

SENATE BILL No. 628

December 1, 2015, Introduced by Senator KOWALL and referred to the Committee on Commerce.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 319 and 741 (MCL 257.319 and 257.741), section
319 as amended by 2015 PA 11 and section 741 as amended by 2006 PA
298, and by adding sections 751, 752, and 753.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 319. (1) The secretary of state shall immediately suspend
2 a person's license as provided in this section upon receiving a
3 record of the person's conviction for a crime described in this
4 section, whether the conviction is under a law of this state, a
5 local ordinance substantially corresponding to a law of this state,
6 a law of another state substantially corresponding to a law of this
7 state, or, beginning October 31, 2010, a law of the United States

1 substantially corresponding to a law of this state.

2 (2) The secretary of state shall suspend the person's license
3 for 1 year for any of the following crimes:

4 (a) Fraudulently altering or forging documents pertaining to
5 motor vehicles in violation of section 257.

6 (b) A violation of section 413 of the Michigan penal code,
7 1931 PA 328, MCL 750.413.

8 (c) A violation of section 1 of former 1931 PA 214, MCL
9 752.191, or former section 626c.

10 (d) A felony in which a motor vehicle was used. As used in
11 this section, "felony in which a motor vehicle was used" means a
12 felony during the commission of which the person convicted operated
13 a motor vehicle and while operating the vehicle presented real or
14 potential harm to persons or property and 1 or more of the
15 following circumstances existed:

16 (i) The vehicle was used as an instrument of the felony.

17 (ii) The vehicle was used to transport a victim of the felony.

18 (iii) The vehicle was used to flee the scene of the felony.

19 (iv) The vehicle was necessary for the commission of the
20 felony.

21 (e) A violation of section 602a(2) or (3) of this act or
22 section 479a(2) or (3) of the Michigan penal code, 1931 PA 328, MCL
23 750.479a.

24 (f) Beginning October 31, 2010, a violation of section 601d.

25 (3) The secretary of state shall suspend the person's license
26 for 90 days for any of the following crimes:

27 (a) Failing to stop and disclose identity at the scene of an

1 accident resulting in injury in violation of section 617a.

2 (b) A violation of section 601b(2), section 601c(1), section
3 653a(3), section 626 before October 31, 2010, or, beginning October
4 31, 2010, section 626(2).

5 (c) Malicious destruction resulting from the operation of a
6 vehicle under section 382(1)(b), (c), or (d) of the Michigan penal
7 code, 1931 PA 328, MCL 750.382.

8 (d) A violation of section 703(2) of the Michigan liquor
9 control code of 1998, 1998 PA 58, MCL 436.1703.

10 (4) The secretary of state shall suspend the person's license
11 for 30 days for malicious destruction resulting from the operation
12 of a vehicle under section 382(1)(a) of the Michigan penal code,
13 1931 PA 328, MCL 750.382.

14 (5) For perjury or making a false certification to the
15 secretary of state under any law requiring the registration of a
16 motor vehicle or regulating the operation of a vehicle on a
17 highway, or for conduct prohibited under section 324(1) or a local
18 ordinance substantially corresponding to section 324(1), the
19 secretary shall suspend the person's license as follows:

20 (a) If the person has no prior conviction for an offense
21 described in this subsection within 7 years, for 90 days.

22 (b) If the person has 1 or more prior convictions for an
23 offense described in this subsection within 7 years, for 1 year.

24 (6) For a violation of section 414 of the Michigan penal code,
25 1931 PA 328, MCL 750.414, the secretary of state shall suspend the
26 person's license as follows:

27 (a) If the person has no prior conviction for that offense

1 within 7 years, for 90 days.

2 (b) If the person has 1 or more prior convictions for that
3 offense within 7 years, for 1 year.

4 (7) For a violation of section 624a or 624b of this act or
5 section 703(1) of the Michigan liquor control code of 1998, 1998 PA
6 58, MCL 436.1703, the secretary of state shall suspend the person's
7 license as follows:

8 (a) If the person has 1 prior conviction for an offense
9 described in this subsection or section 33b(1) of former 1933 (Ex
10 Sess) PA 8, for 90 days. The secretary of state may issue the
11 person a restricted license after the first 30 days of suspension.

12 (b) If the person has 2 or more prior convictions for an
13 offense described in this subsection or section 33b(1) of former
14 1933 (Ex Sess) PA 8, for 1 year. The secretary of state may issue
15 the person a restricted license after the first 60 days of
16 suspension.

