

REINSTATEMENT PROCESS FOR DRIVER'S LICENSE SUSPENDED FOR FRIEND OF THE COURT VIOLATION

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House Bill 6192 as reported from committee

Sponsor: Rep. Jack O'Malley

1st Committee: Transportation

2nd Committee: Ways and Means

Complete to 9-16-20

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

SUMMARY:

House Bill 6192 would amend the Michigan Vehicle Code to require that, under certain circumstances, an order to reinstate a suspended driver license must be presented to the Secretary of State within a specified time.

Under the code, the Secretary of State must immediately suspend the driver license of an individual upon being notified by the Friend of the Court that the individual is behind in paying child support (or not complying with certain other provisions of the Support and Parenting Time Enforcement Act) and has not taken steps required to address the situation.¹ The license suspension remains in effect until he or she does all of the following:

- Gets a certificate from the Friend of the Court that shows that he or she is complying with the custody, parenting time, or support order.²
- Provides that certificate to the Secretary of State.
- Pays the circuit court clerk a \$45 driver license clearance fee.
- Pays the Secretary of State an \$85 license reinstatement fee.

The bill would require the individual to present the certificate described above to the Secretary of State within 10 days after the date it was issued.

Under the bill, a certificate presented to the Secretary of State more than 10 days after its date of issuance would no longer be valid. The Secretary of State could not reinstate the individual's license, and he or she would have to get another certificate from the Friend of the Court and pay the fees described above before the Secretary of State could reinstate his or her license.

These provisions would be effective beginning October 1, 2020.

MCL 257.306 and 257.321c

FISCAL IMPACT:

House Bill 6192 could result in a minor increase in fee revenue to the extent that the 10-day expiration period provided under the bill leads to additional payments of license reinstatement fees and license clearance fees. Currently, section 321c(3) of the Michigan Vehicle Code requires an individual to pay an \$85 license reinstatement fee and a \$45 license clearance fee

¹ See https://www.michigan.gov/sos/0,4670,7-127-1627_8665_9078-27161--,00.html

² <https://courts.michigan.gov/Administration/SCAO/Forms/courtforms/foc86.pdf>

for the Secretary of State to reinstate his or her license. Under the bill, if an individual fails to provide a copy of their certificate to the Secretary of State before the 10-day period, the individual must obtain another certificate *and* satisfy the requirements under subsection (3). Depending on how the bill is implemented, this could lead to some individuals paying each fee more than once when they would previously have paid each only once. The number of individuals who would pay multiple fees because of the bill is indeterminate, as is the potential fee revenue increase.

The \$85 Friend of the Court reinstatement fees, authorized under section 320e of the Vehicle Code, are required to be deposited in the state general fund to be used to defray the expenses of the Secretary of State in processing the suspension and reinstatement of driver licenses.

The \$45 license clearance fees are distributed as follows:

- \$15 to the general fund to defray the expenses of the Secretary of State in processing the suspension and reinstatement of driver licenses.
- \$30 to the Friend of the Court Fund to reimburse county Friends of the Court.

POSITIONS:

The Department of State indicated support for the bill. (9-10-20)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.