

# HOUSE BILL NO. 5442

October 20, 2021, Introduced by Reps. Meerman, LaGrand, Steven Johnson, Brann, Young, Hood, Sowerby, Aiyash, Kuppa, Stone, Whitsett, Cavanagh and Yancey and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending sections 311 and 727 (MCL 257.311 and 257.727), section  
311 as amended by 1983 PA 63 and section 727 as amended by 2008 PA  
463; and to repeal acts and parts of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 311. ~~The~~ A licensee shall have his or her operator's or  
2       chauffeur's license ~~, or the receipt described in section 311a,~~ in  
3       his or her immediate possession at all times when operating a motor

vehicle, and shall display ~~the same~~ **his or her operator's or  
chauffeur's license** upon demand of any police officer, who ~~shall~~  
~~identify~~ **identifies** himself or herself as ~~such~~ **a police officer**.

Sec. 727. If a person is arrested without a warrant in any of  
the following cases, the arrested person ~~shall~~, **must**, without  
unreasonable delay, be arraigned by the magistrate who is nearest  
or most accessible within the judicial district as provided in  
section 13 of chapter IV of the code of criminal procedure, 1927 PA  
175, MCL 764.13, or, if a minor, taken before the family division  
of circuit court within the county in which the offense charged is  
alleged to have been committed:

(a) The person is arrested under section 601d.

(b) The person is arrested under section 625(1), (3), (4),  
(5), (6), (7), or (8), or an ordinance substantially corresponding  
to section 625(1), (3), (6), or (8).

(c) A person is arrested under section 626 or an ordinance  
substantially corresponding to that section. If under the existing  
circumstances it does not appear that releasing the person pending  
the issuance of a warrant will constitute a public menace, the  
arresting officer may proceed as provided by section 728.

(d) A person arrested does not have in his or her immediate  
possession a valid operator's or chauffeur's license. ~~or the~~  
~~receipt described in section 311a.~~ If the arresting officer  
otherwise satisfactorily determines the identity of the person and  
the practicability of subsequent apprehension if the person fails  
to voluntarily appear before a designated magistrate or the family  
division of circuit court as directed, the officer may release the  
person from custody with instructions to appear in court, given in  
the form of a citation as prescribed by section 728.

1           Enacting section 1. Section 311a of Michigan vehicle code,  
2 1949 PA 300, MCL 257.311a, is repealed.

3           Enacting section 2. This amendatory act takes effect 90 days  
4 after the date it is enacted into law.

5           Enacting section 3. This amendatory act does not take effect  
6 unless all of the following bills of the 101st Legislature are  
7 enacted into law:

8           (a) Senate Bill No.\_\_\_\_ or House Bill No. 5436 (request no.  
9 00900'21).

10           (b) Senate Bill No.\_\_\_\_ or House Bill No. 5441 (request no.  
11 04537'21).