17 (8) The secretary of state shall suspend the person's license
18 for a violation of section 625 or 625m as follows:

19 (a) For 180 days for a violation of section 625(1) or (8)
20 before October 31, 2010 or, beginning October 31, 2010, section
21 625(1)(a) or (b) or (8) if the person has no prior convictions
22 within 7 years. The secretary of state may issue the person a
23 restricted license during a specified portion of the suspension,
24 except that the secretary of state shall not issue a restricted
25 license during the first 30 days of suspension.

26 (b) For 90 days for a violation of section 625(3) if the
27 person has no prior convictions within 7 years. However, if the

1 person is convicted of a violation of section 625(3), for operating
2 a vehicle when, due to the consumption of a controlled substance or
3 a combination of alcoholic liquor and a controlled substance, the
4 person's ability to operate the vehicle was visibly impaired, the
5 secretary of state shall suspend the person's license under this
6 subdivision for 180 days. The secretary of state may issue the
7 person a restricted license during all or a specified portion of
8 the suspension.

9 (c) For 30 days for a violation of section 625(6) if the
10 person has no prior convictions within 7 years. The secretary of
11 state may issue the person a restricted license during all or a
12 specified portion of the suspension.

13 (d) For 90 days for a violation of section 625(6) if the
14 person has 1 or more prior convictions for that offense within 7
15 years.

16 (e) For 180 days for a violation of section 625(7) if the
17 person has no prior convictions within 7 years. The secretary of
18 state may issue the person a restricted license after the first 90
19 days of suspension.

20 (f) For 90 days for a violation of section 625m if the person
21 has no prior convictions within 7 years. The secretary of state may
22 issue the person a restricted license during all or a specified
23 portion of the suspension.

24 (g) Beginning October 31, 2010, for 1 year for a violation of
25 section 625(1)(c) if the person has no prior convictions within 7
26 years or not more than 2 convictions within 10 years. The secretary
27 of state may issue the person a restricted license, except that the

1 secretary of state shall not issue a restricted license during the
2 first 45 days of suspension.

3 (h) Beginning October 31, 2010, the department shall order a
4 person convicted of violating section 625(1)(c) not to operate a
5 motor vehicle under a restricted license issued under subdivision
6 (g) unless the vehicle is equipped with an ignition interlock
7 device approved, certified, and installed as required under
8 sections 625k and 625l. The ignition interlock device may be
9 removed after the interlock device provider provides the department
10 with verification that the person has operated the vehicle with no
11 instances of reaching or exceeding a blood alcohol level of 0.025
12 grams per 210 liters of breath. This subdivision does not prohibit
13 the removal of the ignition interlock device for any of the
14 following:

15 (i) A start-up test failure that occurs within the first 2
16 months after installation of the device. As used in this
17 subdivision, "start-up test failure" means that the ignition
18 interlock device has prevented the motor vehicle from being
19 started. Multiple unsuccessful attempts at 1 time to start the
20 vehicle shall be treated as 1 start-up test failure only under this
21 subparagraph.

22 (ii) A start-up test failure occurring more than 2 months
23 after installation of the device, if not more than 15 minutes after
24 detecting the start-up test failure the person delivers a breath
25 sample that the ignition interlock device analyzes as having an
26 alcohol level of less than 0.025 grams per 210 liters of breath.

27 (iii) A retest prompted by the device, if not more than 5

1 minutes after detecting the retest failure the person delivers a
2 breath sample that the ignition interlock device analyzes as having
3 an alcohol level of less than 0.025 grams per 210 liters of breath.

4 (i) Beginning October 31, 2010, if an individual violates the
5 conditions of the restricted license issued under subdivision (g)
6 or operates or attempts to operate a motor vehicle with a blood
7 alcohol level of 0.025 grams per 210 liters of breath, the
8 secretary of state shall impose an additional like period of
9 suspension and restriction as prescribed under subdivision (g).

10 This subdivision does not require an additional like period of
11 suspension and restriction for any of the following:

12 (i) A start-up test failure within the first 2 months after
13 installation of the ignition interlock device. As used in this
14 subdivision, "start-up test failure" means that the ignition
15 interlock device has prevented the motor vehicle from being
16 started. Multiple unsuccessful attempts at 1 time to start the
17 vehicle shall be treated as 1 start-up test failure only under this
18 subparagraph.

19 (ii) A start-up test failure occurring more than 2 months
20 after installation of the device, if not more than 15 minutes after
21 detecting the start-up test failure the person delivers a breath
22 sample that the ignition interlock device analyzes as having an
23 alcohol level of less than 0.025 grams per 210 liters of breath.

24 (iii) Any retest prompted by the device, if not more than 5
25 minutes after detecting the retest failure the person delivers a
26 breath sample that the ignition interlock device analyzes as having
27 an alcohol level of less than 0.025 grams per 210 liters of breath.

