

Drivers License Suspensions

FAC/FCJ Manual Processing for Circuit Court Cases

Procedures:

Circuit, probate, municipal, and district courts are required by statute and court rule to process Fail to Appear in Court/Fail to Comply with Judgment on all abstractable cases written under the vehicle code, pursuant to MCL 257.321a. HYTA status is not a conviction, but you can do an FAC (Failure to Appear). Indicate on the Suspension Notice in Field #12 (Nature of Offense) "Failure to Appear."

The court must provide 7 or 14 day notice before an FAC/FCJ action may be imposed, pursuant to MCL 257.321a. SCAO forms MC 216 and 216a should be used for notification.

Driving privileges will be suspended for noncompliance. The driver will not be able to obtain, renew, correct a license, or obtain a duplicate license until the matters pending at the court have been cleared and the driver has paid the additional \$45.00 for each suspension. The \$45.00 is divided up as follows: \$15.00-county, \$15.00-jury (reportable on the state monthly transmittal), and \$15.00 for SOS. SOS will bill you after a clearance form has been submitted.

Noticing Requirements:

Operating Alcohol/Controlled Substance Violations

- If no response from defendant, court sends suspension notice to the Department of State.
- The Department of State suspends the driver's license. The license remains suspended until the court notifies the department that the driver has complied with all matters pending at the court and has paid a \$45.00 clearance fee to the court.

Other Operating Violations

- Court waits 14 days for FAC/FCJ (SCAO form MC 216).

Suspensions:

When an FAC/FCJ suspension is posted to the driving record, the information is suppressed from the status inquiry for five days. This five-day suppression allows for the mailing of the notice to the individual by SOS.

FAC/FCJ suspensions that are issued in error, e.g., wrong person, clerical oversight, etc., are deleted from the driving record; therefore, no clearance fee is needed. Requests for removal of FAC/FCJ suspensions due to error must be fully documented. When a suspension entry is to be removed from the driving record, you may use the clearance copy of the DSI-62. Indicate on the form "issued in error, please delete," and the reason for removal, e.g., "wrong defendant."

Deletions should be requested **ONLY** in instances when the suspension was ordered erroneously.

If reporting manually, separate the deletions from your other clearances and identify them in order to alert the SOS staff that special handling is required.

Terminating a Suspension/Clearing Suspensions:

FAC/FCJ suspensions are ended when all matters relating to the violation are resolved with the court. This process is also called “clearing suspensions,” “lifting suspensions,” or “terminating suspensions.” Your court determines when all matters relating to the violation are resolved.

Using the copies labeled “Clearance of Failure to Appear in Court, Comply with Judgment or Clear Parking Violations” follow these steps:

- Enter the date in the “date cleared” space. This could be the current date or the dated payment was received. This date cannot be in the future.
- Provide a signature on the same line as the “date cleared,” using the procedure set up by your court.
- Distribute the copies:
 - Top clearance copy – mail to:
 - Michigan Department of State
Abstract Processing Unit
7064 Crouner
Lansing, MI 48918-1560

Please do not advise people to go to the Secretary of State Branch office to clear an FAC/FCJ suspension.

The suspension will be cleared within a reasonable period of time after the Secretary of State receives the clearance from the court.

Billing Report for FAC/FCJ:

When reconciling the FAC/FCJ billing report, courts should do as follows:

- Line out the amount billed if it is in conflict with the check you are sending, and insert the amount actually remitted.
- Send the recap sheet with your check.

If a clearance does not appear on your billing, and two months have expired, add the name, driver license number, and case number to the billing and \$15.00 for each missing record to the totals.

Run the record to verify if suspension is still on *MDR*. If no suspension is on the system, do not send clearance. If still suspended, send copies of the clearance to Abstract Processing Unit. This allows the department to clear suspensions from these driving records. If you continue to experience problems with your billing report, please contact Court Liaison, Sandy Aguirre at 517-636-0129, or Peggy Leece at 810-760-2961.

