



THE DOCKET

The Newsletter of the Michigan Association of District Court Magistrates

Fall, 2021

Reclassification and Civil Infractions

By: Ryan Gamby, Field Services Director, SCAO

Now Civil Infractions:

257.208b Driver Education and Limousine Record Violations
257.239 Motor Vehicles – Failing to Endorse and Deliver Certificate of Title to Transferee
257.312a Motorcycles – Operation Without Endorsement (1st Violation)
257.325 Motor Vehicles – Allowing Unlicensed Minor to Operate
257.624b(4) Motor Vehicle – Transfer of to Avoid Impoundment
257.677a Snow on Highway – Obstructing Vision
257.682c Motor Vehicles – Operating Commercial Snow Removal Vehicle Without Flashing Lights
257.698(5) Motor Vehicles – Use/Possession of Flashing Lights
257.698(6) Motor Vehicles/Sale of Flashing Lights/Unauthorized Use of Emergency Vehicle
257.707c(2) Motor Vehicles – New – Excessive Noise
257.707c(4) Motor Vehicles – Sale or Installation of a Muffler Causing Excessive Noise
257.707c(6) Motor Vehicles – Dealer Sale of Noncompliant Vehicle

Offenses

The SOS is no longer required to suspend a license for the following violations:

1. Alcohol – Use of Fraudulent Identification by Minor
2. Alcohol – Furnishing Fraudulent Identification to Minor
3. Alcohol – Purchase/Consumption/Possession by Minor – 2nd or Subsequent
4. Offenses Related to the False Report or Threatened Use of Certain Explosives Involving a School.
5. Alcohol – Selling/Furnishing to Minor – 2nd or Subsequent
 - Repealed MCL 257.319e – License suspension for controlled substance violations
 - Repealed MCL 333.7408a(1) & (2) – required court to impose license suspension for violations of Public Health Code.
 - Requires SOS to waive reinstatement fees for current suspensions and immediately reinstate licenses.

FAC/FCJ Suspensions (MCL 257.321a)

321a(1) 93-day misdemeanor for FAC/FCJ Repealed
321a(2) 14-day notice for FAC/FCJ if violation reportable to SOS (MCL 257.732)
14-day notice on violation **“for which license suspension is allowed under this act.”**
321a(3) 7- and 14-day notices for FAC/FCJ violations
of MCL 257.625

Expanded to include (1) reckless driving, (2) any driving violation resulting in injury, death,

or serious impairment, and (3) a serious offense involving a motor vehicle.

321a(4) 7- and 14-day notices for FAC/FCJ for violations of MCL 436.1703(1)(b) or (c), MCL 257.624a, and MCL 257.624b

Repealed

321a(6)-(8) 10-day notice for FAC on parking violations Repealed

321a(9) 14-day notice for state civil infractions. Repealed

HYTA

Effective October 1, law now increases HYTA eligibility for offenses committed on or after the defendant's 18th birthday but before his or her 26th birthday. Prosecutor must consent to HYTA for offenses committed on or after the defendant's 21st birthday.

2022 ANNUAL CONFERENCE

Save the date: September 21, 22, 23, 2022. We are hoping details will be finalized to allow us to go to the Park Place in Traverse City.

FROM OUR PRESIDENT

Hello everyone:

As you know, we had our annual conference recently. We had a good number of Magistrates that were able to participate in this virtual event, which was made possible by MJI. If you were able to attend, thank you for joining us. I hope you agree with me that we had an excellent conference and were provided with a vast amount of knowledge and information from our presenters.

If you were not able to join us, MJI graciously recorded it and will post it to their website for Magistrate viewing. Should any of you have any questions for the presenters, please reach out to them directly.

I would be remiss not to mention a "Congratulations" once again to Pat Brennan! Robert Clark eloquently presented the Association's A. Thomas Truesdell Distinguished Service Award to Pat. Make sure you check it out!

Katrina D. Martin
President, MADCM
Attorney Magistrate
90th District Court

APPOINTED JUDGE:

Long time Association board member Millicent D. Sherman, Chief Magistrate of the 36th District Court was named District Judge of that Court by Governor Whitmer on May 5, 2021.

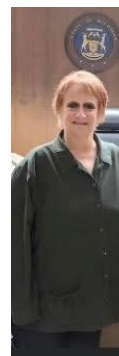
Congratulations Millicent!



