

SENATE BILL No. 607

September 7, 2011, Introduced by Senators HOOD, YOUNG, JOHNSON, ANDERSON, SMITH, HOPGOOD, GLEASON, WHITMER and BIEDA 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
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 not be considered a violation for any purpose under
5 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, or for any matter pending, or fails to
12 comply with an order or judgment of the court, including, but not
13 limited to, paying all fines, costs, fees, and assessments, the
14 court shall give notice by mail at the last known address of the
15 person that if the person fails to appear or fails to comply with
16 the order or judgment within 14 days after the notice is issued,
17 the secretary of state shall suspend the person's operator's or
18 chauffeur's license. If the person fails to appear or fails to
19 comply with the order or judgment within the 14-day period, the
20 court shall, within 14 days, inform the secretary of state, who
21 shall immediately suspend the license of the person. The secretary
22 of state shall immediately notify the person of the suspension by
23 regular mail at the person's last known address.

24 (3) If the person is charged with, or convicted of, a
25 violation of section 625 or a local ordinance substantially
26 corresponding to section 625(1), (2), (3), (6), or (8) and the
27 person fails to answer a citation or a notice to appear in court,

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

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

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

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

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

27 (b) The person has paid to the court a \$45.00 driver license

1 clearance fee for each failure to answer a citation or failure to
2 pay a fine or cost.

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

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

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

17 (7) The court may notify a person who has done either of the
18 following, that if the person does not appear within ~~10~~31 days
19 after the notice is issued, the court will inform the secretary of
20 state of the person's failure to appear:

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

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

27 (8) The secretary of state, upon being informed of the failure

1 of a person to appear or comply as provided in subsection (7),
2 shall not issue a license to the person or renew a license for the
3 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 the notices or
6 citations.

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
9 responsible for only 1 parking violation under subsection (7)(a) or
10 less than ~~6-3~~ parking violations under subsection (7)(b) for which
11 the person's license was not issued or renewed under this
12 subsection, the court may waive payment of the fee.

13 **(9) A PERSON WHO APPEARS WITHIN 31 DAYS AFTER NOTICE IS ISSUED**
14 **AS DESCRIBED IN SUBSECTION (7) SHALL BE REQUIRED TO PAY NOT MORE**
15 **THAN 50% OF THE FINE OR FINES IMPOSED FOR PARKING TICKETS DESCRIBED**
16 **IN SUBSECTION (7) (A) OR (B), BUT SHALL BE REQUIRED TO PAY THE FULL**
17 **AMOUNT OF ANY CLEARANCE FEE DESCRIBED IN SUBSECTION (8). A PERSON**
18 **MAY INVOKE THE FORBEARANCE PROVISION OF THIS SUBSECTION ONLY 1**
19 **TIME. THE FORBEARANCE PROVISION IN THIS SUBSECTION APPLIES UNTIL**
20 **THE EXPIRATION OF 4 YEARS AFTER THE EFFECTIVE DATE OF THE**
21 **AMENDATORY ACT THAT ADDED THIS SUBSECTION.**

22 (10) ~~(9)~~ Not less than 28 days after a person fails to appear
23 in response to a citation issued for, or fails to comply with an
24 order or judgment involving, a state civil infraction described in
25 chapter 88 of the revised judicature act of 1961, 1961 PA 236, MCL
26 600.8801 to 600.8835, the court shall give notice by ordinary mail,
27 addressed to the person's last known address, that if the person

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

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

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

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

24 (12) ~~(11)~~ For each fee received under subsection (5) (b),
25 (8) (b), or ~~(9) (b), (10) (B)~~, the court shall transmit the following
26 amounts on a monthly basis:

27 (a) Fifteen dollars to the secretary of state. The funds

1 received by the secretary of state under this subdivision shall be
2 deposited in the state general fund and shall be used to defray the
3 expenses of the secretary of state in processing the suspension and
4 reinstatement of driver licenses under this section.

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

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

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

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

16 (c) Fifteen dollars to the juror compensation reimbursement
17 fund created in section 151d of the revised judicature act of 1961,
18 1961 PA 236, MCL 600.151d.

19 (13) ~~(12)~~—Section 819 does not apply to a reinstatement fee
20 collected for an operator's or chauffeur's license that is not
21 issued or renewed under section 8827 of the revised judicature act
22 of 1961, 1961 PA 236, MCL 600.8827.

23 (14) ~~(13)~~—The secretary of state shall immediately suspend the
24 operator's and chauffeur's license of a person licensed to operate
25 a commercial motor vehicle, or a person who operates a commercial
26 motor vehicle without a license to operate that vehicle, if the
27 person fails to answer an out-state citation, or a notice to appear

1 in a court or an authorized administrative tribunal for a violation
2 reportable to the secretary of state under section ~~732(16)~~, **732**, or
3 fails to comply with an order or judgment of an out-state court or
4 an authorized administrative tribunal reportable to the secretary
5 of state under section ~~732(16)~~, **732**, or fails to appear or fails to
6 comply with the out-state court or an authorized administrative
7 tribunal order or judgment reportable to the secretary of state
8 under section ~~732(16)~~, **732**, including, but not limited to, paying
9 all fines, costs, fees, and assessments. For a suspension imposed
10 under this subsection, the secretary of state shall immediately
11 notify the person of the suspension by regular mail at the person's
12 last known address.

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

19 (16) ~~(15)~~—The secretary of state shall not suspend the
20 person's license under subsection ~~(13)~~—**(14)** if the person fails to
21 appear in response to a citation issued for, or fails to comply
22 with an order or judgment involving, the parking or standing of a
23 vehicle.

24 (17) ~~(16)~~—The secretary of state, upon being informed of the
25 failure of a person to appear or comply as provided in subsection
26 ~~(13)~~, **(14)**, shall not issue a license to the person or renew a
27 license for the person until the court or authorized administrative

1 tribunal of the other state informs the secretary of state that the
2 person has resolved all outstanding matters regarding the notices,
3 orders, or citations.