

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5952**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 310d and 321a (MCL 257.310d and 257.321a),
section 310d as amended by 1991 PA 99 and section 321a as amended
by 1998 PA 68.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 310d. (1) A license issued under this act to a person
2 not previously licensed in this or in another state shall be des-
3 ignated as probationary for 3 years after the date of issuance.
4 During the first 12 months of probation, the license may be sus-
5 pended or probationary terms and conditions may be imposed upon
6 failure of the licensee to appear before a magistrate, as pro-
7 vided in this chapter, or upon conviction of the licensee or
8 determination of the licensee's responsibility for a moving
9 violation in this state. The period of suspension or the

HB 5952, As Passed Senate, September 22, 1998

House Bill No. 5952

2

1 probationary terms and conditions shall not be for more than 12
2 months and shall be determined by the secretary of state at an
3 examination of the driver by the secretary of state.

4 ~~(2) If a license is suspended or probationary terms and~~
5 ~~conditions are imposed by a probate judge, the period during~~
6 ~~which the suspension or probationary terms and conditions are in~~
7 ~~effect shall be deducted from the period of suspension or proba-~~
8 ~~tionary terms and conditions imposed at an examination of the~~
9 ~~driver by the secretary of state pursuant to subsection (1). If~~
10 ~~a license is suspended or probationary terms and conditions are~~
11 ~~imposed by the probate judge, the probate court shall include the~~
12 ~~suspension, probationary terms, and conditions, and the period~~
13 ~~during which the suspension, probationary terms, and conditions~~
14 ~~apply, on the abstract which the court forwards to the secretary~~
15 ~~of state.~~

16 (2) ~~(3)~~ Upon completion of the first 12 months of proba-
17 tion, the secretary of state may require a licensee to be reex-
18 amined by the secretary of state if the licensee's driving record
19 contains any of the following:

20 (a) A conviction ~~,~~ OR civil infraction determination ~~,~~ ~~or~~
21 ~~probate court disposition of~~ FOR a moving violation ~~which~~ THAT
22 was assessed 4 or more points as provided in section 320a.

23 (b) Three convictions ~~,~~ OR 3 civil infraction determina-
24 tions, ~~3 probate court dispositions,~~ or a combination of con-
25 victions ~~,~~ AND civil infraction determinations ~~,~~ ~~and probate~~
26 ~~court dispositions which~~ THAT equals 3, for moving violations.

HB 5952, As Passed Senate, September 22, 1998

House Bill No. 5952

3

1 (c) A total of 6 or more points as provided in section
2 320a.

3 (d) A conviction ~~,~~ OR civil infraction determination ~~, or~~
4 ~~probate court disposition of~~ FOR a moving violation and an acci-
5 dent for which the official police report indicates the licensee
6 had been drinking intoxicating liquor.

7 (e) A conviction ~~,~~ OR civil infraction determination ~~, or~~
8 ~~probate court disposition of~~ FOR a moving violation and an acci-
9 dent for which the official police report indicates a moving vio-
10 lation on the part of the licensee.

11 (f) Three accidents for which the official police report
12 indicates a moving violation on the part of the licensee.

13 (g) A suspension pursuant to section 625f.

14 (3) ~~-(4)-~~ The probationary period shall be extended beyond 3
15 years and the secretary of state may reexamine a licensee as pro-
16 vided in subsection ~~-(3),~~ (2) if any of the following occur and
17 are recorded on the licensee's driving record during the last 10
18 months of the probationary period:

19 (a) A moving violation resulting in a conviction or civil
20 infraction determination.

21 (b) An accident for which the official police report indi-
22 cates a moving violation on the part of the licensee.

23 (c) An accident for which the official police report indi-
24 cates the licensee had been drinking intoxicating liquor.

25 (d) A license suspension for a reason other than a mental or
26 physical disability.

HB 5952, As Passed Senate, September 22, 1998

House Bill No. 5952

4

1 (4) ~~—(5)—~~ The probationary period shall be extended pursuant
2 to subsection ~~—(4)—~~ (3) until the licensee completes 10
3 consecutive months without a moving violation, accident, or sus-
4 pension enumerated in subsection ~~—(4)—~~ (3).

