

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 630

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

1 \$100.00, or both. A violation of this subsection or failure to
2 answer a citation or notice to appear for a violation of section
3 33b(1) of former 1933 (Ex Sess) PA 8, section 703(1) of the
4 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or
5 a local ordinance substantially corresponding to either of those
6 sections ~~shall~~**MUST** not be considered a violation for any purpose
7 under section 320a.

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

1 (3) If the person is charged with, or convicted of, a
2 violation of section 625 or a local ordinance substantially
3 corresponding to section 625(1), (2), (3), (6), or (8) and the
4 person fails to answer a citation or a notice to appear in court,
5 or for any matter pending, or fails to comply with an order or
6 judgment of the court, including, but not limited to, paying all
7 fines, costs, and crime victim rights assessments, the court shall
8 immediately give notice by first-class mail sent to the person's
9 last known address that if the person fails to appear within 7 days
10 after the notice is issued, or fails to comply with the order or
11 judgment of the court, including, but not limited to, paying all
12 fines, costs, and crime victim rights assessments, within 14 days
13 after the notice is issued, the secretary of state shall suspend
14 the person's operator's or chauffeur's license. If the person fails
15 to appear within the 7-day period, or fails to comply with the
16 order or judgment of the court, including, but not limited to,
17 paying all fines, costs, and crime victim rights assessments,
18 within the 14-day period, the court shall immediately inform the
19 secretary of state who shall immediately suspend the person's
20 operator's or chauffeur's license and notify the person of the
21 suspension by first-class mail sent to the person's last known
22 address.

23 (4) If the person is charged with, or convicted of, a
24 violation of section 33b(1) of former 1933 (Ex Sess) PA 8, section
25 ~~703(1)~~**703(1) (B) OR (C)** of the Michigan liquor control code of
26 1998, 1998 PA 58, MCL 436.1703, section 624a, section 624b, or a
27 local ordinance substantially corresponding to those sections and

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

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

27 (a) The secretary of state is notified by each court in which

1 the person failed to answer a citation or notice to appear or
2 failed to pay a fine or cost that the person has answered that
3 citation or notice to appear or paid that fine or cost.

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

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

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

13 (b) A pedestrian, passenger, or bicycle violation, other than
14 a violation of section 33b(1) or (2) of former 1933 (Ex Sess) PA 8,
15 section 703(1) or (2) of the Michigan liquor control code of 1998,
16 1998 PA 58, MCL 436.1703, section 624a or 624b, or a local
17 ordinance substantially corresponding to section 33b(1) or (2) of
18 former 1933 (Ex Sess) PA 8, section 703(1) or (2) of the Michigan
19 liquor control code of 1998, 1998 PA 58, MCL 436.1703, or section
20 624a or 624b.

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

25 (a) Failed to answer 2 or more parking violation notices or
26 citations for violating a provision of this act or an ordinance
27 substantially corresponding to a provision of this act pertaining

1 to parking for persons with disabilities.

2 (b) Failed to answer 3 or more parking violation notices or
3 citations regarding illegal parking or, beginning January 1, 2018,
4 failed to answer 6 or more parking violation notices or citations
5 regarding illegal parking.

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

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

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

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

1 described in this subsection within 14 days after the notice is
2 issued, the court will give to the secretary of state notice of
3 that failure. Upon receiving notice of that failure, the secretary
4 of state shall not issue or renew an operator's or chauffeur's
5 license for the person until both of the following occur:

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

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

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

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

26 (a) Fifteen dollars to the secretary of state. The funds
27 received by the secretary of state under this subdivision ~~shall~~

1 **MUST** be deposited in the state general fund and ~~shall~~**MUST** be used
2 to defray the expenses of the secretary of state in processing the
3 suspension and reinstatement of driver licenses under this section.

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

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

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

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

15 (c) Fifteen dollars to the juror compensation reimbursement
16 fund created in section 151d of the revised judicature act of 1961,
17 1961 PA 236, MCL 600.151d.

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

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

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

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

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

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

1 Enacting section 1. This amendatory act takes effect January
2 1, 2018.