



HOUSE BILL No. 5250

October 12, 1995, Introduced by Reps. Bankes, Crissman, Cherry, Pitoniak, Freeman, McBryde, Gire, Byl, DeMars and Brater and referred to the Committee on Human Services.

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 a notice to appear in court for a violation of this act or a
7 local ordinance substantially corresponding to a provision of

1 this act, or for any matter pending, or who fails to comply with
2 an order or judgment issued ~~pursuant to~~ UNDER section 907 is
3 guilty of a misdemeanor. A violation of this subsection shall
4 not be considered a violation for any purpose under section
5 320a.

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

21 (3) If the person is charged with, or convicted of, a viola-
22 tion of section 625(1), (2), (3), (4), (5), or (6) or a local
23 ordinance substantially corresponding to section 625(1), (2),
24 (3), or (6) and the person fails to answer a citation or a notice
25 to appear in court, or for any matter pending, or fails to comply
26 with an order or judgment of the court, including, but not
27 limited to, paying all fines, costs, and crime victim rights

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

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

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

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

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

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

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

8 (6) UPON RECEIPT FROM THE OFFICE OF THE FRIEND OF THE COURT
9 OF A COPY OF A SUSPENSION ORDER ENTERED PURSUANT TO SECTION 26A,
10 33, OR 35 OF THE SUPPORT AND VISITATION ENFORCEMENT ACT, ACT
11 NO. 295 OF THE PUBLIC ACTS OF 1982, BEING SECTIONS 552.626A,
12 552.633, AND 552.635 OF THE MICHIGAN COMPILED LAWS, THE SECRETARY
13 OF STATE SHALL SEND A NOTICE TO THE PERSON THAT IS THE SUBJECT OF
14 THE ORDER INDICATING THAT HIS OR HER OPERATOR'S OR CHAUFFEUR'S
15 LICENSE SHALL BE SUSPENDED 28 DAYS AFTER THE DATE OF MAILING THE
16 NOTICE UNTIL BOTH OF THE FOLLOWING OCCUR:

17 (A) THE OFFICE OF THE FRIEND OF THE COURT SENDS A COPY OF AN
18 ORDER RESCINDING A SUSPENSION ORDER TO THE SECRETARY OF STATE.

19 (B) THE PERSON HAS PAID TO THE SECRETARY OF STATE A \$6.00
20 DRIVER LICENSE REINSTATEMENT FEE. THE FEE SHALL BE DEPOSITED IN
21 THE STATE GENERAL FUND, AND SHALL BE USED TO DEFRAY THE EXPENSES
22 OF THE SECRETARY OF STATE IN PROCESSING THE SUSPENSION AND REIN-
23 STATEMENT OF DRIVER LICENSES UNDER THIS SECTION.

24 (7) ~~(6)~~ The court may notify a person who has done either
25 of the following, that if the person does not appear within 10
26 days after the notice is issued, the court will inform the
27 secretary of state of the person's failure to appear:

1 (a) Failed to answer 2 or more parking violation notices or
2 citations for violating a provision of this act or an ordinance
3 substantially corresponding to a provision of this act pertaining
4 to handicapper parking issued or served after ~~the effective date~~
5 ~~of the amendatory act that added this subdivision~~ JUNE 20,
6 1989.

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

10 (8) ~~(7)~~ The secretary of state, upon being informed of the
11 failure of a person to appear as provided in subsection ~~(6)~~
12 (7), shall not issue a license to the person until both of the
13 following occur:

14 (a) The court informs the secretary of state that the person
15 has resolved all outstanding matters regarding the notices or
16 citations.

17 (b) The person has paid to the court a \$25.00 driver license
18 reinstatement fee. The increase in the reinstatement fee from
19 \$10.00 to \$25.00 shall be imposed for a license that is suspended
20 on or after April 5, 1988 regardless of when the license was
21 suspended. If the court determines that the person is not
22 responsible for any of the parking violations for which the
23 person's license was suspended under this subsection, the court
24 shall waive payment of the fee.

25 (9) ~~(8)~~ For the purposes of subsections (4)(a) and
26 ~~(7)(a)~~ (8)(A), the court shall give to the person a copy of the
27 information being transmitted to the secretary of state. Upon

1 showing that copy, the person shall not be arrested or issued a
 2 citation for driving on a suspended license on the basis of any
 3 matter resolved under subsection (4)(a) or ~~(7)(a)~~ (8)(A), even
 4 if the information being sent to the secretary of state has not
 5 yet been received or recorded by the department.

6 (10) ~~(9)~~ Sixty percent of the driver license reinstatement
 7 fees received under subsections (4)(b) and ~~(7)(b)~~ (8)(B) shall
 8 be transmitted by the court to the secretary of state on a
 9 monthly basis. The funds received by the secretary of state
 10 ~~pursuant to~~ UNDER this subsection shall be deposited in the
 11 state general fund and shall be used to defray the expenses of
 12 the secretary of state in processing the suspension and rein-
 13 statement of driver licenses under this section.

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

17 (a) Senate Bill No. _____ or House Bill No. 5249 (request
 18 no. 01876'95 a).

19 (b) Senate Bill No. _____ or House Bill No. 5248 (request
 20 no. 01876'95 b).

21 (c) Senate Bill No. _____ or House Bill No. 5247 (request
 22 no. 01876'95 c).