5 (5) ~~—(6) The secretary of state, upon—~~ UPON completion of a
6 reexamination, THE SECRETARY OF STATE may suspend or impose pro-
7 bationary terms and conditions on the license of a probationary
8 licensee, except that a reexamination for subsection ~~—(3)(d)—~~
9 (4)(D), (e), or (f) shall not result in a license suspension or
10 the imposition of probationary terms or conditions.

11 (6) ~~—(7)—~~ For 24 months immediately after a licensee's pro-
12 bationary period, the secretary of state may require the licensee
13 to be reexamined by the secretary of state if the licensee's
14 driver record has a total of 9 or more points, as provided in
15 section 320a, imposed in a period of 2 years and if the
16 licensee's record contains 1 or more of the following:

17 (a) A conviction ~~—or probate court disposition,—~~ for a vio-
18 lation of section 625(1), ~~—or—~~ (3), (4), (5), (6), OR (7),
19 former section 625(1) or (2), OR FORMER SECTION 625B, a local
20 ordinance substantially corresponding to section 625(1), ~~—or—~~
21 (3), OR (6), former section 625(1) or (2), OR FORMER SECTION
22 625B, or a law of another state substantially corresponding to
23 section 625(1), ~~—or—~~ (3), (4), (5), (6), OR (7), former section
24 625(1) or (2), OR FORMER SECTION 625B.

25 (b) A conviction ~~—or probate court disposition—~~ for driving
26 while visibly impaired due to consumption of intoxicating liquor,

HB 5952, As Passed Senate, September 22, 1998

House Bill No. 5952

5

1 a controlled substance, or a combination of intoxicating liquor
2 and a controlled substance.

3 (c) A suspension of the licensee's license pursuant to sec-
4 tion 625f.

5 (d) An accident for which the official police report indi-
6 cates a moving violation on the part of the licensee.

7 (e) An accident for which the official police report indi-
8 cates the licensee had been drinking intoxicating liquor.

9 (7) ~~(8) The secretary of state, upon~~ UPON completion of a
10 reexamination ~~pursuant to~~ UNDER subsection ~~(7)~~ (6), THE SEC-
11 RETARY OF STATE may suspend the license of the licensee, except
12 that a reexamination for subsection ~~(7)(d)~~ (6)(D) or (e) shall
13 not result in a license suspension or restriction.

14 (8) ~~(9)~~ If a licensee fails to appear for a reexamination
15 scheduled by the secretary of state pursuant to this section, the
16 licensee's license may be suspended immediately and remain sus-
17 pended until the licensee appears for a reexamination by the sec-
18 retary of state.

19 (9) ~~(10)~~ Notice of a reexamination required under this
20 section shall be given by first class mail to the last known
21 address of the licensee.

22 (10) ~~(11)~~ For purposes of this section:

23 (a) Upon conviction for a moving violation, the date of the
24 arrest for the violation shall be used in determining whether the
25 conviction occurred within the probationary period.

26 (b) Upon entry of a civil infraction determination for a
27 moving violation, the date of issuance of a citation for a civil

HB 5952, As Passed Senate, September 22, 1998

House Bill No. 5952

6

1 infraction shall be used in determining whether the civil
2 infraction determination occurred within the probationary
3 period.

4 (c) Information of a reexamination shall not be placed on a
5 driver's record unless the secretary of state suspends a license
6 or imposes probationary terms and conditions.

7 (d) A suspension shall be considered part of a driving
8 record from the date the suspension is imposed until the suspen-
9 sion is terminated.

10 (e) The date of the official police report shall be used in
11 determining whether a licensee was driving a motor vehicle
12 involved in an accident for which the official police report
13 indicates a moving violation on the part of the licensee or indi-
14 cates the licensee had been drinking intoxicating liquor.

