



HOUSE BILL No. 4323

February 23, 1993, Introduced by Reps. Byrum, Rocca, DeMars, Dobb and Griffin and referred to the Committee on Liquor Control.

A bill to amend sections 319, 321a, and 625i of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," section 319 as amended by Act No. 93 of the Public Acts of 1991, section 321a as amended by Act No. 95 of the Public Acts of 1991, and section 625i as amended by Act No. 99 of the Public Acts of 1991, being sections 257.319, 257.321a, and 257.625i of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 319, 321a, and 625i of Act No. 300 of
2 the Public Acts of 1949, section 319 as amended by Act No. 93 of
3 the Public Acts of 1991, section 321a as amended by Act No. 95 of
4 the Public Acts of 1991, and section 625i as amended by Act
5 No. 99 of the Public Acts of 1991, being sections 257.319,

1 257.321a, and 257.625i of the Michigan Compiled Laws, are amended
2 to read as follows:

3 Sec. 319. (1) The secretary of state shall immediately sus-
4 pend for a period of not less than 90 days or more than 2 years,
5 the license of a person upon receiving a record of the conviction
6 or probate court disposition of the person for any of the follow-
7 ing crimes or attempts to commit any of the following crimes,
8 whether the conviction or probate court disposition is under a
9 law of this state, a local ordinance substantially corresponding
10 to a law of this state, or a law of another state substantially
11 corresponding to a law of this state:

12 (a) Fraudulently altering or forging documents pertaining to
13 motor vehicles, in violation of section 257.

14 (b) Perjury or the making of a false certification to the
15 secretary of state under any law requiring the registration of a
16 motor vehicle or regulating the operation of a motor vehicle on a
17 highway.

18 (c) A violation of section 324, 413, or 414 of the Michigan
19 penal code, Act No. 328 of the Public Acts of 1931, being sec-
20 tions 750.324, 750.413, and 750.414 of the Michigan Compiled
21 Laws; or a violation of section 1 of Act No. 214 of the Public
22 Acts of 1931, being section 752.191 of the Michigan Compiled
23 Laws.

24 (d) Conviction upon 3 charges of reckless driving within the
25 preceding 36 months.

1 (e) Failing to stop and disclose identity at the scene of an
2 accident resulting in death or injury to another person, in
3 violation of section 617 or 617a.

4 (f) A felony in which a motor vehicle was used. As used in
5 this section, "felony in which a motor vehicle was used" means a
6 felony during the commission of which the person convicted oper-
7 ated a motor vehicle and while operating the vehicle presented
8 real or potential harm to persons or property and 1 or more of
9 the following circumstances existed:

10 (i) The vehicle was used as an instrument of the felony.

11 (ii) The vehicle was used to transport a victim of the
12 felony.

13 (iii) The vehicle was used to flee the scene of the felony.

14 (iv) The vehicle was necessary for the commission of the
15 felony.

16 (2) The secretary of state shall suspend the license of a
17 person convicted of malicious destruction resulting from the
18 operation of a motor vehicle under section 382 of ~~the Michigan~~
19 ~~penal code,~~ Act No. 328 of the Public Acts of 1931, as amended,
20 being section 750.382 of the Michigan Compiled Laws, for a period
21 of not more than 1 year as ordered by the court as part of the
22 sentence.

23 (3) The secretary of state shall immediately suspend the
24 license of a person for the period specified in the ~~certificate~~
25 ABSTRACT of conviction upon receipt of the person's license and
26 ~~certificate~~ ABSTRACT of conviction forwarded to the secretary
27 of state pursuant to section 367c of ~~the Michigan penal code,~~

1 Act No. 328 of the Public Acts of 1931, being section 750.367c of
2 the Michigan Compiled Laws.

3 (4) If a court has not ordered a suspension of a person's
4 license as authorized by this act, the secretary of state shall
5 suspend the license as follows, notwithstanding a court order
6 issued under section 625(1), (3), (4), or (5), or section 625b,
7 or former section 625(1) or (2), or former section 625b, or a
8 local ordinance substantially corresponding to section 625(1) or
9 (3), or section 625b, or former section 625(1) or (2), or former
10 section 625b:

11 (a) For a period of not less than 90 days or more than 1
12 year, upon receiving a record of the conviction of the person for
13 a violation of section 625(3), a local ordinance substantially
14 corresponding to section 625(3), or a law of another state sub-
15 stantially corresponding to section 625(3), if the person has no
16 prior convictions within 7 years for a violation of section
17 625(1), (3), (4), or (5), or former section 625(1) or (2), or
18 former section 625b, a local ordinance substantially correspond-
19 ing to section 625(1) or (3), or former section 625(1) or (2), or
20 former section 625b, or a law of another state substantially cor-
21 responding to section 625(1), (3), (4), or (5), or former section
22 625(1) or (2), or former section 625b.

23 (b) For a period of not less than 6 months or more than 2
24 years, if the person has the following convictions within a
25 7-year period, whether under the law of this state, a local ordi-
26 nance substantially corresponding to a law of this state, or a

1 law of another state substantially corresponding to a law of this
2 state:

3 (i) One conviction under section 625(1) or former section
4 625(1) or (2). However, if the conviction is under a law of
5 another state substantially corresponding to section 625(1) or
6 former section 625(1) or (2), the secretary of state may waive
7 the suspension under this subdivision if the person submits proof
8 that a court suspended or restricted his or her license for a
9 period equal to or greater than the period of suspension or
10 restriction authorized under this subsection and that the suspen-
11 sion or restriction was served in the other state, or may grant
12 restrictions.

13 (ii) Any combination of 2 convictions under section 625(3)
14 or former section 625b.

15 (iii) One conviction under section 625(1) or former section
16 625(1) or (2) and 1 conviction under section 625(3) or former
17 section 625b.

18 (iv) One conviction under section 625(4) or (5) followed by
19 1 conviction under section 625(3).

20 (5) Upon receipt of a certificate of conviction pursuant to
21 section 33b(3) of the Michigan liquor control act, Act No. 8 of
22 the Public Acts of the Extra Session of 1933, being section
23 436.33b of the Michigan Compiled Laws, or a local ordinance or
24 law of another state substantially corresponding to section
25 33b(3) of Act No. 8 of the Public Acts of the Extra Session of
26 1933, the secretary of state shall suspend the person's
27 operator's or chauffeur's license for a period of 90 days. A

1 suspension under this subsection shall be in addition to any
2 other suspension of the person's license.

3 (6) UPON THE RECEIPT OF A CIVIL INFRACTION DETERMINATION OR
4 PROBATE COURT ORDER OF DISPOSITION FOR A VIOLATION OF SECTION
5 33B(1) OF ACT NO. 8 OF THE PUBLIC ACTS OF THE EXTRA SESSION OF
6 1933, BEING SECTION 436.33B OF THE MICHIGAN COMPILED LAWS, THE
7 SECRETARY OF STATE SHALL SUSPEND THE PERSON'S OPERATOR'S OR
8 CHAUFFEUR'S LICENSE FOR THE PERIOD OF TIME INDICATED IN THE FIND-
9 ING OR ORDER AND, IF APPLICABLE, ISSUE A RESTRICTED LICENSE AS
10 ORDERED BY THE COURT IN THE MANNER PROVIDED FOR IN SUBSECTION
11 (7).

12 (7) A RESTRICTED LICENSE ISSUED PURSUANT TO A FINDING OR
13 ORDER DESCRIBED IN SUBSECTION (6) SHALL PERMIT THE PERSON TO WHOM
14 IT IS ISSUED TO DO 1 OR MORE OF THE FOLLOWING:

15 (A) DRIVE TO AND FROM THE PERSON'S RESIDENCE AND WORK
16 LOCATION.

17 (B) DRIVE IN THE COURSE OF THE PERSON'S EMPLOYMENT OR
18 OCCUPATION.

19 (C) DRIVE TO AND FROM THE PERSON'S RESIDENCE AND AN ALCOHOL
20 OR DRUG EDUCATION OR TREATMENT PROGRAM AS ORDERED BY THE COURT.