Completing a Suspension Notice:

See Section IV of the Michigan Department of State Court Manual, make special note of the boxes marked:

“Offense Cd” type the four-digit offense code number for the type of violation committed. This number creates an offense description on the driving record. See Section VI of the manual for a list of offense codes.

“Susp” Field type the letter code showing the suspension type:

F= FAC suspension (misdemeanors) and drug crimes

J= FCJ suspension (alcohol related misdemeanors or civil infractions)

SAMPLE SUSPENSION NOTICE
(Sample DS1-62)

**FAILURE TO APPEAR IN COURT, COMPLY WITH JUDGMENT OR CLEAR PARKING VIOLATIONS
SUSPENSION NOTIFICATION**

License No. 1	Name 2				Birth Date 3	Court Code 4
Violation Date 5	Court Date 6	Offense Cd 7	Speed 8	Susp. 9	Court File No. 10	
Street 11		City		State	Zip	
Nature of Offense 12						
Ticket No. 13				14	15	
				Date Suspension Ordered	Chief Clerk or Administrator	

PART 1 Immediate Secretary of State

MAIL THIS FORM TO: Michigan Department of State
Abstract Processing Unit
Lansing, MI 48918-1500

SUSPENSION NOTICE

DSI-62 REV. 12/96

Authority granted under Act
No. 300 of 1949, as amended.

Court
Address **16**

SAMPLE FAC/FCJ/FCPV

**CLEARANCE OF
FAILURE TO APPEAR IN COURT, COMPLY WITH JUDGMENT OR CLEAR PARKING VIOLATIONS**

License No. 1	Name 2				Birth Date 3	Court Code 4
Violation Date 5	Court Date 6	Offense Cd 7	Speed 8	Susp. 9	Court File No. 10	19 <input checked="" type="checkbox"/> W 20 <input checked="" type="checkbox"/> D
Street 11		City		State	Zip	
Nature of Offense 12						
Ticket No. 13				14	15	
				Date Suspension Ordered	Chief Clerk or Administrator	
				17	18	
				Date Cleared	Chief Clerk or Administrator	

PART 2 Secretary of State upon clearance

MAIL THIS FORM TO: Michigan Department of State
Abstract Processing Unit
Lansing, MI 48918-1500

DSI-62 REV. 12/96

Authority granted under Act
No. 300 of 1949, as amended.

Court
Address **16**

**CONTINUOUS CONSTRUCTION
POST CARD
Computer or typewriter generated**

Approved, SCAO	Original - Court	Copy - Defendant
STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	14 DAY NOTICE Traffic	TELEPHONE NO.
TOTHEDEFENDANT:		*see other side
<ol style="list-style-type: none"> 1. You have failed to appear or respond to the violation cited on the other side of this card; or you have failed to comply with an order or judgment of the court, including payment of fine, costs, or assessments. 2. You have 14 days from the date of this notice to appear in court or to comply with the order or judgment of the court. 3. If you fail to appear in court or comply with the judgment as indicated, the Secretary of State will be notified to suspend your driver's license. 4. A warrant for your arrest has been or will be issued. <p>Fines, costs, and other financial obligations imposed by the court must be paid at the time of assessment.</p>		
MC 216 (6/05) 14 DAY NOTICE, Traffic		MCL 257.321a(2), MCR 1.110

Preprint court address in block below

<div style="border: 1px solid black; width: fit-content; margin: 0 auto; padding: 2px 10px;">14 DAY NOTICE</div> <p>Case no.:</p> <p>Violation:</p> <p>Violation date:</p> <p>Notice date:</p> <hr style="border: 0.5px solid black; margin-top: 10px;"/> <p>By:</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 50%; text-align: center;">Fine/Costs</td> <td style="width: 50%; text-align: center;">Bond</td> </tr> <tr> <td style="height: 20px;"> </td> <td style="height: 20px;"> </td> </tr> </table>	Fine/Costs	Bond			
Fine/Costs	Bond				

**CONTINUOUS CONSTRUCTION
POST CARD
Computer or typewriter generated
Size: 6 x 3 2/3**

Approved, SCAO

Original - Court

Copy - Defendant

**STATE OF MICHIGAN
JUDICIAL DISTRICT
JUDICIAL CIRCUIT**

**NOTICE OF NONCOMPLIANCE
Drinking/Driving Offense**

TELEPHONE NO.