15 Sec. 321a. (1) A person who fails to answer a citation, or
16 a notice to appear in court for a violation ~~of this act~~
17 REPORTABLE TO THE SECRETARY OF STATE UNDER SECTION 732 or a local
18 ordinance substantially corresponding to a ~~provision of this~~
19 ~~act~~ VIOLATION OF A LAW OF THIS STATE REPORTABLE TO THE SECRETARY
20 OF STATE UNDER SECTION 732, or for any matter pending, or who
21 fails to comply with an order or judgment ~~issued pursuant to~~
22 ~~section 907~~ OF THE COURT, INCLUDING, BUT NOT LIMITED TO, PAYING
23 ALL FINES, COSTS, FEES, AND ASSESSMENTS, is guilty of a misde-
24 meanor PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A
25 FINE OF NOT MORE THAN \$100.00, OR BOTH. A violation of this sub-
26 section or failure to answer a citation or notice to ~~appeal~~
27 APPEAR FOR A VIOLATION OF section 33b(1) of ~~the Michigan liquor~~

HB 5952, As Passed Senate, September 22, 1998

House Bill No. 5952

7

1 ~~control act, MCL 436.33b,~~ FORMER 1933 (Ex Sess) PA 8,
2 SECTION 703(1) OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998
3 PA 58, MCL 436.1703, or a local ordinance substantially corre-
4 sponding to ~~that section~~ EITHER OF THOSE SECTIONS shall not be
5 considered a violation for any purpose under section 320a.

6 (2) Except as provided in ~~subsections (3) and (4)~~
7 SUBSECTION (3), 28 days or more after ~~the date of noncompliance~~
8 A PERSON FAILS TO ANSWER A CITATION OR NOTICE TO APPEAR IN COURT,
9 OR FOR ANY MATTER PENDING, OR FAILS TO COMPLY with an order or
10 judgment OF THE COURT, INCLUDING, BUT NOT LIMITED TO, PAYING ALL
11 FINES, COSTS, FEES, AND ASSESSMENTS, the court shall give notice
12 by mail at the last known address of the person that if the
13 person fails to appear or fails to comply with the order or judg-
14 ment ~~issued pursuant to section 907, including, but not limited~~
15 ~~to, paying all fines and costs,~~ within 14 days after the notice
16 is issued, the secretary of state shall suspend the person's
17 operator's or chauffeur's license. If the person fails to appear
18 or fails to comply with the order or judgment ~~issued pursuant to~~
19 ~~section 907, including, but not limited to, paying all fines and~~
20 ~~costs,~~ within the 14-day period, the court shall, within 14
21 days, inform the secretary of state, who shall immediately sus-
22 pend the license of the person. ~~and~~ THE SECRETARY OF STATE
23 SHALL IMMEDIATELY notify the person of the suspension by regular
24 mail at the person's last known address.

25 (3) If the person is charged with, or convicted of, a viola-
26 tion of section ~~625(1), (2), (3), (4), (5), or (6)~~ 625 or a
27 local ordinance substantially corresponding to section 625(1),

HB 5952, As Passed Senate, September 22, 1998

House Bill No. 5952

8

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

21 (4) If the person is charged with, or convicted of, a viola-
22 tion of section 33b(1) of ~~the Michigan liquor control act,~~
23 FORMER 1933 (Ex Sess) PA 8, ~~MCL 436.33b,~~ SECTION 703(1) OF THE
24 MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1703,
25 section 624a, section 624b, or a local ordinance substantially
26 corresponding to those sections and the person fails to answer a
27 citation or a notice to appear in court issued pursuant to

HB 5952, As Passed Senate, September 22, 1998

House Bill No. 5952

9

1 section 33b of ~~the Michigan liquor control act,~~ FORMER 1933 (Ex
2 Sess) PA 8, ~~MCL 436.33b,~~ SECTION 703 OF THE MICHIGAN LIQUOR
3 CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1703, section 624a,
4 section 624b, or a local ordinance substantially corresponding to
5 those sections or fails to comply with an order or judgment of
6 the court issued pursuant to section 33b of ~~the Michigan liquor~~
7 ~~control act,~~ FORMER 1933 (Ex Sess) PA 8, ~~MCL 436.33b,~~
8 SECTION 703 OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998
9 PA 58, MCL 436.1703, section 624a, section 624b, or a local ordi-
10 nance substantially corresponding to those sections including,
11 but not limited to, paying all fines and costs, the court shall
12 immediately give notice by first-class mail sent to the person's
13 last known address that if the person fails to appear within 7
14 days after the notice is issued, or fails to comply with the
15 order or judgment of the court, including, but not limited to,
16 paying all fines and costs, within 14 days after the notice is
17 issued, the secretary of state shall suspend the person's
18 operator's or chauffeur's license. If the person fails to appear
19 within the 7-day period, or fails to comply with the order or
20 judgment of the court, including, but not limited to, paying all
21 fines and costs, within the 14-day period, the court shall imme-
22 diately inform the secretary of state who shall immediately sus-
23 pend the person's operator's or chauffeur's license and notify
24 the person of the suspension by first-class mail sent to the
25 person's last known address.