1 (9) For a violation of section 367c of the Michigan penal
2 code, 1931 PA 328, MCL 750.367c, the secretary of state shall
3 suspend the person's license as follows:

4 (a) If the person has no prior conviction for an offense
5 described in this subsection within 7 years, for 6 months.

6 (b) If the person has 1 or more convictions for an offense
7 described in this subsection within 7 years, for 1 year.

8 (10) For a violation of section 315(4), the secretary of state
9 may suspend the person's license for 6 months.

10 (11) For a violation or attempted violation of section 411a(2)
11 of the Michigan penal code, 1931 PA 328, MCL 750.411a, involving a
12 school, the secretary of state shall suspend the license of a
13 person 14 years of age or over but less than 21 years of age until
14 3 years after the date of the conviction or juvenile disposition
15 for the violation. The secretary of state may issue the person a
16 restricted license after the first 365 days of suspension.

17 (12) For a second or subsequent violation of section 701(1) of
18 the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701,
19 by an individual who is not a retail licensee or a retail
20 licensee's clerk, agent, or employee, the secretary of state shall
21 suspend the person's license for 180 days. The secretary of state
22 may issue a person a restricted license during all or a specified
23 portion of the suspension.

24 **(13) THE SECRETARY OF STATE SHALL SUSPEND A PERSON'S LICENSE**
25 **AS PROVIDED IN THIS SECTION UPON RECEIVING EVIDENCE THAT THE PERSON**
26 **IS SUBJECT TO A FINAL DECISION OR ORDER FOR THE NONPAYMENT OF A**
27 **USER FEE AND ASSOCIATED COSTS UNDER SECTION 753(12) FOR THE SHORTER**

1 OF THE FOLLOWING:

2 (A) THIRTY DAYS.

3 (B) UNTIL THE SECRETARY OF STATE IS NOTIFIED BY EACH PUBLIC
4 AUTHORITY OR PRIVATE PARTY TO WHOM PAYMENT IS OWED UNDER THE FINAL
5 DECISION OR ORDER THAT THE FULL AMOUNT ORDERED HAS BEEN PAID, OR
6 UPON THE APPLICANT'S PRESENTATION OF EVIDENCE SATISFACTORY TO THE
7 SECRETARY OF STATE THAT THE FULL AMOUNT ORDERED HAS BEEN PAID.

8 (14) ~~(13)~~—Except as provided in subsection ~~(15)~~, ~~(16)~~, a
9 suspension under this section shall be imposed notwithstanding a
10 court order unless the court order complies with section 323.

11 (15) ~~(14)~~—If the secretary of state receives records of more
12 than 1 conviction of a person resulting from the same incident, a
13 suspension shall be imposed only for the violation to which the
14 longest period of suspension applies under this section.

15 (16) ~~(15)~~—The secretary of state may waive a restriction,
16 suspension, or revocation of a person's license imposed under this
17 act if the person submits proof that a court in another state
18 revoked, suspended, or restricted his or her license for a period
19 equal to or greater than the period of a restriction, suspension,
20 or revocation prescribed under this act for the violation and that
21 the revocation, suspension, or restriction was served for the
22 violation, or may grant a restricted license.

23 (17) ~~(16)~~—The secretary of state shall not issue a restricted
24 license to a person whose license is suspended under this section
25 unless a restricted license is authorized under this section and
26 the person is otherwise eligible for a license.

27 (18) ~~(17)~~—The secretary of state shall not issue a restricted

1 license to a person under subsection (8) that would permit the
2 person to operate a commercial motor vehicle.

3 (19) ~~(18)~~—Except as provided in subsection ~~(17)~~, ~~(18)~~, a
4 restricted license issued under this section shall permit the
5 person to whom it is issued to take any driving skills test
6 required by the secretary of state and to operate a vehicle under 1
7 or more of the following circumstances:

8 (a) In the course of the person's employment or occupation.

9 (b) To and from any combination of the following:

10 (i) The person's residence.

11 (ii) The person's work location.

12 (iii) An alcohol or drug education or treatment program as
13 ordered by the court.

14 (iv) The court probation department.

15 (v) A court-ordered community service program.

16 (vi) An educational institution at which the person is
17 enrolled as a student.

18 (vii) A place of regularly occurring medical treatment for a
19 serious condition for the person or a member of the person's
20 household or immediate family.

21 (viii) An ignition interlock service provider as required.

22 (20) ~~(19)~~—While driving with a restricted license, the person
23 shall carry proof of his or her destination and the hours of any
24 employment, class, or other reason for traveling and shall display
25 that proof upon a peace officer's request.

