



SENATE BILL No. 190

January 26, 1993, Introduced by Senators BOUCHARD and WELBORN and referred to the Committee on Family Law, Criminal Law, and Corrections.

A bill to amend sections 219 and 321a of Act No. 300 of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

section 219 as amended by Act No. 67 of the Public Acts of 1985 and section 321a as amended by Act No. 95 of the Public Acts of 1991, being sections 257.219 and 257.321a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 219 and 321a of Act No. 300 of the
2 Public Acts of 1949, section 219 as amended by Act No. 67 of the
3 Public Acts of 1985 and section 321a as amended by Act No. 95 of
4 the Public Acts of 1991, being sections 257.219 and 257.321a of
5 the Michigan Compiled Laws, are amended to read as follows:

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1 Sec. 219. (1) The secretary of state shall refuse issuance
2 of a registration or a transfer of registration upon any of the
3 following grounds:

4 (a) The application contains a false or fraudulent state-
5 ment, the applicant has failed to furnish required information or
6 reasonable additional information requested by the secretary of
7 state, or the applicant is not entitled to the registration of
8 the vehicle under this act.

9 (b) The secretary of state has reasonable ground to believe
10 that the vehicle is a stolen or embezzled vehicle, or that the
11 granting of registration would constitute a fraud against the
12 rightful owner or other person having a valid lien upon the
13 vehicle.

14 (c) The registration of the vehicle is suspended or revoked
15 for any reason provided in the motor vehicle laws of this state.

16 (d) The required fee has not been paid.

17 (e) The applicant, at the time of applying for registration
18 or a transfer of registration other than a temporary registration
19 issued pursuant to section 226b, fails to present a certificate
20 of compliance or waiver for a motor vehicle as required under the
21 vehicle emissions inspection and maintenance act.

22 (f) The application for registration of a vehicle with an
23 elected gross weight of 55,000 pounds or more is not accompanied
24 with proof of payment of the federal highway use tax levied pur-
25 suant to the surface transportation assistance act of 1982,
26 Public Law 97-424, 96 Stat. 2097.

1 (G) THE APPLICANT, AT THE TIME OF APPLYING FOR REGISTRATION
2 OR A TRANSFER OF REGISTRATION, IS IN ARREARS ON A SUPPORT ORDER
3 ISSUED PURSUANT TO THE SUPPORT AND VISITATION ENFORCEMENT ACT,
4 ACT NO. 295 OF THE PUBLIC ACTS 1982, BEING SECTIONS 552.601 TO
5 552.650 OF THE MICHIGAN COMPILED LAWS, UNTIL THE SECRETARY OF
6 STATE IS IN RECEIPT OF NOTICE FROM THE OFFICE OF THE FRIEND OF
7 THE COURT THAT THE ARREARAGE IS SATISFIED OR THAT A REPAYMENT
8 SCHEDULE IS IN EFFECT.

9 (2) The secretary of state shall refuse issuance of a cer-
10 tificate of title or a salvage certificate of title upon any of
11 the following grounds:

12 (a) The application contains a false or fraudulent state-
13 ment, the applicant has failed to furnish required information or
14 reasonable additional information requested by the secretary of
15 state, or the applicant is not entitled to the issuance of a cer-
16 tificate of title or salvage certificate of title under this
17 act.

18 (b) The secretary of state has reasonable ground to believe
19 that the vehicle is a stolen or embezzled vehicle or that the
20 issuance of a certificate of title or a salvage certificate of
21 title would constitute a fraud against the rightful owner or
22 other person having a valid security interest upon the vehicle.

23 (c) The required fee has not been paid.

24 Sec. 321a. (1) A person who fails to answer a citation, or
25 a notice to appear in court for a violation of this act or a
26 local ordinance substantially corresponding to a provision of
27 this act, or for any matter pending, or who fails to comply with

1 an order or judgment issued pursuant to section 907 is guilty of
2 a misdemeanor. A violation of this subsection shall not be con-
3 sidered a violation for any purpose under section 320a.

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

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

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

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

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

20 (b) The person has paid to the court a \$25.00 driver license
21 reinstatement fee. The increase in the reinstatement fee from
22 \$10.00 to \$25.00 shall be imposed for a license that is suspended
23 on or after April 5, 1988 regardless of when the license was
24 suspended.