HB 5952, As Passed Senate, September 22, 1998

House Bill No. 5952

10

1 (5) A suspension imposed under subsection (2) ~~—,~~ OR (3) ~~—,~~
2 ~~or (4) shall remain~~ REMAINS in effect until both of the
3 following occur:

4 (a) ~~The court informs the secretary of state that the~~
5 ~~person has appeared before the court and that all matters relat-~~
6 ~~ing to the violation or to the noncompliance with section 907 are~~
7 ~~resolved~~ SECRETARY OF STATE IS NOTIFIED BY EACH COURT IN WHICH
8 THE PERSON FAILED TO ANSWER A CITATION OR NOTICE TO APPEAR OR
9 FAILED TO PAY A FINE OR COST THAT THE PERSON HAS ANSWERED THAT
10 CITATION OR NOTICE TO APPEAR OR PAID THAT FINE OR COST.

11 (b) The person has paid to the court a \$25.00 driver license
12 ~~reinstatement~~ CLEARANCE fee FOR EACH FAILURE TO ANSWER A
13 CITATION OR FAILURE TO PAY A FINE OR COST. ~~The increase in the~~
14 ~~reinstatement fee from \$10.00 to \$25.00 shall be imposed for a~~
15 ~~license that is suspended on or after April 5, 1988 regardless of~~
16 ~~when the license was suspended.~~

17 (6) The court shall not notify the secretary of state, and
18 the secretary of state shall not suspend the person's license, if
19 the person fails to appear in response to a citation issued for,
20 or fails to comply with an order or judgment involving 1 or more
21 of the following infractions:

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

23 (b) A pedestrian, passenger, or bicycle violation, OTHER
24 THAN A VIOLATION OF SECTION 33B(1) OR (2) OF FORMER 1933 (EX
25 SESS) PA 8, SECTION 703(1) OR (2) OF THE MICHIGAN LIQUOR CONTROL
26 CODE OF 1998, 1998 PA 58, MCL 436.1703, SECTION 624A OR 624B, OR
27 A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 33B(1)

HB 5952, As Passed Senate, September 22, 1998

House Bill No. 5952

11

1 OR (2) OF FORMER 1933 (EX SESS) PA 8, SECTION 703(1) OR (2) OF
2 THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58,
3 MCL 436.1703, OR SECTION 624A OR 624B.

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

8 (a) Failed to answer 2 or more parking violation notices or
9 citations for violating a provision of this act or an ordinance
10 substantially corresponding to a provision of this act pertaining
11 to parking for persons with disabilities. ~~issued or served after~~
12 ~~September 19, 1989.~~

13 (b) Failed to answer 6 or more parking violation notices or
14 citations ~~, issued or served after March 31, 1981,~~ regarding
15 illegal parking.

16 (8) The secretary of state, upon being informed of the fail-
17 ure of a person to appear or comply as provided in subsection
18 (7), shall not issue a license to the person or renew a license
19 for the person until both of the following occur:

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

23 (b) The person has paid to the court a \$25.00 driver license
24 ~~reinstatement~~ CLEARANCE fee. ~~The increase in the reinstatement~~
25 ~~fee from \$10.00 to \$25.00 shall be imposed for a license~~
26 ~~that is reinstated on or after April 5, 1988 regardless of when~~
27 ~~issuance or renewal of the license was denied.~~ If the court

HB 5952, As Passed Senate, September 22, 1998

House Bill No. 5952

12

1 determines that the person is ~~not~~ responsible for ~~any of the~~
2 ONLY 1 PARKING VIOLATION UNDER SUBSECTION (7)(A) OR LESS THAN 6
3 parking violations UNDER SUBSECTION (7)(B) for which the person's
4 license was ~~suspended~~ NOT ISSUED OR RENEWED under this subsec-
5 tion, the court ~~shall~~ MAY waive payment of the fee.