26 (21) ~~(20)~~—Subject to subsection ~~(22)~~, ~~(23)~~, as used in
27 subsection (8), "prior conviction" means a conviction for any of

1 the following, whether under a law of this state, a local ordinance
2 substantially corresponding to a law of this state, or a law of
3 another state substantially corresponding to a law of this state:

4 (a) Except as provided in subsection ~~(21)~~, **(22)**, a violation
5 or attempted violation of any of the following:

6 (i) Section 625, except a violation of section 625(2), or a
7 violation of any prior enactment of section 625 in which the
8 defendant operated a vehicle while under the influence of
9 intoxicating or alcoholic liquor or a controlled substance, or a
10 combination of intoxicating or alcoholic liquor and a controlled
11 substance, or while visibly impaired, or with an unlawful bodily
12 alcohol content.

13 (ii) Section 625m.

14 (iii) Former section 625b.

15 (b) Negligent homicide, manslaughter, or murder resulting from
16 the operation of a vehicle or an attempt to commit any of those
17 crimes.

18 (c) Beginning October 31, 2010, a violation of section 601d or
19 section 626(3) or (4).

20 **(22)** ~~(21)~~ Except for purposes of the suspensions described in
21 subsection (8)(c) and (d), only 1 violation or attempted violation
22 of section 625(6), a local ordinance substantially corresponding to
23 section 625(6), or a law of another state substantially
24 corresponding to section 625(6) may be used as a prior conviction.

25 **(23)** ~~(22)~~ If 2 or more convictions described in subsection
26 ~~(20)~~ **(21)** are convictions for violations arising out of the same
27 transaction, only 1 conviction shall be used to determine whether

1 the person has a prior conviction.

2 Sec. 741. (1) A civil infraction action is a civil action in
3 which the defendant is alleged to be responsible for a civil

4 infraction **OR A CIVIL VIOLATION**. A civil infraction **OR CIVIL**
5 **VIOLATION** action is commenced upon the issuance and service of a
6 citation as provided in section 742 **OR AS PROVIDED IN SECTION 753**.

7 The plaintiff in a civil infraction **OR CIVIL VIOLATION** action shall
8 be either the state if the alleged civil infraction is a violation
9 of this act, or a political subdivision if the alleged civil
10 infraction **OR CIVIL VIOLATION** is a violation of a local ordinance
11 of that subdivision ~~which~~**THAT** substantially corresponds to a
12 provision of this act.

13 (2) The following courts ~~shall~~ have jurisdiction over civil
14 infraction actions **AND CIVIL VIOLATIONS**:

15 (a) The district court.

16 (b) ~~Any~~**A** municipal court.

17 (3) The time specified in a citation for appearance shall be
18 within a reasonable time after the citation is issued ~~pursuant to~~
19 **UNDER** section 742 **OR AS PROVIDED IN SECTION 753**.

20 (4) The place specified in the citation for appearance shall
21 be the court listed in subsection (2) ~~which~~**THAT** has territorial
22 jurisdiction of the place where the civil infraction **OR CIVIL**
23 **VIOLATION** occurred. Venue in the district court shall be governed
24 by section 8312 of the revised judicature act of 1961, 1961 PA 236,
25 MCL 600.8312.

26 (5) If the person cited is a minor, that individual shall be
27 permitted to appear in court or to admit responsibility for a civil

1 infraction without the necessity of appointment of a guardian or
2 next friend. The courts listed in subsection (2) ~~shall~~ have
3 jurisdiction over the minor and may proceed in the same manner and
4 in all respects as if that individual were an adult.

5 (6) AS USED IN THIS SECTION, "CIVIL VIOLATION" MEANS THAT TERM
6 AS DEFINED IN SECTION 751.

7 USER FEES

8 SEC. 751. AS USED IN THIS SECTION THROUGH SECTION 753:

9 (A) "CIVIL VIOLATION" MEANS A VIOLATION OF A TRAFFIC LAW THAT
10 IS OR MAY BE PROSECUTED UNDER THIS SUBDIVISION AND THAT IS NOT A
11 CIVIL INFRACTION.

12 (B) "OWNER" MEANS A PERSON IN WHOSE NAME A MOTOR VEHICLE IS
13 REGISTERED IN THIS STATE, ANOTHER STATE, OR ANOTHER COUNTRY, OR
14 WITH THE FEDERAL GOVERNMENT, EXCEPT AS FOLLOWS:

15 (i) A MOTOR VEHICLE RENTAL OR LEASING COMPANY WHEN A MOTOR
16 VEHICLE REGISTERED BY THE COMPANY IS BEING OPERATED BY ANOTHER
17 PERSON UNDER A RENTAL OR LEASE AGREEMENT WITH THE COMPANY, IN WHICH
18 EVENT OWNER MEANS THE PERSON TO WHOM THE VEHICLE IS RENTED OR
19 LEASED.

