

SENATE BILL No. 566

May 12, 2009, Introduced by Senators OLSHOVE, BIRKHOLZ, BARCIA, ANDERSON, CHERRY and WHITMER and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 743 (MCL 257.743), as amended by 2006 PA 298.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 743. (1) A citation issued ~~pursuant to~~ **UNDER** section 742
2 shall contain the name of the state or political subdivision acting
3 as plaintiff, the name and address of the person to whom the
4 citation is issued, the civil infraction alleged, the place where
5 the person shall appear in court, the telephone number of the
6 court, the time at or by which the appearance shall be made, and
7 the additional information required by this section.

8 (2) The citation shall inform the defendant ~~to the effect that~~

1 he or she, at or by the time specified for appearance, may **DO 1 OF**
2 **THE FOLLOWING:**

3 (a) Admit responsibility for the civil infraction in person,
4 by representation, or by mail.

5 (b) Admit responsibility for the civil infraction "with
6 explanation" in person, by representation, or by mail.

7 (c) Deny responsibility for the civil infraction by doing
8 either of the following:

9 (i) Appearing in person for an informal hearing before a
10 district court magistrate or a judge without the opportunity of
11 being represented by an attorney.

12 (ii) Appearing in court for a formal hearing before a judge,
13 with the opportunity of being represented by an attorney.

14 (3) The citation shall inform the defendant that if the person
15 desires to admit responsibility "with explanation" other than by
16 mail or to have an informal hearing or a formal hearing, the person
17 must apply to the court in person, by mail, or by telephone, within
18 the time specified for appearance and obtain a scheduled date and
19 time to appear for a hearing. A hearing date may be specified on
20 the citation.

21 (4) The citation shall contain a notice in ~~boldface~~**BOLDFACED**
22 type that the failure of a person to appear within the time
23 specified in the citation or at the time scheduled for a hearing or
24 appearance will result in entry of a default judgment against the
25 person and in the immediate suspension of the person's operator's
26 or chauffeur's license. Timely application to the court for a
27 hearing or return of the citation with an admission of

1 responsibility and with full payment of applicable civil fines and
2 costs constitute a timely appearance.

3 (5) If the citation is issued to a person who is operating a
4 commercial motor vehicle, the citation shall contain a vehicle
5 group designation and indorsement description of the vehicle ~~7~~
6 ~~which vehicle is~~ **THAT WAS** operated by the person at the time of the
7 alleged civil infraction.

8 (6) **THE CITATION SHALL CONTAIN A NOTICE THAT IF THE CITATION**
9 **WAS ISSUED FOR FAILING TO HAVE PROOF OF INSURANCE, THE PERSON CAN**
10 **HAVE THE VIOLATION DISMISSED BY PROVIDING PROOF OF INSURANCE TO THE**
11 **COURT BEFORE THE APPEARANCE DATE SET FOR THE VIOLATION AND, IF THE**
12 **PERSON FAILS TO PROVIDE PROOF OF INSURANCE BEFORE THAT DATE AND THE**
13 **COURT DETERMINES THE INDIVIDUAL IS RESPONSIBLE FOR THE VIOLATION,**
14 **THE CITATION MAY RESULT IN THE ASSESSMENT OF A DRIVER**
15 **RESPONSIBILITY FEE IN ADDITION TO THE FINE IMPOSED FOR THE**
16 **VIOLATION.**