21 (D) DRIVE TO AND FROM THE PERSON'S RESIDENCE AND THE COURT
22 PROBATION DEPARTMENT, OR A COURT-ORDERED COMMUNITY SERVICE PRO-
23 GRAM, OR BOTH.

24 (E) DRIVE TO AND FROM THE PERSON'S RESIDENCE AND AN EDUCA-
25 TIONAL INSTITUTION AT WHICH THE PERSON IS ENROLLED AS A STUDENT.

26 (8) ~~-(6)-~~ Upon receipt of the record of the conviction or
27 probate court disposition of a person for a violation of section

1 602a of this act or section 479a(1), (4), or (5) of Act No. 328
2 of the Public Acts of 1931, being section 750.479a of the
3 Michigan Compiled Laws, the secretary of state immediately shall
4 suspend the license of the person for the period ordered by the
5 court as part of the sentence or disposition.

6 (9) ~~(7)~~ A suspension pursuant to this section shall be
7 imposed notwithstanding a court order issued under
8 section 625(1), (3), (4), or (5), or section 625b, or a local
9 ordinance substantially corresponding to section 625(1) or (3) or
10 section 625b.

11 (10) ~~(8)~~ If the secretary of state receives records of
12 more than 1 conviction or probate court disposition of a person
13 resulting from the same incident, a suspension shall be imposed
14 only for the violation to which the longest period of suspension
15 applies under this section.

16 (11) ~~(9)~~ As used in this section: ~~—, "probate—~~

17 (A) "PROBATE court disposition" means the entry of a probate
18 court order of disposition for a child found to be within the
19 provisions of chapter XIIIA of Act No. 288 of the Public Acts of
20 1939, being sections 712A.1 to 712A.28 of the Michigan Compiled
21 Laws.

22 (B) "WORK LOCATION" MEANS, AS APPLICABLE, EITHER THE SPE-
23 CIFIC PLACE OR PLACES OF EMPLOYMENT, OR THE TERRITORY OR TERRITO-
24 RIES REGULARLY VISITED BY THE PERSON IN PURSUANCE OF THE PERSON'S
25 OCCUPATION, OR BOTH.

26 Sec. 321a. (1) A person who fails to answer a citation, or
27 a notice to appear in court for a violation of this act or a

1 local ordinance substantially corresponding to a provision of
2 this act, or for any matter pending, or who fails to comply with
3 an order or judgment issued pursuant to section 907 is guilty of
4 a misdemeanor. A violation of this subsection OR SECTION 33B(1)
5 OF THE MICHIGAN LIQUOR CONTROL ACT, ACT NO. 8 OF THE PUBLIC ACTS
6 OF THE EXTRA SESSION OF 1933, BEING SECTION 436.33B OF THE
7 MICHIGAN COMPILED LAWS, shall not be considered a violation for
8 any purpose under section 320a.

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

24 (3) If the person is charged with, or convicted of, a viola-
25 tion of section 625(1), (2), (3), (4), or (5), or a local ordi-
26 nance substantially corresponding to section 625(1), (2), or (3),
27 and the person fails to answer a citation or a notice to appear

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

19 (4) IF THE PERSON IS CITED WITH, OR IS DETERMINED TO BE
20 RESPONSIBLE FOR, A VIOLATION OF SECTION 33B(1) OF ACT NO. 8 OF
21 THE PUBLIC ACTS OF THE EXTRA SESSION OF 1933, BEING SECTION
22 436.33B OF THE MICHIGAN COMPILED LAWS, AND THE PERSON FAILS TO
23 ANSWER A CITATION OR A NOTICE TO APPEAR IN COURT ISSUED PURSUANT
24 TO SECTION 33B OF ACT NO. 8 OF THE PUBLIC ACTS OF THE EXTRA
25 SESSION OF 1933, OR FAILS TO COMPLY WITH AN ORDER OR JUDGMENT OF
26 THE COURT ISSUED PURSUANT TO SECTION 33B OF ACT NO. 8 OF THE
27 PUBLIC ACTS OF THE EXTRA SESSION OF 1933, INCLUDING, BUT NOT