20 (ii) A MOTOR VEHICLE DISPLAYING A DEALER LICENSE PLATE, IN
21 WHICH EVENT OWNER MEANS THE PERSON TO WHOM THE VEHICLE IS ASSIGNED
22 FOR USE.

23 (iii) A MOTOR VEHICLE THAT WAS REPORTED STOLEN TO A LAW
24 ENFORCEMENT AGENCY BEFORE THE TIME OF THE CIVIL VIOLATION, IN WHICH
25 EVENT OWNER MEANS THE PERSON WHO IS FOUND GUILTY OF STEALING THE
26 MOTOR VEHICLE.

27 (C) "PRIVATE PARTY" MEANS THAT TERM AS DEFINED IN THE MICHIGAN

1 ALTERNATIVE PROJECT DELIVERY ACT.

2 (D) "PUBLIC AUTHORITY" MEANS THAT TERM AS DEFINED IN THE
3 MICHIGAN ALTERNATIVE PROJECT DELIVERY ACT.

4 (E) "PUBLIC-PRIVATE AGREEMENT" MEANS THAT TERM AS DEFINED IN
5 THE MICHIGAN ALTERNATIVE PROJECT DELIVERY ACT.

6 (F) "USER FEE" MEANS USER FEES AS THAT TERM AS DEFINED IN THE
7 MICHIGAN ALTERNATIVE PROJECT DELIVERY ACT.

8 SEC. 752. (1) FAILURE TO PAY A USER FEE IS A CIVIL VIOLATION,
9 PUNISHABLE BY A FINE OF 3 TIMES THE AMOUNT OF THE USER FEE, IN
10 ADDITION TO PAYMENT OF THE UNPAID USER FEE AND ANY OTHER RIGHTS OR
11 REMEDIES AVAILABLE TO A PUBLIC AUTHORITY OR A PRIVATE PARTY AT LAW
12 OR UNDER A PUBLIC-PRIVATE AGREEMENT.

13 (2) IF AN OWNER FAILS TO PAY THE FINE OR OTHER AMOUNTS
14 DESCRIBED IN SUBSECTION (1) WITHIN 180 DAYS AFTER INCURRING A USER
15 FEE, A PUBLIC AUTHORITY OR A PRIVATE ENTITY AUTHORIZED BY A PUBLIC
16 AUTHORITY MAY REQUEST THE SECRETARY OF STATE TO CONDUCT AN
17 ADMINISTRATIVE HEARING. IF THE ADMINISTRATIVE HEARING RESULTS IN A
18 DETERMINATION THAT THE OWNER OWES UNPAID USER FEES, THE OWNER SHALL
19 ALSO REIMBURSE THE PUBLIC AUTHORITY OR PRIVATE ENTITY FOR COSTS OF
20 ENFORCEMENT AND COLLECTION, INCLUDING FILING FEES AND ATTORNEY
21 FEES. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE SECRETARY
22 OF STATE SHALL CONDUCT AN ADMINISTRATIVE HEARING REQUESTED UNDER
23 THIS SUBSECTION IN THE SAME MANNER AS A CONTESTED CASE UNDER THE
24 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO
25 24.328.

26 (3) DURING THE PERIOD THAT AN OWNER OWES USER FEES FOR USE OF
27 A TRANSPORTATION FACILITY AND HAS FAILED TO PAY THOSE FEES, A

1 PUBLIC AUTHORITY OR A PRIVATE PARTY AUTHORIZED BY A PUBLIC
2 AUTHORITY MAY PROHIBIT THAT OWNER OR A MOTOR VEHICLE USED BY THAT
3 OWNER FROM USING THE TRANSPORTATION FACILITY.

4 (4) A PUBLIC AUTHORITY OR A PRIVATE PARTY AUTHORIZED BY A
5 PUBLIC AUTHORITY MAY, BUT IS NOT REQUIRED TO, OFFER VIDEO,
6 ELECTRONIC, OR OTHER IMAGE CAPTURE TECHNOLOGY TOLL TRANSACTIONS AS
7 A MEANS OF PAYING USER FEES.

8 SEC. 753. (1) IF AN OWNER IS FOUND BY ELECTRONIC TRANSACTION
9 AND PAYMENT TECHNOLOGY OR IMAGE CAPTURE TECHNOLOGY OR BY VISUAL
10 OBSERVATION TO FAIL TO PAY A USER FEE, A PUBLIC AUTHORITY OR
11 PRIVATE PARTY TO WHOM THE USER FEE IS OWED SHALL DELIVER A NOTICE
12 OF PAYMENT DUE TO THE OWNER OR ANY OTHER PERSON WHO MAY BE
13 RESPONSIBLE FOR PAYING THE USER FEE AS PROVIDED IN THIS SECTION.