TO THE DEFENDANT:

1. You have failed to appear or respond to the violation cited on the other side of this card; or you have failed to comply with an order or judgment of the court (including payment of fine, costs, or assessments).
2. You have **7 days** from the date of this notice to appear in court, or you have **14 days** to comply with the order or judgment of the court.
3. **If you fail to appear in court or comply with the judgment** as indicated, the Secretary of State will be notified to suspend your driver's license.
4. **If you fail to appear in court or comply with the judgment** as indicated, the Secretary of State will be notified to enter an order with no expiration date that you cannot operate a vessel on the waters of this state or a snowmobile within the borders of this state.
5. A warrant for your arrest has been or will be issued for your arrest.

MC 216a (5/07) **NOTICE OF NONCOMPLIANCE, Drinking/Driving Offense** MCL 257.321a(3), MCL 324.80193, MCL 324.82149, MCR 1.110

BACK COPY

Preprint court address in block below

NOTICE

Case no.:
Violation:
Violation date:

Notice date:

Appear in person

by:

FRONT COPY

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

257.321a Failure to answer citation or notice to appear in court; failure to comply with order or judgment; misdemeanor; notice and duration of suspension; exceptions; effect of failure to appear; giving copy of information transmitted to secretary of state to person; driver license reinstatement fees; suspension of chauffeur's license.

Sec. 321a. (1) A person who fails to answer a citation, or a notice to appear in court for a violation reportable to the secretary of state under section 732 or a local ordinance substantially corresponding to a violation of a law of this state reportable to the secretary of state under section 732, or for any matter pending, or who fails to comply with an order or judgment of the court, including, but not limited to, paying all fines, costs, fees, and assessments, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both. A violation of this subsection or failure to answer a citation or notice to appear for a violation of section 33b(1) of former 1933 (Ex Sess) PA 8, section 703(1) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance substantially corresponding to either of those sections shall not be considered a violation for any purpose under section 320a.

(2) Except as provided in subsection (3), 28 days or more after a person fails to answer a citation, or a notice to appear in court for a violation reportable to the secretary of state under section 732 or a local ordinance substantially corresponding to a violation of a law of this state reportable to the secretary of state under section 732, or for any matter pending, or fails to comply with an order or judgment of the court, including, but not limited to, paying all fines, costs, fees, and assessments, the court shall give notice by mail at the last known address of the person that if the person fails to appear or fails to comply with the order or judgment within 14 days after the notice is issued, the secretary of state shall suspend the person's operator's or chauffeur's license. If the person fails to appear or fails to comply with the order or judgment within the 14-day period, the court shall, within 14 days, inform the secretary of state, who shall immediately suspend the license of the person. The secretary of state shall immediately notify the person of the suspension by regular mail at the person's last known address.

(3) If the person is charged with, or convicted of, a violation of section 625 or a local ordinance substantially corresponding to section 625(1), (2), (3), (6), or (8) and the person fails to answer a citation or a notice to appear in court, or for any matter pending, or fails to comply with an order or judgment of the court, including, but not limited to, paying all fines, costs, and crime victim rights assessments, the court shall immediately give notice by first-class mail sent to the person's last known address that if the person fails to appear within 7 days after the notice is issued, or fails to comply with the order or judgment of the court, including, but not limited to, paying all fines, costs, and crime victim rights assessments, within 14 days after the notice is issued, the secretary of state shall suspend the person's operator's or chauffeur's license. If the person fails to appear within the 7-day period, or fails to comply with the order or judgment of the court, including, but not limited to, paying all fines, costs, and crime victim rights assessments, within the 14-day period, the court shall immediately inform the secretary of state who shall immediately suspend the person's operator's or chauffeur's license and notify the person of the suspension by first-class mail sent to the person's last known address.

