license clearance fee, and (as currently required) paid the license reinstatement fee.**
- **Require the circuit court clerk to transmit, for each driver license clearance fee, \$15 to the Secretary of State, and \$30 to the county treasurer for deposit in the county FOC fund.**

The Code requires the Secretary of State (SOS) to comply with a suspension order issued under the Support and Parenting Time Enforcement Act. The SOS must suspend the operator's or chauffeur's license of a licensee within seven business days after receiving the suspension order. The bill would replace these provisions.

Under the bill, if an FOC office notified the SOS that a licensee had failed to appear for a hearing, comply with a repayment plan order, or respond to a license suspension notice under the Support and Parenting Time Enforcement Act, the SOS would have to suspend the operator's or chauffeur's license of the licensee immediately and would have to notify the licensee of the suspension by first-class mail.

Currently, an order rescinding a suspension order is effective when the court enters it and the licensee pays the reinstatement fee required under Section 320e of the Code. (Section 320e(4) requires a person whose operator's or chauffeur's license is suspended under these provisions to pay a fee of \$85 to the SOS before a license is issued or returned to the person.)

The bill would delete that provision. Instead, a suspension order would remain in effect until all of the following occurred:

- The person obtained a certificate from the FOC showing that he or she was complying with the custody, parenting time, or support order, and provided that certificate to the SOS within 10 days after the date it was issued.
- The person paid to the circuit court clerk a \$45 driver license clearance fee.
- The person paid the reinstatement fee imposed under Section 320e.

Unless a person's license was otherwise suspended, revoked, denied, or canceled, it would be reinstated immediately on satisfaction of those requirements. The SOS would have to reissue the operator's or chauffeur's license of a person whose suspension order was rescinded within 30 days after receiving the certificate from the FOC, and evidence of payment of the driver license clearance fee and the reinstatement fee.

If a person provided a copy of the certificate to the SOS more than 10 days after its date of issuance, the certificate would no longer be valid, and the SOS could not reinstate the person's license. A person who failed to provide a copy of the certificate to the SOS within 10 days would have to obtain another certificate from the FOC and satisfy the requirements listed above, before the SOS could reinstate his or her license.

For each driver license clearance fee received, the clerk would have to transmit the following amounts on a monthly basis:

- \$30 to the county treasurer, who would have to deposit the money in the county FOC fund.
- \$15 to the SOS, who would have to deposit the money in the State's General Fund.

The General Fund money would have to be spent to defray the expenses of the SOS in processing the suspension and reinstatement of driver licenses under these provisions.

The bill is tie-barred to Senate Bill 100. (That bill would make a number of amendments to the Support and Parenting Time Enforcement Act. Among other things, the bill would require the Friend of the Court to notify the Secretary of State if a support payer had failed to request or attend a hearing on a proposed license suspension or pay an arrearage in full, and would require the SOS to suspend the payer's driver license as provided in the Michigan Vehicle Code.)

MCL 257.321c

Legislative Analyst: Suzanne Lowe

### **FISCAL IMPACT**

The bill would require a person who had his or her driver license suspended under the Support and Parenting Time Enforcement Act to pay a driver license clearance fee of \$45. The proposed fee would be in addition to the current \$85 license reinstatement fee. The Secretary of State currently receives the \$85 license reinstatement fee for costs associated with suspending a license and removing a suspension. Of the proposed additional \$45 fee, the SOS would receive \$15 to help with the costs associated with suspensions and removal of suspensions. In FY 2007-08, there were 2,115 transactions involving the reinstatement of driver licenses related to child support. Assuming an estimated 2,100 cases are reinstated each year, the additional revenue to the SOS from the proposed driver license clearance fee would be an estimated \$31,500 annually.

The bill would have no fiscal impact on local government.

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.