14 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A NOTICE
15 OF PAYMENT DUE DESCRIBED IN SUBSECTION (1) SHALL BE DELIVERED NO
16 LATER THAN 180 CALENDAR DAYS AFTER THE USER FEE IS INCURRED. IF THE
17 IDENTITY OR ADDRESS OF THE OWNER IS NOT ASCERTAINABLE WITHIN 180
18 CALENDAR DAYS AFTER THE USER FEE IS INCURRED, THE PUBLIC AUTHORITY
19 OR PRIVATE PARTY SHALL DELIVER THE NOTICE OF PAYMENT DUE NO LATER
20 THAN 270 DAYS AFTER THE USER FEE IS INCURRED.

21 (3) THE NOTICE OF PAYMENT DUE DESCRIBED IN SUBSECTION (1)
22 SHALL INCLUDE ALL OF THE FOLLOWING:

23 (A) THE DATE, APPROXIMATE TIME, AND APPROXIMATE LOCATION OF
24 THE TRANSACTION OR USE OF THE TRANSPORTATION FACILITY RESULTING IN
25 THE NONPAYMENT OF THE USER FEE.

26 (B) THE MOTOR VEHICLE'S REGISTRATION PLATE NUMBER.

27 (C) THE MAKE OF THE MOTOR VEHICLE, IF KNOWN.

1 (D) A PHOTOGRAPH OR IMAGE OF THE REGISTRATION PLATE OF THE
2 MOTOR VEHICLE THAT INCURRED THE USER FEE, IF AVAILABLE.

3 (E) THE AMOUNT OF THE USER FEE AND ANY ADMINISTRATIVE CHARGES
4 OR PENALTIES, STATED SEPARATELY.

5 (F) THE DEADLINE BY WHICH PAYMENT MUST BE MADE TO AVOID
6 INCURRING ADDITIONAL CHARGES OR OTHER CONSEQUENCES PROVIDED BY LAW.
7 THE DEADLINE DESCRIBED IN THIS SUBDIVISION SHALL NOT BE LESS THAN
8 14 CALENDAR DAYS AFTER THE DATE THAT THE NOTICE OF PAYMENT DUE IS
9 DELIVERED.

10 (G) THE ADDRESS OF THE PERSON TO WHOM PAYMENT MAY BE SENT.

11 (H) A STATEMENT DESCRIBING THE ACCEPTABLE METHODS OF MAKING
12 PAYMENT, INCLUDING BY MAIL.

13 (4) IF A USER FEE IS NOT PAID BY THE DUE DATE IN THE NOTICE OF
14 PAYMENT DESCRIBED IN SUBSECTION (3) (F), THE PUBLIC AUTHORITY OR
15 PRIVATE PARTY TO WHOM THE USER FEE IS OWED MAY DELIVER TO THE OWNER
16 A NOTICE OF NONPAYMENT.

17 (5) THE NOTICE OF NONPAYMENT DESCRIBED IN SUBSECTION (4) SHALL
18 INCLUDE ALL OF THE FOLLOWING:

19 (A) THE DATE, APPROXIMATE TIME, AND APPROXIMATE LOCATION OF
20 THE TRANSACTION OR USE OF THE TRANSPORTATION FACILITY RESULTING IN
21 THE NONPAYMENT OF THE USER FEE.

22 (B) THE MOTOR VEHICLE'S REGISTRATION PLATE NUMBER.

23 (C) THE MAKE OF THE MOTOR VEHICLE, IF KNOWN.

24 (D) A PHOTOGRAPH OR IMAGE OF THE REGISTRATION PLATE OF THE
25 MOTOR VEHICLE THAT INCURRED THE USER FEE, IF AVAILABLE.

26 (E) THE AMOUNT OF THE USER FEE AND ANY ADMINISTRATIVE CHARGES
27 OR PENALTIES, STATED SEPARATELY.

1 (F) A STATEMENT THAT NOTICE OF PAYMENT DUE WAS SENT, AND THAT
2 THE OWNER FAILED TO REMIT PAYMENT AS REQUIRED.

3 (G) THE DEADLINE BY WHICH PAYMENT MUST BE MADE TO AVOID
4 INCURRING ADDITIONAL CHARGES OR OTHER CONSEQUENCES PROVIDED BY LAW.
5 THE DEADLINE DESCRIBED IN THIS SUBDIVISION SHALL NOT BE LESS THAN
6 14 CALENDAR DAYS AFTER THE DATE THAT THE NOTICE OF NONPAYMENT OF
7 USER FEE IS DELIVERED.