MAGISTRATES RETIRE

Kimberly Wilson, Magistrate of the 43rd District Court in Madison Heights, retired after over 26 years service. Congratulations Kimberly!

Cora Gregory retired from the 67th District Court on September 3, 2021, after 23 years of service as a District Court Magistrate. She had worked in criminal justice for over 47 years. She was hired by the Genesee County Sheriff's Department as the first female deputy in Genesee County in March, 1973. She also worked as an adjunct professor for over 25 years at Mott Community College in their criminal justice program.



From SCAO

Court Rules & Administrative Orders

Proposed

MCR Cite: 6.302 and 6.610 – Pleas of Guilty and Nolo Contendere; Criminal Procedure Generally (republished for comment)

ADM File No: 2018-29

Comment Expires: July 1, 2021

Staff Comment: The proposed amendments of MCR 6.302 and MCR 6.610 would eliminate the ability for a court to establish support for a finding that defendant is guilty of the offense charged as opposed to an offense to which defendant is pleading guilty or nolo contendere.

The sentencing guidelines make clear that offense variables are to be scored on the basis of the “sentencing offense alone,” not the charged offense. Further, an “offense to which defendant is pleading” would include the charged offense (if defendant is pleading to the charged offense) as well as any other offense that may have been offered by the prosecutor, so the “charged offense” clause may well be unnecessary.

**Public hearing scheduled for 9/22/21.*

ADM Order: 2020-X – Proposed Adoption of a Mandatory Continuing Judicial Education Program

ADM File No: 2019-33

Comment Expires: July 1, 2020

Staff Comment: This proposed administrative order would establish a mandatory continuing judicial education program for the state’s justices, judges, and quasi-judicial officers.

**Pending results of public hearing on 9/23/20.*

ADM Order: 6.005 – Right to Assistance of Lawyer; Advice; Appointment for Indigents; Waiver; Joint Representation; Grand Jury Proceedings

ADM File No: 2020-13

Comment Expires: October 1, 2021

Staff Comment: The proposed amendment of MCR 6.005 would clarify the duties of attorneys in preconviction appeals.

MRE Cite: 410 – Inadmissibility of Pleas, Plea Discussions, and Related Statements

ADM File No: 2020-29

Comment Expires: October 1, 2021

Staff Comment: The proposed amendments would add vacated pleas to the list of guilty pleas that may not be used against defendant. Also, the proposed addition of a reference to MCR 6.310 in subsection (3) would add a prohibition on using a statement made during defendant’s withdrawal of plea to the prohibition on using statements made under MCR 6.302 in entering a plea, which would make the rule more consistent with FRE 410.

ADM Order: 2.117, 3.708, 3.951, 6.005, 6.104, 6.445, 6.610, 6.625, 6.905, 6.907, 6.937, and 6.938 – Appointment for Indigent Defense

ADM File No: 2021-12

Comment Expires: September 1, 2021

Staff Comment: The proposed amendments would generally shift the responsibility for appointment of counsel for an indigent defendant in a criminal proceeding to the local funding unit’s appointing authority. These proposed amendments were submitted by the Michigan Indigent Defense Commission, and are intended to implement recently approved Standard Five of the MIDC Standards. **Public hearing scheduled for 9/22/21.*

ADM Order: 2021-XX; Proposed AO; Mandatory Submission of Case Data to the Judicial Data Warehouse

ADM File No: 2021-14

Comment Expires: August 1, 2021

Staff Comment: This administrative order would make it mandatory for all courts to submit case information to the Judicial Data Warehouse in a uniform manner as required by SCAO. **Public hearing scheduled for 9/22/21.*

Adopted:

MCR Cite: 1.109 and 8.119 - Court Records Defined; Document Defined; Filing Standards; Signatures; Electronic Filing and Service; Access; Court Records and Report; Duties of Clerks

ADM File No.: 2017-28 (May 22, 2019) & 2017-28 (June 30, 2021)

Effective Date: January 1, 2022

• Staff Comment: The extension of the effective date of this order is intended to allow for additional programming changes and other changes required by trial courts and court users to implement the rule changes. Amendment of Administrative Order No. 1999-4 (extends the effective date of the May 22, 2019 order and June 9, 2021 order that restricts personal identifying information to January 1, 2022).