1 LIMITED TO, PAYING ALL FINES AND COSTS, THE COURT SHALL
2 IMMEDIATELY GIVE NOTICE BY FIRST-CLASS MAIL SENT TO THE PERSON'S
3 LAST KNOWN ADDRESS THAT IF THE PERSON FAILS TO APPEAR WITHIN 7
4 DAYS AFTER THE NOTICE IS ISSUED, OR FAILS TO COMPLY WITH THE
5 ORDER OR JUDGMENT OF THE COURT, INCLUDING, BUT NOT LIMITED TO,
6 PAYING ALL FINES AND COSTS, WITHIN 14 DAYS AFTER THE NOTICE IS
7 ISSUED, THE SECRETARY OF STATE SHALL SUSPEND THE PERSON'S
8 OPERATOR'S OR CHAUFFEUR'S LICENSE. IF THE PERSON FAILS TO APPEAR
9 WITHIN THE 7-DAY PERIOD, OR FAILS TO COMPLY WITH THE ORDER OR
10 JUDGMENT OF THE COURT, INCLUDING, BUT NOT LIMITED TO, PAYING ALL
11 FINES AND COSTS, WITHIN THE 14-DAY PERIOD, THE COURT SHALL IMME-
12 DIATELY INFORM THE SECRETARY OF STATE WHO SHALL IMMEDIATELY SUS-
13 PEND THE PERSON'S OPERATOR'S OR CHAUFFEUR'S LICENSE AND NOTIFY
14 THE PERSON OF THE SUSPENSION BY FIRST-CLASS MAIL SENT TO THE
15 PERSON'S LAST KNOWN ADDRESS.

16 (5) ~~-(4)-~~ A suspension imposed under subsection (2), ~~-or-~~
17 (3), OR (4) shall remain in effect until both of the following
18 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 OR SECTION
22 33B OF ACT NO. 8 OF THE PUBLIC ACTS OF THE EXTRA SESSION OF 1933,
23 BEING SECTION 436.33B OF THE MICHIGAN COMPILED LAWS, AS
24 APPLICABLE, are resolved.

25 (b) The person has paid to the court a \$25.00 driver license
26 reinstatement fee. The increase in the reinstatement fee from
27 \$10.00 to \$25.00 shall be imposed for a license that is suspended

1 on or after April 5, 1988 regardless of when the license was
2 suspended.

3 (6) ~~-(5)-~~ The court shall not notify the secretary of state,
4 and the secretary of state shall not suspend the person's
5 license, if the person fails to appear in response to a citation
6 issued for, or fails to comply with an order or judgment involv-
7 ing 1 or more of the following infractions:

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

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

10 (7) ~~-(6)-~~ The court may notify a person who has done either
11 of the following, that if the person does not appear within 10
12 days after the notice is issued, the court will inform the secre-
13 tary of state of the person's failure to appear:

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

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

23 (8) ~~-(7)-~~ The secretary of state, upon being informed of the
24 failure of a person to appear as provided in subsection ~~-(6)-~~
25 (7), shall not issue a license to the person until both of the
26 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.

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 (9) ~~(8)~~ For the purposes of subsections ~~(4)(a)~~ (5)(A)
13 and ~~(7)(a)~~ (8)(A), the court shall give to the person a copy of
14 the information being transmitted to the secretary of state.
15 Upon showing that copy, the person shall not be arrested or
16 issued a citation for driving on a suspended license on the basis
17 of any matter resolved under subsection ~~(4)(a)~~ (5)(A) or
18 ~~(7)(a)~~ (8)(A), even if the information being sent to the secre-
19 tary of state has not yet been received or recorded by the
20 department.

