

SENATE BILL No. 102

January 28, 2009, Introduced by Senators GARCIA and JANSEN and referred to the Committee on Families and Human Services.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 321c (MCL 257.321c), as added by 1996 PA 240.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 321c. (1) ~~The~~ **IF A FRIEND OF THE COURT NOTIFIES THE**
2 secretary of state ~~shall comply with a suspension order issued~~ **THAT**
3 **A LICENSEE HAS FAILED TO APPEAR FOR A HEARING, COMPLY WITH A**
4 **REPAYMENT PLAN ORDER, OR RESPOND TO A LICENSE SUSPENSION NOTICE**
5 under the support and parenting time enforcement act, ~~Act No. 295~~
6 ~~of the Public Acts of 1982, being sections 552.601 to 552.650 of~~
7 ~~the Michigan Compiled Laws 1982 PA 295, MCL 552.601 TO 552.650, and~~
8 **THE SECRETARY OF STATE shall IMMEDIATELY** suspend the operator's or
9 chauffeur's license of a ~~THE~~ licensee ~~within 7 business days after~~

1 ~~receipt~~ **AND SHALL NOTIFY THE LICENSEE** of the suspension order ~~BY~~
2 **FIRST-CLASS MAIL.**

3 (2) ~~Upon being informed of a suspension~~ **IF A PERSON'S LICENSE**
4 **IS SUSPENDED** under subsection (1), the secretary of state shall not
5 issue a license to a ~~THE person whose~~ **IF THE PERSON'S** license is
6 already suspended, revoked, or denied or ~~who~~ **IF THE PERSON** does not
7 have a license to suspend until the person is in compliance with
8 subsection (3) and other provisions of this act.

9 ~~—— (3) An order rescinding a suspension order issued under Act~~
10 ~~No. 295 of the Public Acts of 1982 is effective upon its entry by~~
11 ~~the court and payment by the licensee of the reinstatement fee~~
12 ~~provided by section 320e, and, unless the license is otherwise~~
13 ~~suspended, revoked, or invalid, the license is immediately~~
14 ~~reinstated and valid. The secretary of state shall reissue the~~
15 ~~operator's or chauffeur's license of a licensee whose suspension~~
16 ~~order is rescinded within 7 business days after receipt of an order~~
17 ~~rescinding the suspension order and payment of the reinstatement~~
18 ~~fee provided by section 320e.~~

19 (3) **A SUSPENSION IMPOSED UNDER SUBSECTION (1) OR (2) REMAINS**
20 **IN EFFECT UNTIL ALL OF THE FOLLOWING OCCUR:**

21 (A) **THE PERSON OBTAINS A CERTIFICATE FROM THE FRIEND OF THE**
22 **COURT SHOWING THAT THE PERSON IS COMPLYING WITH THE CUSTODY,**
23 **PARENTING TIME, OR SUPPORT ORDER, AND PROVIDES THAT CERTIFICATE TO**
24 **THE SECRETARY OF STATE WITHIN 10 DAYS AFTER THE DATE OF ISSUANCE**
25 **NOTED ON THE CERTIFICATE.**

26 (B) **THE PERSON PAYS TO THE CIRCUIT COURT CLERK A \$45.00 DRIVER**
27 **LICENSE CLEARANCE FEE.**

1 (C) THE PERSON PAYS THE REINSTATEMENT FEE IMPOSED UNDER
2 SECTION 320E.

3 (4) UNLESS A PERSON'S LICENSE IS OTHERWISE SUSPENDED, REVOKED,
4 OR INVALID, THE LICENSE IS IMMEDIATELY REINSTATED AND VALID ON
5 SATISFACTION OF THE REQUIREMENTS OF SUBSECTION (3). THE SECRETARY
6 OF STATE SHALL REISSUE THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF A
7 PERSON WHOSE SUSPENSION IS RESCINDED UNDER SUBSECTION (3) WITHIN 30
8 DAYS AFTER RECEIPT OF THE CERTIFICATE OBTAINED UNDER SUBSECTION
9 (3) (A), EVIDENCE OF THE PAYMENT OF THE FEE UNDER SUBSECTION (3) (B),
10 AND THE FEE IMPOSED UNDER SECTION 320E.

11 (5) IF A PERSON SHOWS A COPY OF A CERTIFICATE OBTAINED UNDER
12 SUBSECTION (3) THAT WAS ISSUED TO THE PERSON WITHIN THE PREVIOUS 10
13 DAYS TO A LAW ENFORCEMENT OFFICER, THE LAW ENFORCEMENT OFFICER
14 SHALL NOT ARREST OR ISSUE A CITATION TO THE PERSON FOR DRIVING ON A
15 SUSPENDED LICENSE, ON AN EXPIRED LICENSE, OR WITHOUT A LICENSE ON
16 THE BASIS OF ANY MATTER RESOLVED UNDER SUBSECTION (3), EVEN IF THE
17 SECRETARY OF STATE HAS NOT YET RECEIVED OR RECORDED THE
18 CERTIFICATE.

19 (6) FOR EACH FEE RECEIVED UNDER SUBSECTION (3) (B), THE CLERK
20 SHALL TRANSMIT THE FOLLOWING AMOUNTS ON A MONTHLY BASIS:

21 (A) FIFTEEN DOLLARS TO THE SECRETARY OF STATE. THE SECRETARY
22 OF STATE SHALL DEPOSIT MONEY RECEIVED UNDER THIS SUBDIVISION IN THE
23 GENERAL FUND. THE MONEY SHALL BE EXPENDED TO DEFRAY THE EXPENSES OF
24 THE SECRETARY OF STATE IN PROCESSING THE SUSPENSION AND
25 REINSTATEMENT OF DRIVER LICENSES UNDER THIS SECTION.

26 (B) THIRTY DOLLARS TO THE TREASURER OF THE COUNTY. THE
27 TREASURER SHALL DEPOSIT MONEY RECEIVED UNDER THIS SUBDIVISION IN

1 THE COUNTY FRIEND OF THE COURT FUND CREATED IN SECTION 2530 OF THE
2 REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.2530.

3 Enacting section 1. This amendatory act does not take effect
4 unless Senate Bill No. 100

5 of the 95th Legislature is enacted into law.