Issued: 6/30/21

• Amendment of Administrative Order No. 2019-4 (extends the effective date of the portion of the order regarding personal identifying information for electronic filings in the 3rd, 6th, 13th, and 20th Circuit courts)

Issued: 6/30/21

MCR Cite: Addition of Rule 1.112 – Filings by Incarcerated Individuals MCR 6.310, 6.429, 6.431, 7.204, 7.205, and 7.305, and – Withdrawal or Vacation of Plea; Correction and Appeal of Sentence; New Trial; Filing Appeal of Right; and Application for Leave to Appeal.

ADM File No: 2018-33 & 2019-20

Effective Date: September 1, 2021

Staff Comment: These amendments relate to expansion of the prison mailbox rule. Under the new MCR 1.112, the prison mailbox rule applies to any pleading or other document deposited in a prison or jail's mail system (i.e., not limited only to claims under criminal proceedings). The specific references to situations where that rule now applies (MCR 6.310, 6.429, 6.431, 7.204, 7.205 and 7.305) are eliminated.

ADM Order: 2020-17 (Amendment) – Continuation of Alternative Procedures for Landlord/Tenant Cases

ADM File No. 2020-08

Effective Date: Immediately and until further order of the Court

Staff Comment: This amended administrative order continues the alternative procedures for landlord-tenant cases, including a mandatory pretrial hearing and 7-day adjournment.

MCR Cite: Rescission of AO Nos. 2020-1, 2020-6, 2020-9, 2020-13, 2020-14, 2020-19, and 2020-21; Amendment of Rules 2.002, 2.107, 2.305, 2.407, 2.506, 2.621, 3.904, 6.006, 6.106, 6.425, 8.110, 9.112, 9.115, and 9.221 of the Michigan Court Rules and Administrative Order No. 2020-17

ADM File No: 2020-08

Effective Date: July 26, 2021

Staff Comment: These amendments largely reflect the substantive provisions of the remaining administrative orders adopted by the Court during the COVID-19 pandemic. Many of the orders have been rescinded or expired by their own terms. In this order, the Court rescinds all remaining active administrative orders entered during the pandemic except for the order regarding procedures specific to landlord/tenant actions (AO No. 2020-17, which is slightly modified as shown above to reflect the rescissions) and the order establishing a wholly online procedure for those taking the Michigan Bar Examination in July 2021 (AO No. 2021-2). Moving the substance of these provisions into a court rule amendment format returns the Court's procedure to the typical court rule revision procedure

MCR Cite: 1.109 and 8.119 – Court Records Defined; Document Defined; Filing Standards; Signatures; Electronic Filing and Service; Access; Court Records and Report; Duties of Clerks; Administrative Order 1999-4

ADM File No: 2020-26 (June 9, 2021) & 2020-26 (June 30, 2021)

Effective Date: January 1, 2022

Staff Comment: The extension of the effective date of this order is intended to allow for additional programming changes and other changes required by trial courts and court users to implement the rule changes.

MCR Cite: New MCR 8.128 - Michigan Judicial Council

ADM File No: 2021-15

Comment Expires: August 1, 2021

Effective Date: April 14, 2021

Staff Comment: The addition of MCR 8.128 establishes the Michigan Judicial Council to strategically plan for Michigan's Judiciary. (See also the Appointments to the Michigan Judicial Council issued June 24, 2021). **Public hearing scheduled for 9/22/21.*

Legislation

Statute Cite: MCL 257.1a, MCL 28.304 & 28.306, and MCL 28.292

P.A. Number: 2021 PA 71, 72, 73

Effective Date: July 30, 2021

What it Does: Extends the validity of driver's licenses, state personal ID cards, enhanced licenses and cards, driver instruction permits, and certain vehicle registrations and certifications expiring on or after March 31, 2021, and before August 1, 2021. (That is, in April, May, June, or July of this year.) In most cases, the extension would be for 120 days after the expiration. The secretary of state (SOS) could not charge a renewal late fee for a document that expired and was renewed within these time frames and, upon request, would have to reimburse such a fee that was assessed and collected. These provisions would apply retroactively.

Statute Cite: MCL 780.621

P.A. Number: 2021 PA 78

Effective Date: February 19, 2022

What it Does: Amends the statute to include the definition of "first violation operating while intoxicated offense" and modifies the definition of "operating while intoxicated."

