



## Michigan Supreme Court

State Court Administrative Office

### Trial Court Services Division

Michigan Hall of Justice

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Jennifer Warner  
Director

### MEMORANDUM

DATE: April 1, 2019

TO: District Court Judges  
District Court Magistrates  
District Court Administrators

FROM: Bobbi Morrow, Management Analyst

RE: Nonresident Motorists  
2018 PA 566 (Motor Vehicle Code)  
2018 PA 559 (Motor Carrier Safety Act)

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Please be advised that under [2018 PA 566](#) and [2018 PA 559](#), when a nonresident is stopped for a civil infraction or state civil infraction under the Motor Vehicle Code or the Motor Carrier Safety Act, the police officer making the stop is no longer permitted to take the person's operator's license or take any monetary security to guarantee the nonresident's appearance in court. Instead, the officer making the stop is required to issue that person a citation and release them on his or her personal recognizance.<sup>1</sup> The Secretary of State, upon receiving a record of a violation by a nonresident, is required to notify the motor vehicle administration or other appropriate officer of the state where the nonresident is licensed of that violation. The public acts are effective March 28, 2019.

Additionally, 2018 PA 559 clarifies that, with respect to offense written under the Motor Carrier Safety Act, "state civil infraction"<sup>2</sup> means a civil infraction involving either of the following:

- (i) A violation of state law that is designated by statute as a state civil infraction.
- (ii) A violation of a city, township, village, or county ordinance that is designated by statute as a state civil infraction.

By defining "state civil infraction" the same as is defined in MCL 600.113, the license hold (SOS offense code 9300) is now applicable to state civil infractions issued as local ordinance

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<sup>1</sup> MCL 257.749(2).

<sup>2</sup> MCL 480.11a and MCL 600.113

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violations under the Motor Carrier Safety Act. Courts are encouraged to follow up with their case management system vendors regarding programming for these license holds for offenses involving the Motor Carrier Safety Act written under local ordinances.

Please note that the amended statutes under 2018 PA 566 and 2018 PA 559 only apply to civil infractions and state civil infractions. When a person is arrested for a traffic misdemeanor, MCL 257.728 still applies and provides that the person arrested may be required to provide a guaranteed appearance certificate or a sum of money not to exceed \$100.

If you have any questions please feel free to contact Bobbi Morrow or Michele Muscat at [TrialCourtServices@courts.mi.gov](mailto:TrialCourtServices@courts.mi.gov).