



HOUSE BILL No. 5733

September 13, 1994 Introduced by Rep Bryant and referred to the Committee on Transportation

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 95 of the Public Acts of 1991, 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 95 of the Public Acts of 1991,
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
8 this act, or for any matter pending, or who fails to comply with
9 an order or judgment issued pursuant to section 907 is guilty of

1 a misdemeanor A violation of this subsection shall not be
2 considered a violation for any purpose under section 320a

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

18 (3) If the person is charged with, or convicted of, a viola-
19 tion of section 625(1), (2), (3), (4), or (5), or a local ordi-
20 nance substantially corresponding to section 625(1), (2), or (3),
21 and the person fails to answer a citation or a notice to appear
22 in court, or for any matter pending, or fails to comply with an
23 order or judgment of the court, including, but not limited to,
24 paying all fines, costs, and crime victim rights assessments, the
25 court shall immediately give notice by first-class mail sent to
26 the person's last known address that if the person fails to
27 appear within 7 days after the notice is issued, or fails to

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

13 (4) A suspension imposed under subsection (2) or (3) ~~shall~~
14 ~~remain~~ REMAINS in effect until both of the following occur

15 (a) The court informs the secretary of state that the person
16 has appeared before the court and that all matters relating to
17 the violation or to the noncompliance with section 907 are
18 resolved

19 (b) The person has paid to the court a \$25 00 driver license
20 reinstatement fee The increase in the reinstatement fee from
21 \$10 00 to \$25 00 shall be imposed for a license that is suspended
22 on or after April 5, 1988 regardless of when the license was
23 suspended

24 (5) The court shall not notify the secretary of state, and
25 the secretary of state shall not suspend the person's license, if
26 the person fails to appear in response to a citation issued for,

1 or fails to comply with an order or judgment involving 1 or more
2 of the following infractions

3 (a) The parking or standing of a vehicle

4 (b) A pedestrian, passenger, or bicycle violation

5 (C) A VIOLATION OF SECTION 710E

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

10 (a) Failed to answer 2 or more parking violation notices or
11 citations for violating a provision of this act or an ordinance
12 substantially corresponding to a provision of this act pertaining
13 to handicapper parking issued or served after the effective date
14 of the amendatory act that added this subdivision

15 (b) Failed to answer 6 or more parking violation notices or
16 citations, issued or served after March 31, 1981, regarding ille-
17 gal parking

18 (7) ~~The secretary of state, upon~~ UPON being informed of
19 the failure of a person to appear as provided in subsection (6),
20 THE SECRETARY OF STATE shall not issue a license to the person
21 until both of the following occur

22 (a) The court informs the secretary of state that the person
23 has resolved all outstanding matters regarding the notices or
24 citations

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 If the court determines that the person is not
3 responsible for any of the parking violations for which the
4 person s license was suspended under this subsection, the court
5 shall waive payment of the fee

6 (8) For the purposes of subsections (4)(a) and (7)(a), the
7 court shall give to the person a copy of the information being
8 transmitted to the secretary of state Upon showing that copy
9 the person shall not be arrested or issued a citation for driving
10 on a suspended license on the basis of any matter resolved under
11 subsection (4)(a) or (7)(a), even if the information being sent
12 to the secretary of state has not yet been received or recorded
13 by the department

14 (9) Sixty percent of the driver license reinstatement fees
15 received under subsections (4)(b) and (7)(b) shall be transmitted
16 by the court to the secretary of state on a monthly basis The
17 funds received by the secretary of state pursuant to this subsec-
18 tion shall be deposited in the state general fund and shall be
19 used to defray the expenses of the secretary of state in process-
20 ing the suspension and reinstatement of driver licenses under
21 this section