

License Suspensions in Michigan

Presented by:

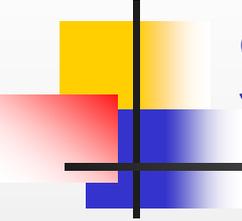
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Michigan Traffic Safety Summit

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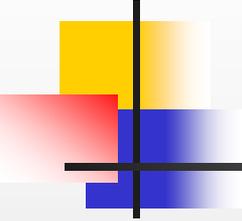




What is Driving While License Suspended?

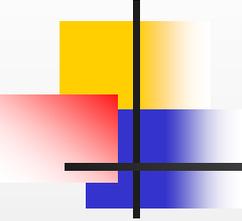
- A suspension is for a definite period and carries a “from” and “through” date. When the “through” date is reached, the driver merely needs to appear at a branch office and pay the reinstatement fee for re-licensure.
- This is contingent on no additional violations occurring during the period of suspension.

What is Driving While Revoked?

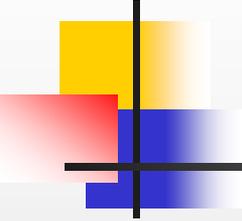


- The most serious action is revocation, as it is the termination of the operator's license and privilege to operate a motor vehicle.
- The driver is only eligible to reapply to SOS for license restoration after the expiration of 5 years for a subsequent revocation within 7 years of a prior revocation.
- There is no guarantee that the license will be returned after the minimum period of revocation.

What is Driving While Restricted?

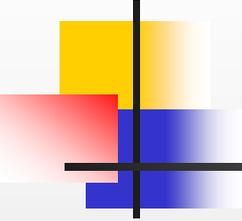


- A restricted license allows limited driving privileges.
- It is important that operators carry proof of destination and hours when operating a vehicle.
- Proof is required so that law enforcement officers can insure compliance with restrictions authorized.



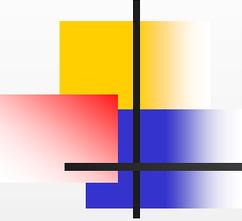
What is the Driver Responsibility Act?

- On October 1, 2003, Michigan adopted the Driver Responsibility Act, and it applies only to traffic offenses committed on or after October 1, 2003.
- The Act requires drivers to pay specified fees for two consecutive years for accumulating seven or more qualifying points on their driver license in a two-year period, or for being convicted of certain qualifying offenses.
- For example, a driver who is convicted of Reckless Driving or Operating While Intoxicated must pay a set amount of money per year for two years.



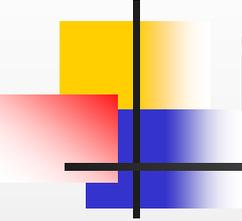
Examples When A Person's License Will be Suspended

- Reckless Driving;
- Unlawful Use of License;
- Fraudulent ID to Purchase Alcohol;
- Leaving Scene of Accident (Misdemeanor);
- Operating While Intoxicated;
- Child Endangerment;
- Fleeing & Eluding;
- Felony Auto Used;
- Drug Crime;
- Failure to answer 6 or more parking violation notices or citations regarding illegal parking (MCL 257.321a(7)(a)).



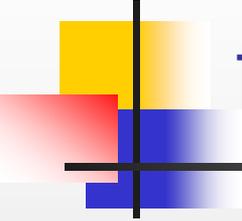
Examples When A Person's License Will be Revoked

- Manslaughter;
- OWI-Death;
- DWLS/DWLR-Death;
- Negligent Homicide;
- Murder;
- Failed to Stop or identify After P.I. Accident Causing Serious Impairment of a Body Function.



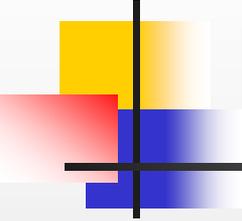
A Person's License is Suspended, if Notification by Friend of Court

- Friend of the Court matters (MCL 257.321c), i.e. failed to appear for a hearing, comply with a repayment plan order, or respond to a license suspension notice under the support and time enforcement act.
- The SOS Office shall immediately suspend the operator's or chauffeur's license of the licensee.