21 (10) ~~(9)~~ Sixty percent of the driver license reinstatement
22 fees received under subsections ~~(4)(b)~~ (5)(B) and ~~(7)(b)~~
23 (8)(B) shall be transmitted by the court to the secretary of
24 state on a monthly basis. The funds received by the secretary of
25 state pursuant to this subsection shall be deposited in the state
26 general fund and shall be used to defray the expenses of the

1 secretary of state in processing the suspension and reinstatement
2 of driver licenses under this section.

3 Sec. 625i. (1) The department of state police shall prepare
4 an annual report which shall be designated the Michigan annual
5 drunk driving audit. The secretary of state, circuit court, dis-
6 trict court, probate court, municipal courts, and local units of
7 government in this state shall cooperate with the department of
8 state police to provide information necessary for the preparation
9 of the report. A copy of the report prepared under this subsec-
10 tion shall be submitted to the governor, the secretary of the
11 senate, the clerk of the house of representatives, and the secre-
12 tary of state on June 1 of each year. The report shall contain
13 for each county in the state all of the following information
14 applicable to the immediately preceding calendar year:

15 (a) The number of alcohol related motor vehicle accidents
16 resulting in bodily injury, including a breakdown of the number
17 of those injuries occurring per capita of population and per road
18 mile in the county.

19 (b) The number of alcohol related motor vehicle accidents
20 resulting in death, including the breakdown described in subdivi-
21 sion (a).

22 (c) The number of alcohol related motor vehicle accidents,
23 other than those enumerated in subdivisions (a) and (b), includ-
24 ing the breakdown described in subdivision (a).

25 (d) The number of arrests made for violations of section
26 625(1)(a) or (b) or local ordinances substantially corresponding
27 to section 625(1)(a) or (b).

1 (e) The number of arrests made for violations of section
2 625(3) or local ordinances substantially corresponding to section
3 625(3).

4 (f) The number of arrests made for violations of
5 section 625(4) or (5).

6 (g) The number of operator's or chauffeur's licenses sus-
7 pended pursuant to section 625f.

8 (h) The number of arrests made for violations of
9 section 625m or local ordinances substantially corresponding to
10 section 625m. This subdivision shall apply after December 31,
11 1992.

12 (I) THE NUMBER OF CITATIONS ISSUED OR ARRESTS MADE FOR VIO-
13 LATIONS OF SECTION 22(3) OR 33B(1) OR (3) OF THE MICHIGAN LIQUOR
14 CONTROL ACT, ACT NO. 8 OF THE PUBLIC ACTS OF THE EXTRA SESSION OF
15 1933, BEING SECTIONS 436.22 AND 436.33B OF THE MICHIGAN COMPILED
16 LAWS.

17 (2) The secretary of state shall compile a report of dispo-
18 sitions of charges for violations of section 625(1), (3), (4), or
19 (5), or local ordinances substantially corresponding to
20 section 625(1) or (3), ~~or~~ section 625m or local ordinances sub-
21 stantially corresponding to section 625m, AND SECTION 22(3) OR
22 33B(1) OR (3) OF ACT NO. 8 OF THE PUBLIC ACTS OF THE EXTRA
23 SESSION OF 1933 by each judge for inclusion in the annual
24 report. The report compiled by the secretary of state shall
25 include information regarding all of the following:

26 (a) The number of dismissals granted.

1 (b) The number of convictions entered.

2 (c) The number of acquittals entered.

3 (d) The number of licenses suspended, revoked, or
4 restricted.

5 (e) The average length of imprisonment imposed.

6 (f) The average length of community service imposed in lieu
7 of imprisonment.

8 (g) The average fine imposed.

9 (3) The secretary of state shall enter into a contract with
10 the university of Michigan transportation research institute, in
11 which the university of Michigan transportation research insti-
12 tute shall evaluate the effect and impact of the 1991 legislation
13 addressing drunk and impaired driving in this state and report
14 its findings to the governor and the legislature not later than
15 October 1, 1994.

16 Section 2. This amendatory act shall take effect April 1,
17 1994.

18 Section 3. This amendatory act shall not take effect unless
19 Senate Bill No. _____ or House Bill No. 4324 (request
20 no. 02559'93 a) of the 87th Legislature is enacted into law.