

HOUSE BILL No. 4726

March 31, 2009, Introduced by Reps. Roy Schmidt, Green, Gregory, Kandrevas, Slezak, Robert Jones, Dean and Cushingberry and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 321a (MCL 257.321a), as amended by 2004 PA 362.

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

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

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

25 (3) If the person is charged with, or convicted of, a
26 violation of section 625 or a local ordinance substantially
27 corresponding to section 625(1), (2), (3), (6), or (8) and the

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

20 (4) If the person is charged with, or convicted of, a
21 violation of section 33b(1) of former 1933 (Ex Sess) PA 8, section
22 703(1) of the Michigan liquor control code of 1998, 1998 PA 58, MCL
23 436.1703, section 624a, section 624b, or a local ordinance
24 substantially corresponding to those sections and the person fails
25 to answer a citation or a notice to appear in court issued pursuant
26 to section 33b of former 1933 (Ex Sess) PA 8, section 703 of the
27 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703,

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

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

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

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

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

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

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

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

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

26 (b) Failed to answer ~~6~~3 or more parking violation notices or
27 citations regarding illegal parking.

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

5 (a) The court informs the secretary of state that the person
6 has resolved all outstanding matters regarding the notices or
7 citations.

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

14 (9) Not less than 28 days after a person fails to appear in
15 response to a citation issued for, or fails to comply with an order
16 or judgment involving, a state civil infraction described in
17 chapter 88 of the revised judicature act of 1961, 1961 PA 236, MCL
18 600.8801 to 600.8835, the court shall give notice by ordinary mail,
19 addressed to the person's last known address, that if the person
20 fails to appear or fails to comply with the order or judgment
21 described in this subsection within 14 days after the notice is
22 issued, the court will give to the secretary of state notice of
23 that failure. Upon receiving notice of that failure, the secretary
24 of state shall not issue or renew an operator's or chauffeur's
25 license for the person until both of the following occur:

26 (a) The court informs the secretary of state that the person
27 has resolved all outstanding matters regarding each notice or

1 citation.

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

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

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

19 (a) Fifteen dollars to the secretary of state. The funds
20 received by the secretary of state under this subdivision shall be
21 deposited in the state general fund and shall be used to defray the
22 expenses of the secretary of state in processing the suspension and
23 reinstatement of driver licenses under this section.

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

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

27 (ii) If the matter is before the district court, to the

1 treasurer of the district funding unit for that court, for deposit
2 in the general fund. As used in this section, "district funding
3 unit" means that term as defined in section 8104 of the revised
4 judicature act of 1961, 1961 PA 236, MCL 600.8104.

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

8 (c) Fifteen dollars to the juror compensation reimbursement
9 fund created in section 151d of the revised judicature act of 1961,
10 1961 PA 236, MCL 600.151d.

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

15 (13) The secretary of state shall immediately suspend the
16 operator's and chauffeur's license of a person licensed to operate
17 a commercial motor vehicle, or a person who operates a commercial
18 motor vehicle without a license to operate that vehicle, if the
19 person fails to answer an out-state citation, or a notice to appear
20 in a court or an authorized administrative tribunal for a violation
21 reportable to the secretary of state under section 732(16), or
22 fails to comply with an order or judgment of an out-state court or
23 an authorized administrative tribunal reportable to the secretary
24 of state under section 732(16), or fails to appear or fails to
25 comply with the out-state court or an authorized administrative
26 tribunal order or judgment reportable to the secretary of state
27 under section 732(16), including, but not limited to, paying all

1 fines, costs, fees, and assessments. For a suspension imposed under
2 this subsection, the secretary of state shall immediately notify
3 the person of the suspension by regular mail at the person's last
4 known address.

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

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

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