8 (H) A STATEMENT THAT IF THE AMOUNT OWING AS DESCRIBED IN THE
9 NOTICE OF NONPAYMENT IS NOT PAID BY THE DEADLINE UNDER SUBDIVISION
10 (G), THE NONPAYMENT IS A CIVIL VIOLATION, AND THE RECIPIENT OF THE
11 NOTICE MAY BE SUBJECT TO ADDITIONAL ACTION UNDER THIS ACT AND ANY
12 OTHER APPLICABLE LAW.

13 (I) THE ADDRESS OF THE PERSON TO WHOM PAYMENT MAY BE SENT.

14 (J) A STATEMENT DESCRIBING THE ACCEPTABLE METHODS OF MAKING
15 PAYMENT, INCLUDING BY MAIL.

16 (6) A PUBLIC AUTHORITY OR PRIVATE PARTY TO WHOM PAYMENT OF A
17 USER FEE IS OWING THAT SEEKS TO ENFORCE COLLECTION OF THE USER FEE,
18 ADMINISTRATIVE CHARGES, AND PENALTIES, OR AN OWNER WHO RECEIVES A
19 NOTICE DELIVERED UNDER SUBSECTION (5) WHO WISHES TO CONTEST THE
20 NONPAYMENT OF THE USER FEE MAY REQUEST THE SECRETARY OF STATE TO
21 CONDUCT AN ADMINISTRATIVE HEARING NO LATER THAN 1 YEAR AFTER THE
22 DEADLINE PRESCRIBED IN THE NOTICE DELIVERED UNDER SUBSECTION (5).
23 EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE SECRETARY OF
24 STATE SHALL CONDUCT AN ADMINISTRATIVE HEARING REQUESTED UNDER THIS
25 SUBSECTION IN THE SAME MANNER AS A CONTESTED CASE UNDER THE
26 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO
27 24.328.

1 (7) IF A PUBLIC AUTHORITY OR PRIVATE PARTY TO WHOM PAYMENT OF
2 A USER FEE IS OWING REQUESTS AN ADMINISTRATIVE HEARING UNDER
3 SUBSECTION (6), THE OWNER MAY CONTEST THE ALLEGED NONPAYMENT AND
4 ASSOCIATED ADMINISTRATIVE CHARGES AND PENALTIES AT THE HEARING. THE
5 SCOPE OF THE HEARING SHALL BE LIMITED TO THE USER FEES,
6 ADMINISTRATIVE CHARGES, AND PENALTIES IDENTIFIED IN THE NOTICE
7 DELIVERED UNDER SUBSECTION (5).

8 (8) IF THE EVIDENCE PRESENTED BY A PUBLIC AUTHORITY OR PRIVATE
9 PARTY TO WHOM A USER FEE IS OWING INCLUDES ALL OF THE FOLLOWING, IT
10 SHALL BE CONSIDERED PRIMA FACIE EVIDENCE OF THE NONPAYMENT OF THE
11 AMOUNTS DESCRIBED IN THE NOTICE DELIVERED UNDER SUBSECTION (5):

12 (A) THE NOTICE OF PAYMENT DUE.

13 (B) THE NOTICE OF NONPAYMENT.

14 (C) INFORMATION RECEIVED FROM THE SECRETARY OF STATE OR ANY
15 OTHER STATE OR LOCAL GOVERNMENT AGENCY THAT IDENTIFIES THE OWNER.

16 (D) A CERTIFICATE SWORN TO OR AFFIRMED BY A PERSON EMPLOYED,
17 ENGAGED, OR AUTHORIZED BY A PUBLIC AUTHORITY OR A PRIVATE PARTY TO
18 WHOM A USER FEE IS OWING THAT STATES, TO THE KNOWLEDGE OF THAT
19 PERSON, ALL OF THE FOLLOWING:

20 (i) THE NOTICE OF PAYMENT DUE AND THE NOTICE OF NONPAYMENT ARE
21 AUTHENTIC.

22 (ii) THE AMOUNT DUE IS ACCURATE.

23 (iii) THE NOTICE OF PAYMENT DUE AND THE NOTICE OF NONPAYMENT
24 WERE DELIVERED AS REQUIRED BY THIS SECTION.

25 (E) IF THE OWNER IS A LESSEE OF THE MOTOR VEHICLE, A COPY OF
26 THE RENTAL AGREEMENT, LEASE, CONTRACT DOCUMENT, OR AN AFFIDAVIT
27 THAT IDENTIFIES THE LESSEE AT THE TIME OF THE ALLEGED NONPAYMENT.

