

HOUSE BILL No. 6012

May 16, 2018, Introduced by Reps. Johnson and Noble and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 317, 318, and 749 (MCL 257.317, 257.318, and 257.749), section 317 as amended by 2004 PA 362 and sections 318 and 749 as amended by 2008 PA 7.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 317. (1) The secretary of state may suspend, deny, or
2 revoke the right of a nonresident to operate a motor vehicle in
3 this state for a cause for which the license of a resident driver
4 may be suspended, denied, or revoked. A nonresident who drives a
5 motor vehicle upon a highway when the privilege to drive has been
6 suspended, revoked, or denied by the secretary of state is guilty
7 of a misdemeanor punishable as provided in section 904.

1 (2) THE SECRETARY OF STATE, UPON RECEIVING A RECORD OF A
2 VIOLATION OF SECTION 321A(1) BY A NONRESIDENT IN THIS STATE, SHALL
3 NOTIFY THE MOTOR VEHICLE ADMINISTRATION OR OTHER APPROPRIATE
4 OFFICER OF THE STATE WHERE THE NONRESIDENT IS LICENSED OF THAT
5 VIOLATION. THE NOTIFICATION REQUIRED UNDER THIS SUBSECTION SHALL BE
6 GIVEN NO LATER THAN 6 MONTHS AFTER THE DATE THE CITATION WAS ISSUED
7 TO THE NONRESIDENT. THIS SUBSECTION DOES NOT APPLY UNLESS THE
8 GOVERNOR OF THIS STATE HAS ENTERED INTO AN INTERSTATE COMPACT
9 REQUIRING THE NOTIFICATION DESCRIBED IN THIS SUBSECTION.

10 (3) ~~(2)~~The secretary of state, upon receiving a record of the
11 conviction, civil infraction determination, suspension, revocation,
12 or forfeiture of bail in this state of a nonresident of a violation
13 the record of which is required to be maintained under section
14 204a, shall forward a certified copy of the record to the motor
15 vehicle administrator or other appropriate officer in the state in
16 which the person is a resident.

17 (4) ~~(3)~~ Beginning October 1, 2005, within 30 **WITHIN 10** days
18 after an appeal is completed or the appeal period has expired if an
19 appeal is not made in a conviction, civil infraction determination,
20 or bond forfeiture entered against a nonresident in this state for
21 a violation committed while operating a commercial motor vehicle or
22 any violation for a commercial driver license holder regardless of
23 vehicle type, except a parking violation, the secretary of state
24 shall notify the motor vehicle administration or other appropriate
25 officer of the state where the nonresident is licensed of that
26 conviction, determination, or forfeiture. ~~Beginning October 1,~~
27 ~~2008, the secretary of state must give notice under this subsection~~

1 ~~within 10 days after an appeal is completed or the appeal period~~
2 ~~has expired if an appeal is not made.~~

3 (5) ~~(4)~~—If the secretary of state suspends, revokes, cancels,
4 or denies the driving privileges of a nonresident for 60 days or
5 more and that nonresident is licensed by another state to operate a
6 commercial motor vehicle, the secretary of state shall, within 10
7 days after the effective date of the suspension, revocation,
8 cancellation, or denial, forward a notification about that
9 suspension, revocation, cancellation, or denial to the motor
10 vehicle administrator or other appropriate officer of the state
11 where the nonresident is licensed to operate a motor vehicle. A
12 notice given under this subsection must include both the denial, if
13 any, and the violation that caused the suspension, revocation,
14 cancellation, or denial of the nonresident's driving privileges.

15 Sec. 318. (1) The secretary of state may suspend or revoke the
16 license issued under this act upon receiving notice of the
17 conviction of that person in another state of an offense in that
18 state, or the determination of responsibility of that person in an
19 administrative adjudication in another state for a violation in
20 that state which, if committed in this state, would be grounds for
21 the suspension or revocation of the license of an operator or
22 chauffeur.

23 (2) **THE SECRETARY OF STATE SHALL SUSPEND A LICENSE ISSUED**
24 **UNDER THIS ACT UPON RECEIVING NOTICE OF THE LICENSE HOLDER'S**
25 **FAILURE TO COMPLY WITH A CITATION ISSUED BY ANOTHER STATE UNTIL THE**
26 **SECRETARY OF STATE RECEIVES SATISFACTORY EVIDENCE OF COMPLIANCE**
27 **FROM THE OTHER STATE. THIS SUBSECTION DOES NOT APPLY UNLESS THE**

