

HOUSE BILL No. 6207

September 9, 2004, Introduced by Reps. Hopgood, Vagnozzi, Law, Murphy, Anderson, Gleason, O'Neil and Plakas and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 321a (MCL 257.321a), as amended by 2004 PA
62.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 321a. (1) A person who fails to answer a citation, or
2 a 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
6 any matter pending, or who fails to comply with an order or
7 judgment of the court, including, but not limited to, paying all
8 fines, costs, fees, and assessments, is guilty of a misdemeanor
9 punishable by imprisonment for not more than 93 days or a fine of
10 not more than \$100.00, or both. A violation of this subsection

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1 or failure to answer a citation or notice to appear for a
2 violation of section 33b(1) of former 1933 (Ex Sess) PA 8,
3 section 703(1) of the Michigan liquor control code of 1998, 1998
4 PA 58, MCL 436.1703, or a local ordinance substantially
5 corresponding to either of those sections shall not be considered
6 a violation for any purpose under section 320a.

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

26 (3) If the person is charged with, or convicted of, a
27 violation of section 625 or a local ordinance substantially

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

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

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

6 (6) The court shall not notify the secretary of state, and
7 the secretary of state shall not suspend the person's license, if
8 the person fails to appear in response to a citation issued for,
9 or fails to comply with an order or judgment involving 1 or more
10 of 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)
14 PA 8, section 703(1) or (2) of the Michigan liquor control code
15 of 1998, 1998 PA 58, MCL 436.1703, section 624a or 624b, or a
16 local ordinance substantially corresponding to section 33b(1) or
17 (2) of former 1933 (Ex Sess) PA 8, section 703(1) or (2) of the
18 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703,
19 or section 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
22 after the notice is issued, the court will inform the secretary
23 of state 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 or more parking violation notices or
2 citations regarding illegal parking.

3 (8) The secretary of state, upon being informed of the
4 failure of a person to appear or comply as provided in subsection
5 (7), shall not issue a license to the person or renew a license
6 for the 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)
13 or less than 6 parking violations under subsection (7)(b) for
14 which 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
18 order or judgment involving, a state civil infraction described
19 in chapter 88 of the revised judicature act of 1961, 1961 PA 236,
20 MCL 600.8801 to 600.8835, the court shall give notice by ordinary
21 mail, addressed to the person's last known address, that if the
22 person fails to appear or fails to comply with the order or
23 judgment described in this subsection within 14 days after the
24 notice is issued, the court will give to the secretary of state
25 notice of that failure. Upon receiving notice of that failure,
26 the secretary of state shall not issue or renew an operator's or
27 chauffeur's license for the person until both of the following

1 occur:

2 (a) The court informs the secretary of state that the person
3 has resolved all outstanding matters regarding each notice or
4 citation.

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

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

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

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

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

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

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

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

12 (c) Fifteen dollars to the juror compensation reimbursement
13 fund created in section 151d of the revised judicature act of
14 1961, 1961 PA 236, MCL 600.151d.

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