Statute Cite: MCL 780.621c

P.A. Number: 2021 PA 79

Effective Date: February 19, 2022

What it Does: Allows the setting aside of a conviction for a first violation operating while intoxicated (OWI) under certain circumstances. A first violation OWI is not eligible for automatic set aside under MCL 780.621g. Permits the court to consider whether the applicant had benefited from rehabilitative or educational programs, (if any were ordered by the sentencing court) or whether such steps were taken before sentencing on the first offense OWI conviction. Allows the court to deny the application if it is not convinced that the applicant has either availed him or herself or benefited from educational or rehabilitative programming.

Statute Cite: MCL 257.625, 257.625a, 257.625g, and 257.625m

P.A. Number: 2021 PA 80

Effective Date: November 21, 2021

What it Does: Amends the Michigan Vehicle Code to delete the sunset of October 1, 2021 on which the bodily alcohol content (BAC) would increase from .08 to .10. Under the new law, the BAC would only increase to .10 if the state no longer receives annual Federal highway construction funding conditioned on compliance with a national blood alcohol limited and the State Treasurer certifies that fact within 30 days after the State stops receiving funds.

Statute Cite: MCL 777.33 and 777.48

P.A. Number: 2021 PA 81

Effective Date: November 21, 2021

What it Does: Amends the sentencing guidelines within the Code of Criminal Procedure to reflect

extending the sunset provision raising the BAC that constitutes OWI.

Statute Cite: MCL 780.621d

P.A. Number: 2021 PA 82

Effective Date: March 9, 2022

What it Does: Amends the statute to prescribe the time period in which an application to set aside a conviction for a first violation operating while intoxicated (OWI) offense would have to be filed. Under the statute, the applicant would have to wait 5 or more years to file an application for a first violation OWI offense.

Case Law

People v Stock, ___ Mich ___, ___ (2021). This case arises out of a fatal motor vehicle accident in Detroit. At the time of the accident, defendant was allegedly driving the wrong way on a one-way street at excessive speeds, ran a red light and struck a pickup truck. The accident resulted in the death of Sims, who was the driver of the pickup truck, and serious injuries to Butler, who was a passenger in the vehicle operated by the defendant. Defendant was taken to the hospital after the accident and pursuant to a search warrant, the police obtained a toxicology report showing that the defendant had cocaine metabolites in her urine. Defendant was convicted and appealed. The Court of Appeals held that the defendant’s convictions for operating while intoxicated causing a serious impairment of a body function and operating a motor vehicle while intoxicated causing a serious impairment of a body function were supported by sufficient evidence on the record. The Michigan Supreme Court heard oral arguments and in lieu of granting leave to appeal, reversed the COA holding. “[T]he prosecution bears the burden of proof with regard to each element of an offense, including whether a controlled substance was in a defendant’s body.”

In this case, “[t]he prosecution failed to present evidence that the presence of cocaine

metabolites in the defendant’s urine supports a reasonable inference that the defendant had cocaine in her body.” *Id.* at ___. Specifically, “the prosecution presented evidence—the results of a toxicology screen—indicating the presence of an unidentified metabolite of cocaine in the defendant’s urine,” but “failed to identify the metabolite or demonstrate that the metabolite *itself* was a ‘controlled substance’ for purposes of MCL 257.625(8).” **“Further, the prosecution’s evidence showing the mere presence of an unidentified metabolite, but nothing more, was not sufficient to prove that the defendant had any amount of cocaine in her body at the time of the motor vehicle collision.”** *Id.* at ___.

People v Perry, ___ Mich App ___, (2021). The defendant was involved in an accident. Responding officers detected the odor of burnt marijuana emanating from the car. The defendant admitted that she had smoked marijuana. Suspecting that she may have been operating her car under the influence of drugs, the officers asked the defendant to participate in a blood test and she agreed. The test result was positive for THC, reflecting 4 nanograms of TCH per milliliter of blood. The defendant was charged with operating a motor vehicle with a schedule 1 controlled substance – marijuana – in her system. Defendant filed a motion to dismiss the charge arguing that MRTMA barred any criminal prosecution, although she would be responsible for a civil infraction. The district court denied the motion. The circuit court also denied the motion concluding that MRTMA did not prohibit charging defendant with a criminal offense under MCL 257.625(8). The circuit court observed that MCL 257.625(8) criminalized the “use” of marijuana, while MCL 333.27965(3) decriminalized the “possession” and “cultivation” of marijuana for individuals under the age of 21. Michigan law recognizes a distinction between possessing marijuana, MCL 333.7403, and using marijuana, MCL 333.7404. The defendant appealed. The Court of Appeals

affirmed and explained that “when a person is under the influence of marihuana or is consuming marihuana while operating a vehicle, **the person is not afforded the same limitation on punishment** as one who is under 21 and simply possesses less than 2.5 ounces of marihuana or cultivates 12 or fewer marihuana plants.” “**In sum, the MRTMA did not remove all criminal penalties for persons under the age of 21 who operate a motor vehicle with marihuana in their system, is under the influence of marihuana while driving, or consumes marihuana while operating a vehicle. Defendant operated her vehicle on the road while she had in her body any amount of a controlled substance, in contravention of MCL 257.625(8). The trial court thus properly affirmed the district court’s denial of defendant’s motion for dismissal.**



