

# HOUSE BILL No. 4308

February 22, 2011, Introduced by Reps. Roy Schmidt, Dillon and Haugh and referred to the Committee on Judiciary.

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

1 imprisonment for not more than 93 days or a fine of not more than  
2 \$100.00, or both. A violation of this subsection or failure to  
3 answer a citation or notice to appear for a violation of section  
4 33b(1) of former 1933 (Ex Sess) PA 8, section 703(1) of the  
5 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or  
6 a local ordinance substantially corresponding to either of those  
7 sections shall not be considered a violation for any purpose under  
8 section 320a.

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

27 (3) If the person is charged with, or convicted of, a

1 violation of section 625 or a local ordinance substantially  
2 corresponding to section 625(1), (2), (3), (6), or (8) and the  
3 person fails to answer a citation or a notice to appear in court,  
4 or for any matter pending, or fails to comply with an order or  
5 judgment of the court, including, but not limited to, paying all  
6 fines, costs, and crime victim rights assessments, the court shall  
7 immediately give notice by first-class mail sent to the person's  
8 last known address that if the person fails to appear within 7 days  
9 after the notice is issued, or fails to comply with the order or  
10 judgment of the court, including, but not limited to, paying all  
11 fines, costs, and crime victim rights assessments, within 14 days  
12 after the notice is issued, the secretary of state shall suspend  
13 the person's operator's or chauffeur's license. If the person fails  
14 to appear within the 7-day period, or fails to comply with the  
15 order or judgment of the court, including, but not limited to,  
16 paying all fines, costs, and crime victim rights assessments,  
17 within the 14-day period, the court shall immediately inform the  
18 secretary of state who shall immediately suspend the person's  
19 operator's or chauffeur's license and notify the person of the  
20 suspension by first-class mail sent to the person's last known  
21 address.

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

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

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

26 (a) The secretary of state is notified by each court in which  
27 the person failed to answer a citation or notice to appear or

1 failed to pay a fine or cost that the person has answered that  
2 citation or notice to appear or paid that fine or cost.

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

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

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

12 (b) A pedestrian, passenger, or bicycle violation, other than  
13 a violation of section 33b(1) or (2) of former 1933 (Ex Sess) PA 8,  
14 section 703(1) or (2) of the Michigan liquor control code of 1998,  
15 1998 PA 58, MCL 436.1703, section 624a or 624b, or a local  
16 ordinance substantially corresponding to section 33b(1) or (2) of  
17 former 1933 (Ex Sess) PA 8, section 703(1) or (2) of the Michigan  
18 liquor control code of 1998, 1998 PA 58, MCL 436.1703, or section  
19 624a or 624b.

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

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

1 (b) Failed to answer ~~6-3~~ or more parking violation notices or  
2 citations regarding illegal parking.

3 (8) The secretary of state, upon being informed of the failure  
4 of a person to appear or comply as provided in subsection (7),  
5 shall not issue a license to the person or renew a license for the  
6 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 the notices or  
9 citations.

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

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

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

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

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

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

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

27           (i) If the matter is before the circuit court, to the treasurer

1 of the county for deposit in the general fund.

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

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

10 (c) Fifteen dollars to the juror compensation reimbursement  
11 fund created in section 151d of the revised judicature act of 1961,  
12 1961 PA 236, MCL 600.151d.

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

17 (13) The secretary of state shall immediately suspend the  
18 operator's and chauffeur's license of a person licensed to operate  
19 a commercial motor vehicle, or a person who operates a commercial  
20 motor vehicle without a license to operate that vehicle, if the  
21 person fails to answer an out-state citation, or a notice to appear  
22 in a court or an authorized administrative tribunal for a violation  
23 reportable to the secretary of state under section ~~732(16)~~ **732**, or  
24 fails to comply with an order or judgment of an out-state court or  
25 an authorized administrative tribunal reportable to the secretary  
26 of state under section ~~732(16)~~ **732**, or fails to appear or fails to  
27 comply with the out-state court or an authorized administrative

1 tribunal order or judgment reportable to the secretary of state  
2 under section ~~732(16)~~—732, including, but not limited to, paying  
3 all fines, costs, fees, and assessments. For a suspension imposed  
4 under this subsection, the secretary of state shall immediately  
5 notify the person of the suspension by regular mail at the person's  
6 last known address.

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

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

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

24 Enacting section 1. This amendatory act takes effect 90 days  
25 after the date it is enacted into law.