25 (5) The court shall not notify the secretary of state, and
26 the secretary of state shall not suspend the person's license, if
27 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 (6) THE FRIEND OF THE COURT SHALL NOTIFY THE SECRETARY OF
6 STATE WHEN A PERSON WHO HAS A VEHICLE REGISTERED UNDER THIS ACT
7 OR WHO HAS AN OPERATOR'S OR CHAUFFEUR'S LICENSE IS DETERMINED TO
8 BE IN ARREARS ON SUPPORT UNDER THE SUPPORT AND VISITATION
9 ENFORCEMENT ACT, ACT NO. 295 OF THE PUBLIC ACTS OF 1982, BEING
10 SECTIONS 552.601 TO 552.650 OF THE MICHIGAN COMPILED LAWS. THE
11 SECRETARY OF STATE SHALL SEND A NOTICE TO THE PERSON THAT THE
12 OPERATOR'S OR CHAUFFEUR'S LICENSE SHALL BE SUSPENDED 30 DAYS
13 AFTER THE DATE OF MAILING OF THE NOTICE OR THAT A VEHICLE REGIS-
14 TRATION SHALL NOT BE ISSUED OR TRANSFERRED UNLESS THE PERSON PAYS
15 AN ARREARAGE PURSUANT TO A SUPPORT ORDER OR HAS INSTITUTED A
16 REPAYMENT SCHEDULE. A SUSPENSION IMPOSED UNDER THIS SUBSECTION
17 SHALL REMAIN IN EFFECT UNTIL THE FRIEND OF THE COURT SENDS A COPY
18 OF AN ORDER RESCINDING A SUSPENSION TO THE SECRETARY OF STATE.
19 UPON RECEIPT OF AN ORDER RESCINDING A SUSPENSION, THE PERSON
20 SHALL PAY TO THE SECRETARY OF STATE A \$6.00 DRIVER LICENSE REIN-
21 STATEMENT FEE WHICH SHALL BE DEPOSITED IN THE STATE GENERAL FUND,
22 AND SHALL BE USED TO DEFRAY THE EXPENSES OF THE SECRETARY OF
23 STATE IN PROCESSING THE SUSPENSION AND REINSTATEMENT OF DRIVER
24 LICENSES UNDER THIS SECTION.

25 (7) ~~-(6)-~~ The court may notify a person who has done either
26 of the following, that if the person does not appear within 10

1 days after the notice is issued, the court will inform the
2 secretary of state of the person's failure to appear:

3 (a) Failed to answer 2 or more parking violation notices or
4 citations for violating a provision of this act or an ordinance
5 substantially corresponding to a provision of this act pertaining
6 to handicapper parking issued or served after the effective date
7 of the amendatory act that added this subdivision.

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

11 (8) ~~-(7)-~~ The secretary of state, upon being informed of the
12 failure of a person to appear as provided in subsection ~~-(6)-~~
13 (7), shall not issue a license to the person until both of the
14 following occur:

15 (a) The court informs the secretary of state that the person
16 has resolved all outstanding matters regarding the notices or
17 citations.

18 (b) The person has paid to the court a \$25.00 driver license
19 reinstatement fee. The increase in the reinstatement fee from
20 \$10.00 to \$25.00 shall be imposed for a license that is suspended
21 on or after April 5, 1988 regardless of when the license was
22 suspended. If the court determines that the person is not
23 responsible for any of the parking violations for which the
24 person's license was suspended under this subsection, the court
25 shall waive payment of the fee.

26 (9) ~~-(8)-~~ For the purposes of subsections (4)(a) and
27 ~~-(7)(a)-~~ (8)(A), the court shall give to the person a copy of the

1 information being transmitted to the secretary of state. Upon
2 showing that copy, the person shall not be arrested or issued a
3 citation for driving on a suspended license on the basis of any
4 matter resolved under subsection (4)(a) or ~~-(7)(a)-~~ (8)(A), even
5 if the information being sent to the secretary of state has not
6 yet been received or recorded by the department.

7 (10) ~~-(9)-~~ Sixty percent of the driver license reinstatement
8 fees received under subsections (4)(b) and ~~-(7)(b)-~~ (8)(B) shall
9 be transmitted by the court to the secretary of state on a
10 monthly basis. The funds received by the secretary of state pur-
11 suant to this subsection shall be deposited in the state general
12 fund and shall be used to defray the expenses of the secretary of
13 state in processing the suspension and reinstatement of driver
14 licenses under this section.

15 Section 2. This amendatory act shall not take effect unless
16 Senate Bill No. 173

17 of the 87th Legislature is enacted into law.