From MJI

Activity 2020-2021

New Magistrate Certification: New magistrate certification has been held remotely. No in-person seminar has been held for new magistrates since 2019.

The first phase of certification—the traditional self-instructional phase—remains unchanged: The Manual (which will be updated with the new citations by 10/1).

The second phase of the training process has traditionally been participation in the New

Magistrate seminar. However, at this time, all training is being held virtually. MJI worked with the same subject-matter experts who have presented at the seminar to develop a series of recorded traffic related modules. These modules duplicate the traffic safety portions of the live seminar. Completion of these modules will fulfill the second phase of the certification requirement 28 New Magistrates participated in the certification process this year.

We hope to return to in-person seminar in 2021.

Website: MJI continues to maintain the [Michigan Judicial Institute - Home](#) website. It will be merged into the MSC website at some point in the future

Magistrate Specialty Webinar: Held July 22 via Zoom. Over 100 magistrates participated in this one-day event. The presentations and material from that webinar are available at [2021 Magistrate Specialty Webinar - EasyBlog \(mi.gov\)](#)

Magistrate Instructors: Magistrate instructors volunteer to have new magistrates visit with them for a day to sit in on informal hearings. The certification process would not be complete without those of you who volunteer to act as instructors. Commitment is zero to several visitations per year.

MJI is always in need of experienced magistrates to act as instructors for the one-day visitation. During this visitation, an experienced magistrate meets with the new magistrate to review the process for conducting civil infraction hearings in traffic matters and demonstrates conduct of hearings. It is a commitment of zero to several days per year.

If you are an experienced magistrate interested in acting as a magistrate instructor, please let me know.

Publications:

Benchbooks: All MJI publications are now updated monthly. [MJI - Publications \(mi.gov\)](#)

I encourage you to review any benchbooks of interest, as well as the Manual for District Court Magistrates. All publications are available in HTML or PDF formats

Quick Reference Materials: Under the Publications tab as well, includes a section on traffic/recreational vehicles. QRMs of interest to Magistrates. MJI is pleased to offer quick reference materials such as checklists, tables, and flowcharts on a variety of topics in the following areas: **civil, contempt, criminal, family, probate, and traffic/recreational vehicles.**

[MJI - Quick Reference Materials \(mi.gov\)](#)

IMPACT email: IMPACT is a bi-weekly email sent to subscribers. It contains summaries of recent court and legislative activity (as it becomes effective, not necessarily when it is passed or enacted) impacting trial court procedure and is separated into six global topics: Administrative, Civil, Criminal, Family, Probate, and Problem-Solving Courts

“What’s New at MJI?”: A once-a-month email sent to subscribers. IMPACT provides an update on upcoming MJI events, as well as new or updated publications and resources.

You may update your email preferences on the Supreme Court website. You may choose the types of emails you receive from SCAO or MJI, or unsubscribe from ALL email communication. To subscribe to any MSC/MJI publication:

<https://public.govdelivery.com/accounts/MICOURTS/subscriber/new>

Upcoming MJI Magistrate-related activities

- New Magistrate seminar: Date TBD
- Magistrate Specialty Seminar: TBD- July, 2022
- MJI Manual for District Court Magistrates: Will be updated by 9/30/21

I want to hear from you. If you are interested in becoming a *Magistrate Instructor* or have ideas for MJI magistrate training, please contact me at stathakisp@courts.mi.gov or 517-373-7607

From Michigan Department of State Police

Recruit Schools

- The 140th Trooper Recruit School began in September 2021 with approximately 75 recruits.
- Lateral Entry: The Recruiting and Selection Section is now accepting applications for the 141st Trooper Recruit School, which will be the department’s first lateral entry trooper recruit school. Thirty-five recruits will be appointed to this 10-week recruit school, which is anticipated to start in March 2022.

