



HOUSE BILL No. 4361

February 8, 1995, Introduced by Reps. Willard, Gire and DeMars and referred to the Committee on Transportation.

A bill to amend section 321a of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," as amended by Act No. 211 of the Public Acts of 1994, being section 257.321a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 321a of Act No. 300 of the Public Acts
2 of 1949, as amended by Act No. 211 of the Public Acts of 1994,
3 being section 257.321a of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 321a. (1) A person who fails to answer a citation ~~or~~
6 or a notice to appear in court for a violation of this act, ~~or~~
7 FOR a local ordinance substantially corresponding to a provision
8 of this act, or for any matter pending ~~or~~ or who fails to comply
9 with an order or judgment issued ~~pursuant to~~ UNDER section 907

1 is guilty of a misdemeanor. A violation of this subsection shall
2 not be considered a violation for any purpose under section
3 320a.

4 (2) Except as provided in subsection (3), 28 days or more
5 after the date of noncompliance with an order or judgment, the
6 court shall give notice by mail at the last known address of the
7 person that if the person fails to appear or fails to comply with
8 the order or judgment issued ~~pursuant to~~ UNDER section 907,
9 including, but not limited to, paying all fines and costs, within
10 14 days after the notice is issued, the secretary of state shall
11 suspend the person's operator's or chauffeur's license. If the
12 person fails to appear or fails to comply with the order or judg-
13 ment issued ~~pursuant to~~ UNDER section 907, including, but not
14 limited to, paying all fines and costs, within the 14-day period,
15 the court shall, within 14 days, inform the secretary of state,
16 who shall immediately suspend the license of the person and
17 notify the person of the suspension by regular mail at the
18 person's last known address.

19 (3) If the person is charged with, or convicted of, a viola-
20 tion of section 625(1), (2), (3), (4), (5), or (6) or a local
21 ordinance substantially corresponding to section 625(1), (2),
22 (3), or (6) and the person fails to answer a citation or a notice
23 to appear in court, or for any matter pending, or fails to comply
24 with an order or judgment of the court, including, but not
25 limited to, paying all fines, costs, and crime victim rights
26 assessments, the court shall immediately give notice by
27 first-class mail sent to the person's last known address that if

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

15 (4) A suspension imposed under subsection (2) or (3) shall
16 remain in effect until both of the following occur:

17 (a) The court informs the secretary of state that the person
18 has appeared before the court and that all matters relating to
19 the violation or to the noncompliance with section 907 are
20 resolved.

21 (b) The person has paid to the court a \$25.00 driver license
22 reinstatement fee. The increase in the reinstatement fee from
23 \$10.00 to \$25.00 shall be imposed for a license that is suspended
24 on or after April 5, 1988 regardless of when the license was
25 suspended.

26 (5) The court shall not notify the secretary of state, and
27 the secretary of state shall not suspend the person's license, if

1 the person fails to appear in response to a citation issued for,
2 or fails to comply with an order or judgment involving, 1 or more
3 of the following infractions:

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

5 (b) A pedestrian, passenger, or bicycle violation.

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

10 (a) Failed to answer 2 or more parking violation notices or
11 citations for violating a provision of this act or an ordinance
12 substantially corresponding to a provision of this act pertaining
13 to handicapper parking issued or served after ~~the effective date~~
14 ~~of the amendatory act that added this subdivision~~ SEPTEMBER 19,
15 1989.

16 (b) Failed to answer 6 or more parking violation notices or
17 citations, issued or served after March 31, 1981, regarding ille-
18 gal parking.

19 (7) ~~The secretary of state, upon~~ UPON being informed of
20 the failure of a person to appear as provided in subsection (6),
21 OR OF THE ISSUANCE OF A BENCH WARRANT UNDER SECTION 31 OF THE
22 SUPPORT AND VISITATION ENFORCEMENT ACT, ACT NO. 295 OF THE PUBLIC
23 ACTS OF 1982, BEING SECTION 552.631 OF THE MICHIGAN COMPILED
24 LAWS, THE SECRETARY OF STATE shall not issue a license to the
25 person until both of the following occur:

1 (a) The court informs the secretary of state that the person
2 has resolved all outstanding matters regarding the notices or
3 citations, OR REGARDING SUPPORT OR VISITATION.

4 (b) The person has paid to the court a \$25.00 driver license
5 reinstatement fee. The increase in the reinstatement fee from
6 \$10.00 to \$25.00 shall be imposed for a license that is suspended
7 on or after April 5, 1988 regardless of when the license was
8 suspended. If the court determines that the person is not
9 responsible for any of the parking violations for which the
10 person's license was suspended under this subsection, the court
11 shall waive payment of the fee.

12 (8) For the purposes of subsections (4)(a) and (7)(a), the
13 court shall give to the person a copy of the information being
14 transmitted to the secretary of state. Upon showing that copy,
15 the person shall not be arrested or issued a citation for driving
16 on a suspended OR EXPIRED license on the basis of any matter
17 resolved under subsection (4)(a) or (7)(a), even if the informa-
18 tion being sent to the secretary of state has not yet been
19 received or recorded by the department.

20 (9) Sixty percent of the driver license reinstatement fees
21 received under subsections (4)(b) and (7)(b) shall be transmitted
22 by the court to the secretary of state on a monthly basis. The
23 ~~funds~~ MONEY received by the secretary of state ~~pursuant to~~
24 ~~this subsection~~ UNDER THIS SECTION shall be deposited in the
25 state general fund and shall be used to defray the expenses of
26 the secretary of state in processing the suspension and
27 reinstatement of driver licenses under this section.

1 Section 2. This amendatory act shall not take effect unless
2 all of the following bills of the 88th Legislature are enacted
3 into law:

4 (a) Senate Bill No. _____ or House Bill No. 4030 (request
5 no. 00106'95).

6 (b) Senate Bill No. _____ or House Bill No. _____ (request
7 no. 00107'95).

8 (c) Senate Bill No. _____ or House Bill No. 4072 (request
9 no. 00108'95).

10 (d) Senate Bill No. _____ or House Bill No. _____ (request
11 no. 00109'95).

12 Section 3. This amendatory act shall take effect upon the
13 expiration of 180 days after the date of its enactment.