(4) If the person is charged with, or convicted of, a violation of section 33b(1) of former 1933 (Ex Sess) PA 8, section 703(1) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, section 624a, section 624b, or a local ordinance substantially corresponding to those sections and the person fails to answer a citation or a notice to appear in court issued pursuant to section 33b of former 1933 (Ex Sess) PA 8, section 703 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, section 624a, section 624b, or a local ordinance substantially corresponding to those sections or fails to comply with an order or judgment of the court issued pursuant to section 33b of former 1933 (Ex Sess) PA 8, section 703 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, section 624a, section 624b, or a local ordinance substantially corresponding to those sections including, but not limited to, paying all fines and costs, the court shall immediately give notice by first-class mail sent to the person's last known address that if the person fails to appear within 7 days after the notice is issued, or fails to comply with the order or judgment of the court, including, but not limited to, paying all fines and costs, within 14 days after the notice is issued, the secretary of state shall suspend the person's operator's or chauffeur's license. If the person fails to appear within the 7-day period, or fails to comply with the order or judgment of the court, including, but not limited to, paying all fines and costs, within the 14-day period, the court shall immediately inform the secretary of state who shall immediately suspend the person's operator's or chauffeur's license and notify the person of the suspension by first-class mail sent to the person's last known address.

(5) A suspension imposed under subsection (2) or (3) remains in effect until both of the following occur:

(a) The secretary of state is notified by each court in which the person failed to answer a citation or notice to appear or failed to pay a fine or cost that the person has answered that citation or notice to appear or paid that fine or cost.

(b) The person has paid to the court a \$45.00 driver license clearance fee for each failure to answer a citation or failure to pay a fine or cost.

(6) The court shall not notify the secretary of state, and the secretary of state shall not suspend the person's license, if the person fails to appear in response to a citation issued for, or fails to comply with an order or judgment involving 1 or more of the following infractions:

(a) The parking or standing of a vehicle.

(b) A pedestrian, passenger, or bicycle violation, other than a violation of section 33b(1) or (2) of former 1933 (Ex Sess) PA 8, section 703(1) or (2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, section 624a or 624b, or a local ordinance substantially corresponding to section 33b(1) or (2) of former 1933 (Ex Sess) PA 8, section 703(1) or (2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or section 624a or 624b.

(7) The court may notify a person who has done either of the following, that if the person does not appear within 10 days after the notice is issued, the court will inform the secretary of state of the person's failure to appear:

(a) Failed to answer 2 or more parking violation notices or citations for violating a provision of this act or an ordinance substantially corresponding to a provision of this act pertaining to parking for persons with disabilities.

(b) Failed to answer 6 or more parking violation notices or citations regarding illegal parking.

(8) The secretary of state, upon being informed of the failure of a person to appear or comply as provided in subsection (7), shall not issue a license to the person or renew a license for the person until both of the following occur:

(a) The court informs the secretary of state that the person has resolved all outstanding matters regarding the notices or citations.

(b) The person has paid to the court a \$45.00 driver license clearance fee. If the court determines that the person is responsible for only 1 parking violation under subsection (7)(a) or less than 6 parking violations under subsection (7)(b) for which the person's license was not issued or renewed under this subsection, the court may waive payment of the fee.

(9) Not less than 28 days after a person fails to appear in response to a citation issued for, or fails to comply with an order or judgment involving, a state civil infraction described in chapter 88 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8801 to 600.8835, the court shall give notice by ordinary mail, addressed to the person's last known address, that if the person fails to appear or fails to comply with the order or judgment described in this subsection within 14 days after the notice is issued, the court will give to the secretary of state notice of that failure. Upon receiving notice of that failure, the secretary of state shall not issue or renew an operator's or chauffeur's license for the person until both of the following occur:

(a) The court informs the secretary of state that the person has resolved all outstanding matters regarding each notice or citation.

(b) The person has paid to the court a \$45.00 driver license clearance fee. If the court determines that the person is not responsible for any violation for which the person's license was not issued or renewed under this subsection, the court shall waive the fee.

