

## PROCEDURE FOR NONRESIDENT MOTORIST NONCOMPLIANCE WITH TRAFFIC CITATION

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**House Bill 6012 as introduced**  
**Sponsor: Rep. Steven Johnson**  
**Committee: Transportation and Infrastructure**  
**Complete to 5-29-18**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

Under the Michigan Vehicle Code, the Secretary of State may suspend, deny, or revoke the right of a nonresident to operate a motor vehicle in this state for a cause for which the license of a resident driver may be suspended, denied or revoked. A nonresident who drives on a highway when the privilege to drive has been revoked, suspended, or denied is guilty of a misdemeanor.

House Bill 6012 would amend the Michigan Vehicle Code to require the Secretary of State, upon receiving a record of a violation by a nonresident, to notify the motor vehicle administration or other appropriate officer of the state where the nonresident is licensed of that violation. The notification would have to be given no later than 6 months after the date the citation was issued. However, the provision would not apply unless the governor of this state has entered into an interstate compact requiring the notification. (Such a compact is proposed by House Bill 6011.)

In addition, HB 6012 also specifies that the Secretary of State would be required to suspend a license, upon receiving notice of the license holder's failure to comply with a citation issued by another state, until the Secretary of State receives satisfactory evidence of compliance from the other state. This section also would not apply unless the governor of this state has entered into an interstate compact requiring the suspension.

#### Nonresident stopped for civil infraction

Currently under the Code, when a nonresident is stopped for a civil infraction, the police officer is required to take the person's operator's license as security for his or her appearance in court and satisfaction of any order that may be issued. The bill would require the police officer making the stop to issue that person a citation as specified in the Code. The officer would have to release the nonresident upon his or her personal recognizance.

#### Demand for Hearing

If a magistrate is available for an immediate appearance on demand of the person stopped, the officer would have to immediately take him or her before the magistrate to answer to the alleged civil infraction. If the nonresident requested a formal hearing, the hearing would be scheduled as provided in the Code.

### Failure to Appear

If the person who is released upon his or her own personal recognizance fails to appear as required for a scheduled formal hearing, the court having jurisdiction and venue over the civil infraction would have to enter a default judgment against the person.

House Bill 6012 is tie-barred to House Bill 5542, meaning that it cannot take effect unless House Bill 5542 is also enacted.<sup>1</sup>

The bill would take effect 90 days after enactment.

MCL 257.317, 257.318, and 257.749

### **FISCAL IMPACT:**

This bill would provide for nominal administrative cost savings for the Department of State Police and local law enforcement agencies, resulting from the elimination of the requirement that officers seize operator's licenses, under the provisions of this act, and transmit them to the court within the jurisdiction upon the end of the officers' duties.

The bill's estimated fiscal impact on the Department of State (DOS) is not yet determined, but the bill could result in a marginal annual increase in revenue from driver license reinstatement fees due to an expected slight increase in license suspensions. Under the bill, Michigan drivers who either fail to pay or properly respond to notices of traffic violations in other states, or who are convicted of violations that call for the suspension of a driver's license in another state, will have their Michigan driver's license suspended according to the provisions of the compact. To reinstate a Michigan driver's license, an individual must submit a \$125 reinstatement fee to the Secretary of State. DOS collected approximately \$6.2 million in reinstatement fees in Fiscal Year 2016-17. The Department of Transportation, the Department of State Police, and the Judiciary would also receive a portion of the potential minor increase in reinstatement fees. A standard reinstatement fee is distributed to four State of Michigan departments, as shown below in Table 1.

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<sup>1</sup> HFA Summary of HB 5542: <http://www.legislature.mi.gov/documents/2017-2018/billanalysis/House/pdf/2017-HLA-5542-36209D89.pdf>

**Table 1**  
**Distribution of \$125 Standard License Reinstatement Fee Revenue**

<b>Department</b>	<b>Amount</b>	<b>Fund</b>	<b>Description</b>
Secretary of State (SOS), State	\$50	Reinstatement Fees	Supports various operations within the Secretary of State.
Transportation (MDOT)	\$35	Economic Development Fund	Funds highway, road, and street projects that support economic growth.
Judiciary	\$30	Drunk Driving Fund	Funds the drunk driving case-flow program which assists trial courts with timely disposition of drunk driving offense cases.
State Police (MSP)	\$10	Drunk Driving Prevention and Training Fund	Supports the purchase and maintenance of breath-alcohol testing equipment and training to law enforcement officers on using the equipment.

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