

SENATE BILL No. 798

February 19, 2014, Introduced by Senators GREEN, KOWALL, WALKER and BIEDA and referred to the Committee on Natural Resources, Environment and Great Lakes.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 320e (MCL 257.320e), as amended by 2003 PA 152,
and by adding section 321d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 320e. (1) Except as otherwise provided in subsection (2),
2 (3), or (4), 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, 732a, or 904 shall pay a license
5 reinstatement fee of \$125.00 to the secretary of state before a
6 license is issued or returned to the person. The increase in the
7 reinstatement fee from \$60.00 to \$125.00 shall be imposed for a
8 license that is issued or returned on or after October 1, 1991
9 regardless of when the license was suspended, revoked, or

1 restricted. Of the increase in the reinstatement fee from \$60.00 to
2 \$125.00, \$25.00 shall be allocated to the department of state,
3 \$10.00 shall be deposited by the department of treasury in the
4 drunk driving prevention equipment and training fund created under
5 section 625h(1), and \$30.00 shall be deposited by the department of
6 treasury in the drunk driving caseflow assistance fund created
7 under section 625h(5). The fee shall be waived if the license was
8 suspended or restricted because of the person's mental or physical
9 infirmity or disability.

10 (2) A person whose operator's or chauffeur's license is
11 suspended, revoked, or restricted pursuant to section 319(7) shall
12 pay a license reinstatement fee of \$125.00 to the secretary of
13 state before a license is issued or returned to the person. The fee
14 shall be waived if the license was suspended or restricted because
15 of the person's mental or physical infirmity or disability.

16 (3) A person whose operator's or chauffeur's license is
17 suspended, revoked, or restricted pursuant to section 319e shall
18 pay a license reinstatement fee of \$125.00 to the secretary of
19 state before a license is issued or returned to the person. Of the
20 \$125.00 fee, \$95.00 shall be allocated to the department of state
21 and \$30.00 shall be deposited by the department of treasury in the
22 drug case information management fund created under section 323d.

23 (4) A person whose operator's or chauffeur's license is
24 suspended as provided in section 321c **OR 321D** shall pay a license
25 reinstatement fee of \$85.00 to the secretary of state before a
26 license is issued or returned to the person. The fee shall be
27 deposited in the state general fund and shall be used to defray the

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

3 (5) The secretary of state shall assess points and take
4 licensing action, including suspending, revoking, or denying a
5 license under this act, according to the law in effect at the time
6 of the conspiracy to commit the offense or at the time the offense
7 was committed or attempted or the civil infraction occurred. If 1
8 or more of the convictions involved in a licensing sanction is a
9 violation or attempted violation of this act committed or attempted
10 after January 1, 1992, the secretary of state shall apply the law
11 in effect after January 1, 1992.

12 (6) Judicial review of an administrative licensing sanction
13 under section 303 shall be governed by the law in effect at the
14 time the offense was committed or attempted. If 1 or more of the
15 convictions involved in an administrative licensing sanction is a
16 violation or attempted violation of this act committed or attempted
17 after January 1, 1992, judicial review of that sanction shall be
18 governed by the law in effect after January 1, 1992.

19 **SEC. 321D. (1) IF A COURT NOTIFIES THE SECRETARY OF STATE**
20 **UNDER SECTION 41309 OF THE NATURAL RESOURCES AND ENVIRONMENTAL**
21 **PROTECTION ACT, 1994 PA 451, MCL 324.41309, THAT A VEHICLE GROUP**
22 **DESIGNATION FOR A NONPASSENGER COMMERCIAL MOTOR VEHICLE UNDER**
23 **SECTION 312E SHALL BE SUSPENDED OR REVOKED, THE SECRETARY OF STATE**
24 **SHALL, WITHIN 7 BUSINESS DAYS, SUSPEND OR REVOKE THE LICENSE AS**
25 **PROVIDED IN THE ORDER AND SHALL NOTIFY THE LICENSEE OF THE**
26 **SUSPENSION OR REVOCATION BY FIRST-CLASS MAIL AT HIS OR HER LAST**
27 **KNOWN ADDRESS.**

1 (2) IF A PERSON'S DESIGNATION DESCRIBED IN SUBSECTION (1) IS
2 ORDERED TO BE SUSPENDED OR REVOKED UNDER SECTION 41309 OF THE
3 NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451,
4 MCL 324.41309, BUT THE PERSON'S DESIGNATION IS ALREADY SUSPENDED,
5 REVOKED, OR DENIED OR THE PERSON DOES NOT HAVE A DESIGNATION TO
6 SUSPEND, THE SECRETARY OF STATE SHALL NOT ISSUE A DESIGNATION
7 DESCRIBED IN SUBSECTION (1) TO THE PERSON UNTIL THE PERSON IS IN
8 COMPLIANCE WITH SUBSECTION (3) AND OTHER PROVISIONS OF THIS ACT.

9 (3) A SUSPENSION IMPOSED UNDER SUBSECTION (1) OR (2) REMAINS
10 IN EFFECT UNTIL ALL OF THE FOLLOWING OCCUR:

11 (A) THE SUSPENSION PERIOD SET FORTH IN THE COURT ORDER HAS
12 ELAPSED.

13 (B) THE PERSON PAYS TO THE SECRETARY OF STATE A \$15.00 DRIVER
14 LICENSE CLEARANCE FEE. THE SECRETARY OF STATE SHALL DEPOSIT MONEY
15 RECEIVED UNDER THIS SUBDIVISION IN THE GENERAL FUND. THE MONEY
16 SHALL BE EXPENDED TO DEFRAY THE EXPENSES OF THE SECRETARY OF STATE
17 IN PROCESSING THE SUSPENSION AND REINSTATEMENT OF OPERATOR'S
18 LICENSES UNDER THIS SECTION.

19 (C) THE PERSON PAYS THE REINSTATEMENT FEE IMPOSED UNDER
20 SECTION 320E.

21 (4) UNLESS A PERSON'S DESIGNATION DESCRIBED IN SUBSECTION (1)
22 IS OTHERWISE SUSPENDED, REVOKED, DENIED, OR CANCELED, THE
23 DESIGNATION IS IMMEDIATELY REINSTATED ON SATISFACTION OF THE
24 REQUIREMENTS OF SUBSECTION (3). THE SECRETARY OF STATE SHALL
25 REISSUE THE DESIGNATION DESCRIBED IN SUBSECTION (1) OF A PERSON
26 WHOSE SUSPENSION IS RESCINDED UNDER SUBSECTION (3) WITHIN 30 DAYS
27 AFTER THE SUSPENSION IS RESCINDED UNDER SUBSECTION (3).

1 Enacting section 1. This amendatory act does not take effect
2 unless Senate Bill No. 795
3 of the 97th Legislature is enacted into law.