

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

***** 257.321a.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 *****

257.321a.amended Failure to answer citation or notice to appear in court; failure to comply with order or judgment; notice and duration of suspension; exceptions; effect of failure to appear; giving copy of information transmitted to secretary of state to person; driver license reinstatement fees; failure to answer out-state citation, comply with out-state order or judgment, or appear in court or administrative tribunal under MCL 257.732; parking or standing of vehicle; resolution of outstanding matters regarding notices, orders, or citations; "a serious offense involving a motor vehicle" defined.

Sec. 321a. (1) Except as provided in subsection (2), 28 days or more after an individual fails to answer a citation, or a notice to appear in court for a violation for which license suspension is allowed under this act or a local ordinance that substantially corresponds to a violation for which license suspension is allowed under this act, or fails to comply with an order or judgment of the court for a violation for which license suspension is allowed under this act, including, but not limited to, paying all fines, costs, fees, and assessments, the court shall give notice by mail at the last known address of the individual that if the individual fails to appear or fails to comply with the order or judgment within 14 days after the notice is issued, the secretary of state shall suspend the individual's operator's or chauffeur's license. If the individual fails to appear or fails to comply with the order or judgment within the 14-day period, the court shall, within 14 days, inform the secretary of state, who shall immediately suspend the license of the individual. The secretary of state shall immediately notify the individual of the suspension by regular mail at the individual's last known address.

(2) If an individual is charged with, or convicted of, a violation of section 625, section 626, any driving violation under this act that causes injury, death, or serious impairment of a body function of another individual, a serious offense involving a motor vehicle, or a local ordinance that substantially corresponds to section 625(1), (2), (3), (6), or (8) or 626, and the individual fails to answer a citation or a notice to appear in court, or a notice to appear for any matter pending, or fails to comply with an order or judgment of the court, including, but not limited to, paying all fines, costs, and crime victim rights assessments, the court shall immediately give notice by first-class mail sent to the individual's last known address that if the individual fails to appear within 7 days after the notice is issued, or fails to comply with the order or judgment of the court, including, but not limited to, paying all fines, costs, and crime victim rights assessments, within 14 days after the notice is issued, the secretary of state shall suspend the individual's operator's or chauffeur's license. If the individual fails to appear within the 7-day period, or fails to comply with the order or judgment of the court, including, but not limited to, paying all fines, costs, and crime victim rights assessments, within the 14-day period, the court shall immediately inform the secretary of state who shall immediately suspend the individual's operator's or chauffeur's license and notify the individual of the suspension by first-class mail sent to the individual's last known address.

(3) A suspension imposed under subsection (1) or (2) remains in effect until both of the following occur:

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

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

(4) For the purposes of subsection (3)(a), the court shall give to the individual a copy of the information being transmitted to the secretary of state. Upon showing that copy, the individual must not be arrested or issued a citation for driving on a suspended license, on an expired license, or without a license on the basis of any matter resolved under subsection (3)(a), even if the information being sent to the secretary of state has not yet been received or recorded by the department.

(5) For each fee received under subsection (3)(b), the court shall transmit the following amounts on a monthly basis:

(a) Fifteen dollars to the secretary of state. The money received by the secretary of state under this subdivision must be deposited in the state general fund and must be used to defray the expenses of the secretary of state in processing the suspension and reinstatement of driver licenses under this section.

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

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

(ii) If the matter is before the district court, to the treasurer of the district funding unit for that court, for deposit in the general fund. As used in this section, "district funding unit" means that term as defined in

section 8104 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8104.

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

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

(6) The secretary of state shall immediately suspend the operator's and chauffeur's license of an individual licensed to operate a commercial motor vehicle, or an individual who operates a commercial motor vehicle without a license to operate that vehicle, if the individual fails to answer an out-state citation, or a notice to appear in a court or an authorized administrative tribunal for a violation reportable to the secretary of state under section 732, or fails to comply with an order or judgment of an out-state court or an authorized administrative tribunal reportable to the secretary of state under section 732, or fails to appear or fails to comply with the out-state court or an authorized administrative tribunal order or judgment reportable to the secretary of state under section 732, including, but not limited to, paying all fines, costs, fees, and assessments. For a suspension imposed under this subsection, the secretary of state shall immediately notify the individual of the suspension by regular mail at the individual's last known address.

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

(8) The secretary of state shall not suspend the individual's license under subsection (6) if the individual fails to appear in response to a citation issued for, or fails to comply with an order or judgment involving, the parking or standing of a vehicle.

(9) The secretary of state, on being informed of the failure of an individual to appear or comply as provided in subsection (6), shall not issue a license to the individual or renew a license for the individual until the court or authorized administrative tribunal of the other state informs the secretary of state that the individual has resolved all outstanding matters regarding the notices, orders, or citations.

(10) As used in this section, "a serious offense involving a motor vehicle" means a felony or misdemeanor punishable by at least 93 days in jail, during the commission of which the individual operated a motor vehicle in a manner that presented real or potential harm to a person or property and 1 or more of the following circumstances apply to the offense:

- (a) The motor vehicle was used as an instrument of the offense.
- (b) The motor vehicle was used to transport a victim of the offense.
- (c) The motor vehicle was used to flee the scene of the offense.
- (d) The motor vehicle was necessary for the commission of the offense.

History: Add. 1968, Act 332, Eff. Jan. 1, 1969;—Am. 1978, Act 391, Eff. Jan. 15, 1979;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 1987, Act 232, Imd. Eff. Dec. 28, 1987;—Am. 1988, Act 205, Eff. July 1, 1988;—Am. 1988, Act 346, Eff. Jan. 1, 1990;—Am. 1989, Act 89, Eff. Sept. 19, 1989;—Am. 1991, Act 95, Eff. Jan. 1, 1992;—Am. 1994, Act 211, Eff. Nov. 1, 1994;—Am. 1995, Act 55, Eff. Jan. 1, 1996;—Am. 1996, Act 493, Eff. Apr. 1, 1997;—Am. 1998, Act 68, Imd. Eff. May 4, 1998;—Am. 1998, Act 343, Eff. Oct. 1, 1999;—Am. 1999, Act 73, Eff. Oct. 1, 1999;—Am. 2002, Act 741, Eff. Jan. 1, 2003;—Am. 2004, Act 62, Eff. May 3, 2004;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2012, Act 13, Eff. May 16, 2012;—Am. 2017, Act 235, Eff. Jan. 1, 2018;—Am. 2017, Act 236, Eff. Jan. 1, 2018;—Am. 2020, Act 376, Eff. Oct. 1, 2021.

Compiler's note: Section 2 of Act 205 of 1988 provides: "This amendatory act shall take effect July 1, 1988 and apply to violations which occur on or after that date."

Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."