6 (9) Not less than 28 days after a person fails to appear in
7 response to a citation issued for, or fails to comply with an
8 order or judgment involving, a state civil infraction described
9 in chapter 88 of the revised judicature act of 1961, 1961 PA 236,
10 MCL 600.8801 to 600.8835, the court shall give notice by ordinary
11 mail, addressed to the person's last known address, that if the
12 person fails to appear or fails to comply with the order or judg-
13 ment described in this subsection within 14 days after the notice
14 is issued, the court will give to the secretary of state notice
15 of that failure. Upon receiving notice of that failure, the sec-
16 retary of state shall not issue or renew an operator's or
17 chauffeur's license for the person until both of the following
18 occur:

19 (a) The court informs the secretary of state that the person
20 has resolved all outstanding matters regarding each notice or
21 citation.

22 (b) The person has paid to the court a \$25.00 driver license
23 ~~reinstatement~~ CLEARANCE fee. If the court determines that the
24 person is not responsible for any violation for which the
25 person's license was not issued or renewed under this subsection,
26 the court shall waive the ~~driver license reinstatement~~ fee.

HB 5952, As Passed Senate, September 22, 1998

House Bill No. 5952

13

1 (10) For the purposes of subsections (5)(a), (8)(a), and
2 (9)(a), the court shall give to the person a copy of the
3 information being transmitted to the secretary of state. Upon
4 showing that copy, the person shall not be arrested or issued a
5 citation for driving on a suspended license, on an expired
6 license, or without a license on the basis of any matter resolved
7 under subsection (5)(a), (8)(a), or (9)(a), even if the informa-
8 tion being sent to the secretary of state has not yet been
9 received or recorded by the department.

10 (11) ~~Sixty percent~~ SIX DOLLARS of ~~the driver license~~
11 ~~reinstatement fees~~ EACH FEE received under ~~subsections~~
12 SUBSECTION (5)(b), (8)(b), or (9)(b) shall be transmitted by the
13 court to the secretary of state on a monthly basis. The funds
14 received by the secretary of state ~~pursuant to~~ UNDER this sub-
15 section shall be deposited in the state general fund and shall be
16 used to defray the expenses of the secretary of state in process-
17 ing the suspension and reinstatement of driver licenses under
18 this section.

19 (12) Section 819 does not apply to a reinstatement fee col-
20 lected for an operator's or chauffeur's license that is not
21 issued or renewed ~~pursuant to~~ UNDER section 8827 of the revised
22 judicature act of 1961, 1961 PA 236, MCL 600.8827.

23 Enacting section 1. This amendatory act takes effect
24 October 1, 1999.

25 Enacting section 2. This amendatory act does not take
26 effect unless all of the following bills of the 89th Legislature
27 are enacted into law:

HB 5952, As Passed Senate, September 22, 1998

House Bill No. 5952

14

- 1 (a) Senate Bill No. 268.
- 2 (b) Senate Bill No. 269.
- 3 (c) Senate Bill No. 625.
- 4 (d) Senate Bill No. 627.
- 5 (e) Senate Bill No. 869.
- 6 (f) Senate Bill No. 870.
- 7 (g) Senate Bill No. 953.
- 8 (h) House Bill No. 4210.
- 9 (i) House Bill No. 4576.
- 10 (j) House Bill No. 4959.
- 11 (k) House Bill No. 4960.
- 12 (l) House Bill No. 4961.
- 13 (m) House Bill No. 5122.
- 14 (n) House Bill No. 5123.
- 15 (o) House Bill No. 5951.
- 16 (p) House Bill No. 5953.
- 17 (q) House Bill No. 5954.
- 18 (r) House Bill No. 5955.
- 19 (s) House Bill No. 5956.