

**HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 478**

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending section 321a (MCL 257.321a), as amended by 2012 PA 13.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 321a. (1) A person who fails to answer a citation, or a  
2 notice to appear in court for a violation reportable to the  
3 secretary of state under section 732 or a local ordinance  
4 substantially corresponding to a violation of a law of this state  
5 reportable to the secretary of state under section 732, or for any  
6 matter pending, or who fails to comply with an order or judgment of  
7 the court, including, but not limited to, paying all fines, costs,  
8 fees, and assessments, is guilty of a misdemeanor punishable by  
9 imprisonment for not more than 93 days or a fine of not more than  
10 \$100.00, or both. A violation of this subsection or failure to  
11 answer a citation or notice to appear for a violation of section

1 33b(1) of former 1933 (Ex Sess) PA 8, section 703(1) of the  
2 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or  
3 a local ordinance substantially corresponding to either of those  
4 sections ~~shall~~**MUST** not be considered a violation for any purpose  
5 under section 320a.

6 (2) Except as provided in subsection (3), 28 days or more  
7 after a person fails to answer a citation, or a notice to appear in  
8 court for a violation reportable to the secretary of state under  
9 section 732 or a local ordinance substantially corresponding to a  
10 violation of a law of this state reportable to the secretary of  
11 state under section 732, **INCLUDING FOR A VIOLATION OF SECTION**  
12 **703(1) (A) OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58,**  
13 **MCL 436.1703,** or for any matter pending, or fails to comply with an  
14 order or judgment of the court, including, but not limited to,  
15 paying all fines, costs, fees, and assessments, the court shall  
16 give notice by mail at the last known address of the person that if  
17 the person fails to appear or fails to comply with the order or  
18 judgment within 14 days after the notice is issued, the secretary  
19 of state shall suspend the person's operator's or chauffeur's  
20 license. If the person fails to appear or fails to comply with the  
21 order or judgment within the 14-day period, the court shall, within  
22 14 days, inform the secretary of state, who shall immediately  
23 suspend the license of the person. The secretary of state shall  
24 immediately notify the person of the suspension by regular mail at  
25 the person's last 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), (6), or (8) and the  
2 person fails to answer a citation or a notice to appear in court,  
3 or for any matter pending, or fails to comply with an order or  
4 judgment of the court, including, but not limited to, paying all  
5 fines, costs, and crime victim rights assessments, the court shall  
6 immediately give notice by first-class mail sent to the person's  
7 last 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 fails  
13 to appear within the 7-day period, or fails to comply with the  
14 order or judgment of the court, including, but not limited to,  
15 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  
22 violation of section 33b(1) of former 1933 (Ex Sess) PA 8, section  
23 ~~703(1)~~**703(1)(B) OR (C)** of the Michigan liquor control code of  
24 1998, 1998 PA 58, MCL 436.1703, section 624a, section 624b, or a  
25 local ordinance substantially corresponding to those sections and  
26 the person fails to answer a citation or a notice to appear in  
27 court issued under section 33b of former 1933 (Ex Sess) PA 8,

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

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

25 (a) The secretary of state is notified by each court in which  
26 the person failed to answer a citation or notice to appear or  
27 failed to pay a fine or cost that the person has answered that

1 citation or notice to appear or paid that fine or cost.

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

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

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

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

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

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

27 (b) Failed to answer 3 or more parking violation notices or

1 citations regarding illegal parking. ~~or, beginning January 1, 2018,~~  
2 ~~failed to answer 6 or more parking violation notices or citations~~  
3 ~~regarding illegal parking.~~

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

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

11 (b) The person has paid to the court a \$45.00 driver license  
12 clearance fee. If the court determines that the person is  
13 responsible for only 1 parking violation under subsection (7)(a) or  
14 ~~less~~ **FEWER** than 3 parking violations under subsection (7)(b), ~~or,~~  
15 ~~beginning January 1, 2018, less than 6 parking violations under~~  
16 ~~subsection (7)(b),~~ for which the person's license was not issued or  
17 renewed under this subsection, the court may waive payment of the  
18 fee.

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

1 that failure. Upon receiving notice of that failure, the secretary  
2 of state shall not issue or renew an operator's or chauffeur's  
3 license for the person until both of the following occur:

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

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

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

21 (11) For each fee received under subsection (5)(b), (8)(b), or  
22 (9)(b), the court shall transmit the following amounts on a monthly  
23 basis:

24 (a) Fifteen dollars to the secretary of state. The funds  
25 received by the secretary of state under this subdivision ~~shall~~  
26 **MUST** be deposited in the state general fund and shall be used to  
27 defray the expenses of the secretary of state in processing the

1 suspension and reinstatement of driver licenses under this section.

2 (b) Fifteen dollars to 1 of the following, as applicable:

3 (i) If the matter is before the circuit court, to the  
4 treasurer of the county for deposit in the general fund.

5 (ii) If the matter is before the district court, to the  
6 treasurer of the district funding unit for that court, for deposit  
7 in the general fund. As used in this section, "district funding  
8 unit" means that term as defined in section 8104 of the revised  
9 judicature act of 1961, 1961 PA 236, MCL 600.8104.

10 (iii) If the matter is before a municipal court, to the  
11 treasurer of the city in which the municipal court is located, for  
12 deposit in the general fund.

13 (c) Fifteen dollars to the juror compensation reimbursement  
14 fund created in section 151d of the revised judicature act of 1961,  
15 1961 PA 236, MCL 600.151d.

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

20 (13) The secretary of state shall immediately suspend the  
21 operator's and chauffeur's license of a person licensed to operate  
22 a commercial motor vehicle, or a person who operates a commercial  
23 motor vehicle without a license to operate that vehicle, if the  
24 person fails to answer an out-state citation, or a notice to appear  
25 in a court or an authorized administrative tribunal for a violation  
26 reportable to the secretary of state under section 732, or fails to  
27 comply with an order or judgment of an out-state court or an



1 authorized administrative tribunal reportable to the secretary of  
2 state under section 732, or fails to appear or fails to comply with  
3 the out-state court or an authorized administrative tribunal order  
4 or judgment reportable to the secretary of state under section 732,  
5 including, but not limited to, paying all fines, costs, fees, and  
6 assessments. For a suspension imposed under this subsection, the  
7 secretary of state shall immediately notify the person of the  
8 suspension by regular mail at the person's last known address.

9 (14) A suspension imposed under subsection (13) remains in  
10 effect until the secretary of state is notified by the court or  
11 authorized administrative tribunal of the other state in which the  
12 person failed to answer a citation, or notice to appear, or failed  
13 to pay a fine or cost, that the person has answered that citation  
14 or notice to appear or has paid the fine or cost.

15 (15) The secretary of state shall not suspend the person's  
16 license under subsection (13) if the person fails to appear in  
17 response to a citation issued for, or fails to comply with an order  
18 or judgment involving, the parking or standing of a vehicle.

19 (16) The secretary of state, upon being informed of the  
20 failure of a person to appear or comply as provided in subsection  
21 (13), shall not issue a license to the person or renew a license  
22 for the person until the court or authorized administrative  
23 tribunal of the other state informs the secretary of state that the  
24 person has resolved all outstanding matters regarding the notices,  
25 orders, or citations.

26 Enacting section 1. This amendatory act takes effect January  
27 1, 2018.