COVID Update

- The department will continue to transition members back to in-person work based on operational needs and in accordance with current guidance from the Centers for Disease Control and Prevention (CDC) and Michigan Occupational Safety and Health Administration (MIOSHA). The transition back to in-person work will take place gradually, as defined in the Preparedness and Response Plan, with all members operating in-person or under a remote work agreement by September 7, 2021.

House Bills 4201-4204

- House Bill 4201 would amend the Pupil Transportation Act to do the following:

-- Prohibit an individual other than an authorized person from entering a school bus without the bus driver's permission.

-- Prohibit a person from impeding the progress or operation of a school bus.

-- Prescribe a civil infraction for a violation of the bill's prohibitions.

- House Bill 4202 would amend the Michigan Vehicle Code to do the following:

- Allow a school bus to be equipped with a stop-arm camera system in accordance with the Pupil Transportation Act, which House Bill 4204 would add.

- Require a school that used a stop-arm camera system to provide a video or photograph recorded by a stop-arm camera system for use as evidence in a proceeding for a violation if requested by a law enforcement agency.

- Specify that a photograph or video recorded by a stop-arm camera system would be admissible as evidence in a proceeding for a violation of the Code.

- House Bill 4203 would amend the Pupil Transportation Act to allow a sticker to be affixed to the side of a school bus that specified that an unauthorized person attempting to board or boarding the bus would be subject to citation for a civil infraction.

- House Bill 4204 would amend the Pupil Transportation Act to allow a school bus to be equipped with a stop-arm camera system.

- Issues to address: Troopers can only issue traffic citations for civil infraction violations they personally observe. As written, it appears the stop-arm camera system will provide a photograph with HB 4202 will provide to be offered as evidence if ultimately cited. A citation under this act will require a law enforcement officer to investigate and written approval by the prosecutor to issue citations that were not personally observed by the citing officer.

FROM SECRETARY OF STATE

COVID-19 Information:

Change in branch office hours – Beginning July 19 and extending through Sept 30, all branch offices will be open until 6 p.m. on Mondays and Thursdays, and will open at 8 a.m. on Tuesdays, Wednesdays and Fridays to address the transaction backlog caused by the pandemic. Appointments become available for the extended hours at 2 p.m. on Wednesdays for the following week.

CARS (Customer & Automotive Records System):

As part of Secretary of State Jocelyn Benson's effort to bring efficiency to the department, a major shift impacting Michigan Courts launched March 16, 2021 (CARS) and it is critical that your organization is aware of this change.

As a part of this new system, customers will be able to renew or replace their driver's licenses and IDs at any of the 135 new self-service stations across the state and renew or replace their enhanced licenses and IDs online.

In addition to the many services already online, new online services at Michigan.gov/sos will include:

- Renew or replace an enhanced driver's license or state ID if no new photo is required;
- View the status of the requested driver's license or state ID;
- Request and obtain a driving record;
- Add a motorcycle endorsement to an eligible driver's license;
- Access streamlined business services;
- Renew or order a new plate; and
- Renew or replace license or ID.

In addition to the vehicle services already offered at self-service stations, new **self-service station** transactions will include:

- Renew a standard or enhanced driver's license or state ID if no new photo required;
- Request a replacement and print out a temporary license or ID
- Register to vote;
- Sign up on the state's organ donor registry;
- Renew automobile or motorcycle, print registration and tab; and
- Renew watercraft, receive decal in the mail.

LEGISLATION:

Criminal Justice Reform (2020 PA 382) – effective date October 1, 2021

As you are aware, the Criminal Justice Reform (2020 PA 382) has an effective date of October 1, 2021. This PA amends penalties for certain violations of the Michigan Vehicle Code. Due to the 14-day delay in the notification of their suspensions received in the mail, MDOS is asking that **all sanctions that 2020 PA 382 repeals, NO LONGER BE ABSTRACTED AS OF SEPTEMBER 17, 2021.**

2021 PA 71, 72, 73 – effective date July 30, 2021

Extends the validity of driver's licenses, state personal ID cards, enhanced licenses and cards, driver instruction permits, and certain vehicle registrations and certifications expiring on or after March 31, 2021, and before August 1, 2021. In most cases, the extension would be for 120 days after the expiration. The secretary of state could not charge a renewal late fee for a document that expired and was renewed within these time frames and, upon request, would have to reimburse such a fee that was assessed and collected. These provisions would apply retroactively.