1 (F) IF THE OWNER IS A TRANSFEREE OF TITLE TO THE MOTOR
2 VEHICLE, A COPY OF THE ASSIGNMENT OF TITLE OR INTEREST IN THE MOTOR
3 VEHICLE AND A WARRANTY TO THE TRANSFEREE THAT EVIDENCES A TRANSFER
4 OF TITLE TO THE PERSON IDENTIFIED IN THE NOTICE OF NONPAYMENT PRIOR
5 TO THE DATE OF THE ALLEGED NONPAYMENT.

6 (9) A PERSON AUTHORIZED TO ISSUE A NOTICE OF PAYMENT DUE OR
7 NOTICE OF NONPAYMENT IS NOT REQUIRED TO PARTICIPATE IN A HEARING
8 UNDER SUBSECTION (7) AND IS NOT SUBJECT TO A SUBPOENA.

9 (10) IF A PUBLIC AUTHORITY OR PRIVATE PARTY TO WHOM PAYMENT OF
10 A USER FEE IS OWING REQUESTS A HEARING UNDER SUBSECTION (7) AND THE
11 OWNER FAILS TO APPEAR AT THE TIME OF THE HEARING TO CONTEST THE
12 NONPAYMENT, THE HEARING OFFICER SHALL MAKE A RECORD OF THE EVIDENCE
13 DESCRIBED IN SUBSECTION (8) AND ENTER A WRITTEN DECISION OR ORDER
14 BASED ON THE EVIDENCE PRESENTED BY THE PUBLIC AUTHORITY OR PRIVATE
15 ENTITY TO WHOM PAYMENT OF THE USER FEE IS OWING.

16 (11) UPON ENTRY OF A DECISION OR ORDER AFTER A HEARING UNDER
17 SUBSECTION (7) OR (10), IF THE HEARING OFFICER FINDS THAT THE OWNER
18 IS RESPONSIBLE FOR AN UNPAID USER FEE, THE HEARING OFFICER SHALL
19 DIRECT THE OWNER TO REMIT THE UNPAID USER FEE, ADMINISTRATIVE
20 CHARGES, AND OTHER PENALTIES TO THE APPROPRIATE PUBLIC AUTHORITY OR
21 PRIVATE ENTITY TO WHOM THE USER FEE IS OWING NO LATER THAN 14
22 CALENDAR DAYS AFTER ENTRY OF THE DECISION OR ORDER.

23 (12) UNLESS AN AGGRIEVED PARTY APPEALS THE DECISION OR ORDER
24 WITHIN THE APPLICABLE TIME LIMIT, A DECISION OR ORDER OF THE
25 HEARING OFFICER AFTER AN ADMINISTRATIVE HEARING UNDER SUBSECTION
26 (7) OR (10) IS FINAL AND MAY BE ENFORCED BY EXECUTION AND LEVY.
27 AFTER A DECISION OR ORDER BECOMES FINAL, EACH PERSON DETERMINED IN

1 THE FINAL DECISION OR ORDER TO BE LIABLE FOR THE NONPAYMENT OF A
2 USER FEE IS CONSIDERED TO BE INDEBTED TO THE PUBLIC AUTHORITY OR
3 PRIVATE ENTITY TO WHOM PAYMENT OF THE USER FEE IS OWED FOR THE USER
4 FEE, ADMINISTRATIVE CHARGES, AND PENALTIES, AS WELL AS ANY ASSESSED
5 FILING FEES AND POST-AWARD COLLECTION AND EXECUTION COSTS, UNTIL
6 THOSE AMOUNTS ARE FULLY PAID OR COMPROMISED IN A MUTUALLY AGREED-
7 UPON SETTLEMENT.

8 (13) ONCE A DECISION BECOMES FINAL UNDER SUBSECTION (12), A
9 PUBLIC AUTHORITY OR PRIVATE ENTITY TO WHOM PAYMENT OF A USER FEE IS
10 OWING MAY DO ANY OF THE FOLLOWING TO COLLECT THE AMOUNT DUE:

11 (A) LEVY THE PERSON'S ASSETS.

12 (B) PLACE A LIEN AGAINST THE PERSON'S PROPERTY.

13 (C) GARNISH THE PERSON'S WAGES.

14 (D) ANY OTHER ACTIONS AUTHORIZED BY STATE LAW, INCLUDING
15 IMPOUNDING THE OWNER'S MOTOR VEHICLE UNTIL THE AMOUNT DUE IS PAID.

16 Enacting section 1. This amendatory act does not take effect
17 unless Senate Bill No. 627

18 of the 98th Legislature is enacted into law.