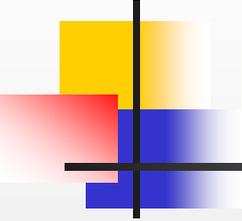
What are the criminal penalties for suspension and revoked?

- MCL 257.904 is the statute that addresses the criminal penalties for a suspended, revoked, or denied driver's license:
- Penalties for a first violation is a misdemeanor of not more than 93 days and/or \$500.00.
- Second violation is a misdemeanor of not more than 1 Year and/or fine of \$1,000.00. The herbal form of drug consists of dried mature flowers and leaves of female plants.
- Other DWLS Crimes include, but not limited to, DWLS Causing Death, DWLS Causing Serious Impairment of a Bodily Function



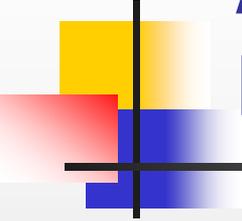
What Other States' Driver's License Suspension Policies?

- States suspend driver's licenses for a variety of offenses that are not directly related to driving safety—such as failure to appear in court, pay fines, or meet child support obligations.



All 50 States Suspend Driver's Licenses for Non-Driving offenses

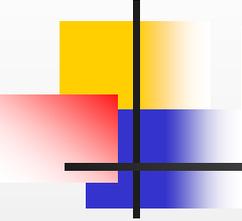
- All states have adopted practices to suspend licenses for non-driving offenses.
- A majority of states have adopted policies to suspend licenses for such offenses as:
 - Failure to maintain proper insurance;
 - Failure to appear in court for a traffic violation; and
 - Failure to pay a motor vehicle or court fine, fee, or surcharge.



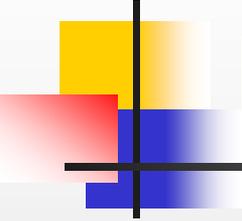
All States Have Suspension Procedures for Failure to Pay Child Support

- As a condition of federal funding for their child support programs, states are required to provide for the suspension of driver's licenses for individuals delinquent in making child support payments.
- The federal statute specifies that states should suspend licenses "in appropriate cases," which gives states flexibility in implementing it, including setting the level of arrearage that would prompt a suspension.
- All states have procedures to suspend licenses for child support arrearages.

Concerns About Suspension Policies

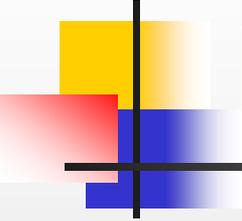


- While recognizing that suspensions can be an effective tool for promoting compliance with various laws, some concerns have been raised:
 - Certain drivers may face suspension because of their limited ability to meet financial obligations;
 - License suspensions make it difficult for some low-income individuals to maintain or find work, and may make it more challenging for them to pay fines or meet child support obligations; and
 - Suspensions for non-driving offenses may clog court systems and divert resources to activities that do not improve traffic safety.



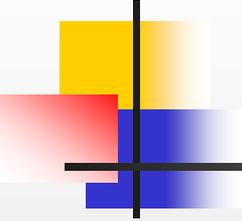
What Practices May Ease the Financial Impact of Suspensions?

- Practices that may ease the financial impact of suspensions of low-income individuals:
 - Payment assistance, such as for parking or traffic-related fines,
 - License reinstatement support, and
 - Suspension exemptions.



Pending Legislation

- The following bills modify procedures for imposing driver responsibility fees:
 - HB 4098/HB 4101/HB 4604/HB 5603;
 - SB 127/SB 317/SB 894.



References

- *Drivers License Appeal Practice Manual*, Michigan Department of State, 2005;
- *License Suspensions for Non-Driving Offenses, Practices in Four States That May Ease the Financial Impact of Low-Income Individuals*, United States Government Accountability Office, February 2010.