2021 PA 79 – effective February 19, 2022

Allows for a first offense operating while intoxicated conviction to be set aside via application (not eligible for automatic set aside

under MCL 780.621g). Permits the court to consider whether the applicant had benefited from rehabilitative or educational programs if they had been ordered by the sentencing court, or whether they had taken steps towards rehabilitation prior to sentencing for their OWI conviction. Grants the court reviewing the set aside application for an OWI conviction ability to deny the application if they are not convinced that the applicant had either availed themselves or benefited from educational or rehabilitative programming.

Restricted Licenses

- Restricted licenses will be issued as a hard card photo license starting March 16, 2021.
- Restricted licenses issued prior to March 16, 2021 will remain a paper restriction license, also referred to as a green bedsheet. If an individual wants a hard card, they may go into the branch and replace their paper restriction license.
- Individual issued a 625G Permit will continue to drive on the paper license issued by law enforcement.

No Proof of Insurance Offense Codes

- In accordance with MCL 257.328, the Michigan Department of State will require new data to allow more stringent enforcement of no proof of insurance infraction penalties.
- For civil infraction offense codes 3100 – No Proof of Insurance and 3106 – No Insurance, the abstract needs to include the VIN and plate number of the vehicle used during the citation. If the courts do not supply this information, they will receive an error message. If it is ignored, MDOS will not place a hold on the vehicle/plate.
- Courts will receive CORR errors if VIN and plate number are not included for these offense codes.

Use of Sobriety Court Inquiry through LEIN

- Courts using the Law Enforcement Information Network (LEIN) to process Sobriety Court inquiries will need to utilize their Direct Access accounts to process the Sobriety Court

check.

GENERAL:

□ Court Manual and the Abstract Training Manual are now online. If you need access, please email Melissa Noll (nollm1@michigan.gov). We have also updated this to include CARS information and How to Read a Driving Record (new format since CARS implementation).

□ Once a participant has completed Sobriety Court, the Court MUST send in a MC-393 letting us know that they have successfully completed or have been removed. This has been a big problem, especially during the pandemic. If a participant does not complete Sobriety Court, a MC-393 must be sent to MDOS-sobctremovals@michigan.gov.

Your Stuff Here

This is your newsletter and is only as good as what you submit. Previous issues had a letter of the month column, where “interesting” letters from motorists, commenting on their tickets, were submitted. Of course, names will be omitted. I have not received anything like this for some time.

Interesting stories of happenings at your court (like the bailiff trying to keep kids from playing with the fire alarm – and setting it off himself), interesting rulings from your judge, regional interest stories, announcements concerning our families (children or grandchildren or weddings or whatever), dirt on the magistrate from the next district and the night out last Friday – all are appropriate to be included here.

Send your submissions to:

James Pahl, Magistrate
55th District Court
jbpahl0824@gmail.com

Excerpts from Letters of Explanation received by Magistrate Jessica Testolin [73B]. (2013)

Recently I got a ticket while visiting Bad Axe, but I feel there were some important mitigating factors that I hope might allow me a chance to please to a lesser (non-pointsy) charge:

1. My driving may have not been absolutely top-notch as I was perhaps still feeling the effects of donating blood in Hadley that morning.
2. I recently patched my truck tires and mistakenly over-inglated the tires by decreasing the amount of rubber that actually touches the road.
3. I got a pair of heavy wooly winter socks as a belated birthday present and I haven't quite adjusted to the extra weight they add when stepping on stuff (cats, gas pedals, ect..)
4. The wind was pushing me from behind as I was heading North on M-53.
5. My truck has a dashboard that reads in American miles or the way all the road signs in Canada read and when I pushed the button to set my trip miles counter, I did something wrong and it now reads the weird way. When the officer stopped me, I think it said I was going 16 kilo-grams. Which seemed as fast as the truck in front of me was going.
6. As you can see, given these unfortunate variables anyone would have found themselves in my situation. I sincerely hope you will take these into consideration and perhaps allow me to plead to a reduced infraction that would allow me to keep all my driver's license points intact and help me keep my barely affordable insurance at its present rate.

Thank you and Merry Christmas/Happy Holidays, Mr. X"

Also this letter was received in a Christmas card that said on the front, "Santa learns the dangers of texting while driving." Inside the card the respondent wrote, "At least I wasn't texting! (I don't have a portable telephone)"