1 GOVERNOR OF THIS STATE HAS ENTERED INTO AN INTERSTATE COMPACT
2 REQUIRING THE SUSPENSION DESCRIBED IN THIS SUBSECTION.

3 Sec. 749. (1) When a nonresident is stopped under section 742
4 for a civil infraction, the police officer making the stop shall
5 ~~take that person's operator's license or chauffeur's license as~~
6 ~~security for the nonresident's appearance in court and satisfaction~~
7 ~~of any order that may be issued under section 907 and shall issue~~
8 ~~to that person a citation as provided in sections 727c and 742. At~~
9 ~~or before the completion of his or her tour of duty, a police~~
10 ~~officer taking the operator's license or chauffeur's license shall~~
11 ~~deliver that license either to the court named in the citation or~~
12 ~~to the police chief or person authorized by the police chief to~~
13 ~~receive citations and operator's licenses and chauffeur's licenses.~~
14 ~~The police chief or person authorized shall deposit the license and~~
15 ~~citation with the court in the same manner as prescribed for~~
16 ~~citations in section 728a. Failure to deliver the license shall be~~
17 ~~considered contempt of court. If the person does not have an~~
18 ~~operator's license or a chauffeur's license in immediate possession~~
19 ~~in violation of section 301 or a license or the receipt described~~
20 ~~in section 311a in violation of section 311, the officer shall~~
21 ~~arrest that person under section 727(d).~~

22 (2) ~~In lieu of the officer's taking of the license under~~
23 ~~subsection (1) or before appearance in court, the person stopped~~
24 ~~may recognize to the **THE** officer or to the court for **SHALL RELEASE**~~
25 ~~**THE NONRESIDENT UPON** his or her appearance by leaving with the~~
26 ~~officer or court a guaranteed appearance certificate or a sum of~~
27 ~~money not to exceed \$100.00. **PERSONAL RECOGNIZANCE.**~~

1 (3) If a magistrate is available for an immediate appearance,
2 upon demand of the person stopped, the officer immediately shall
3 take the nonresident driver before the magistrate to answer to the
4 civil infraction alleged. ~~Upon entry of an admission of~~
5 ~~responsibility for the civil infraction, with or without~~
6 ~~explanation, or upon completion of an informal hearing, the~~
7 ~~defendant's license shall be returned if judgment is entered for~~
8 ~~the defendant, if any adverse judgment entered against the~~
9 ~~defendant is satisfied, or if the defendant leaves with the court a~~
10 ~~guaranteed appearance certificate or a sum of money not to exceed~~
11 ~~\$100.00 as security for payment of any fines or costs ordered. If~~
12 the nonresident defendant requests a formal hearing, the hearing
13 shall be scheduled as provided in section 747. ~~but the defendant's~~
14 ~~license shall be retained by the court until final resolution of~~
15 ~~the matter unless the defendant leaves with the court the~~
16 ~~guaranteed appearance certificate or deposit as provided in~~
17 ~~subsection (2) as security for appearance at the scheduled formal~~
18 hearing.

19 ~~— (4) The officer receiving a guaranteed appearance certificate~~
20 ~~or deposit of money under subsection (2) shall give a receipt to~~
21 ~~the person stopped for the guaranteed appearance certificate or the~~
22 ~~money deposited together with the written citation required under~~
23 ~~subsection (1).~~

24 ~~— (5) At or before the completion of his or her tour of duty a~~
25 ~~police officer taking a certificate or deposit of money shall~~
26 ~~deliver the certificate or deposit of money and the citation either~~
27 ~~to the court named in the citation, or to the police chief or~~

1 ~~person authorized by the police chief to receive certificates or~~
2 ~~deposits. The police chief or person authorized shall deposit the~~
3 ~~certificate or the money deposited and the citation with the court~~
4 ~~in the same manner as prescribed for citations in section 728a.~~
5 ~~Failure to deliver the money deposited shall be embezzlement of~~
6 ~~public money.~~

7 (4) ~~(6)~~ If the person who posts a certificate or deposit **IS**
8 **RELEASED UPON HIS OR HER PERSONAL RECOGNIZANCE AS PROVIDED IN**
9 **SUBSECTION (2)** fails to appear as required in the citation or for a
10 scheduled formal hearing, the court having jurisdiction and venue
11 over the civil infraction shall enter a default judgment against
12 the person. ~~, and the guaranteed appearance certificate or money~~
13 ~~deposited shall be forfeited and applied to any civil fine or costs~~
14 ~~ordered under section 907.~~

15 ~~—— (7) For purposes of this section, "guaranteed appearance~~
16 ~~certificate" means a card or certificate containing a printed~~
17 ~~statement that a surety company authorized to do business in this~~
18 ~~state guarantees the appearance of the person whose signature~~
19 ~~appears on the card or certificate, and that the company, if the~~
20 ~~person fails to appear in court at the time of a scheduled informal~~
21 ~~or formal hearing or to pay any fine or costs imposed under section~~
22 ~~907, will pay any fine, costs, or bond forfeiture imposed on the~~
23 ~~person in a total amount not to exceed \$200.00.~~

24 Enacting section 1. This amendatory act takes effect 90 days
25 after the date it is enacted into law.

26 Enacting section 2. This amendatory act does not take effect
27 unless House Bill No. 5542 of the 99th Legislature is enacted into

1 law.