(10) For the purposes of subsections (5)(a), (8)(a), and (9)(a), the court shall give to the person a copy of the information being transmitted to the secretary of state. Upon showing that copy, the person shall not be arrested or issued a citation for driving on a suspended license, on an expired license, or without a license on the basis of any matter resolved under subsection (5)(a), (8)(a), or (9)(a), even if the information being sent to the secretary of state has not yet been received or recorded by the department.

(11) For each fee received under subsection (5)(b), (8)(b), or (9)(b), the court shall transmit the following amounts on a monthly basis:

(a) Fifteen dollars to the secretary of state. The funds received by the secretary of state under this subdivision shall be deposited in the state general fund and shall be used to defray the expenses of the secretary of state in processing the suspension and reinstatement of driver licenses under this section.

(b) Fifteen dollars to 1 of the following, as applicable:

(i) If the matter is before the circuit court, to the treasurer of the county for deposit in the general fund.

(ii) If the matter is before the district court, to the treasurer of the district funding unit for that court, for deposit in the general fund. As used in this section, "district funding unit" means that term as defined in section 8104 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8104.

(iii) If the matter is before a municipal court, to the treasurer of the city in which the municipal court is located, for deposit in the general fund.

(c) Fifteen dollars to the juror compensation reimbursement fund created in section 151d of the revised judicature act of 1961, 1961 PA 236, MCL 600.151d.

(12) Section 819 does not apply to a reinstatement fee collected for an operator's or chauffeur's license that is not issued or renewed under section 8827 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8827.

(13) The secretary of state shall immediately suspend the operator's and chauffeur's license of a person licensed to operate a commercial motor vehicle, or a person who operates a commercial motor vehicle without a license to operate that vehicle, if the person fails to answer an out-state citation, or a notice to appear in a court or an authorized administrative tribunal for a violation reportable to the secretary of state under section 732(16), or fails to comply with an order or judgment of an out-state court or an authorized administrative tribunal reportable to the secretary of state under section 732(16), or fails to appear or fails to comply with the out-state court or an authorized administrative tribunal order or judgment reportable to the secretary of state under section 732(16), including, but not limited to, paying all fines, costs, fees, and assessments. For a suspension imposed under this subsection, the secretary of state shall immediately notify the person of the suspension by regular mail at the person's last known address.

(14) A suspension imposed under subsection (13) remains in effect until the secretary of state is notified by the court or authorized administrative tribunal of the other state in which the person failed to answer a citation, or notice to appear, or failed to pay a fine or cost, that the person has answered that citation or notice to appear or has paid the fine or cost.

(15) The secretary of state shall not suspend the person's license under subsection (13) if the person fails to appear in response to a citation issued for, or fails to comply with an order or judgment involving, the parking or standing of a vehicle.

(16) The secretary of state, upon being informed of the failure of a person to appear or comply as provided in subsection (13), shall not issue a license to the person or renew a license for the person until the court or authorized administrative tribunal of the other state informs the secretary of state that the person has resolved all outstanding matters regarding the notices, orders, or citations.

History: Add. 1968, Act 332, Eff. Jan. 1, 1969;—Am. 1978, Act 391, Eff. Jan. 15, 1979;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 1987, Act 232, Imd. Eff. Dec. 28, 1987;—Am. 1988, Act 205, Eff. July 1, 1988;—Am. 1988, Act 346, Eff. Oct. 1, 1989;—Am. 1989, Act 89, Eff. Sept. 19, 1989;—Am. 1991, Act 95, Eff. Jan. 1, 1992;—Am. 1994, Act 211, Eff. Nov. 1, 1994;—Am. 1995, Act 55, Eff. Jan. 1, 1996;—Am. 1996, Act 493, Eff. Apr. 1, 1997;—Am. 1998, Act 68, Imd. Eff. May 4, 1998;—Am. 1998, Act 343, Eff. Oct. 1, 1999;—Am. 1999, Act 73, Eff. Oct. 1, 1999;—Am. 2002, Act 741, Eff. Jan. 1, 2003;—Am. 2004, Act 62, Eff. May 3, 2004;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004.

Compiler's note: Section 2 of Act 205 of 1988 provides: "This amendatory act shall take effect July 1, 1988 and apply to violations which occur on or after that date."

Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."