

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 970**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 7a, 18b, 25, 67a, 212, 217c, 217f, 248c,
252a, 259, 306, 307, 309, 310d, 310e, 312e, 312f, 319, 319b, 324,
625a, 732, 803b, and 904 (MCL 257.7a, 257.18b, 257.25, 257.67a,
257.212, 257.217c, 257.217f, 257.248c, 257.252a, 257.259,
257.306, 257.307, 257.309, 257.310d, 257.310e, 257.312e,
257.312f, 257.319, 257.319b, 257.324, 257.625a, 257.732,
257.803b, and 257.904), sections 7a and 212 as amended by 2002 PA
534, section 18b as added and section 67a as amended by 1988 PA
346, section 217c as amended by 2002 PA 642, sections 217f and
248c as amended by 1993 PA 300, section 252a as amended by 2008
PA 539, section 306 as amended by 2014 PA 120, section 307 as
amended by 2012 PA 55, section 309 as amended by 2012 PA 355,
section 310d as amended by 2004 PA 62, section 310e as amended by

2011 PA 124, sections 312e and 803b as amended by 2011 PA 159, section 312f as amended by 2012 PA 473, section 319 as amended by 2012 PA 306, section 319b as amended by 2012 PA 498, section 324 as amended by 2006 PA 298, section 625a as amended by 2014 PA 315, section 732 as amended by 2012 PA 592, and section 904 as amended by 2008 PA 461, and by adding section 306a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7a. (1) "Commercial motor vehicle" means a motor
2 vehicle **OR COMBINATION OF MOTOR VEHICLES USED IN COMMERCE TO**
3 **TRANSPORT PASSENGERS OR PROPERTY IF 1 OR MORE OF THE FOLLOWING**
4 **APPLY:**

5 (A) IT IS designed to transport 16 or more passengers,
6 including the driver. ~~+-a motor vehicle, having~~

7 (B) IT HAS a gross vehicle weight rating **OR GROSS VEHICLE**
8 **WEIGHT, WHICHEVER IS GREATER,** of 26,001 ~~or more pounds +-a motor~~
9 ~~vehicle with~~ **OR MORE.**

10 (C) IT HAS a gross combination weight rating **OR GROSS**
11 **COMBINATION WEIGHT, WHICHEVER IS GREATER,** of 26,001 pounds or
12 more, ~~including a towed unit~~ **INCLUSIVE OF TOWED UNITS** with a
13 gross vehicle weight rating **OR GROSS VEHICLE WEIGHT, WHICHEVER IS**
14 **GREATER,** of more than 10,000 pounds. ~~+-or a~~

15 (D) A motor vehicle carrying hazardous material and on which
16 is required to be posted a placard as defined and required under
17 49 C.F.R. ~~CFR~~ parts 100 to 199.

18 (2) A commercial motor vehicle does not include a vehicle
19 used exclusively to transport personal possessions or family
20 members for nonbusiness purposes.

1 Sec. 18b. (1) "Gross combination weight rating" or "GCWR"
 2 means ~~the~~ **A** value specified by the manufacturer as ~~the loaded~~
 3 ~~weight of a combination vehicle. In the absence of a value~~
 4 ~~specified by the manufacturer, GCWR will be determined by adding~~
 5 ~~the GVWR of the power unit and the total weight of the towed unit~~
 6 ~~and any load on that unit.~~ **OF THE POWER UNIT IF THAT VALUE IS**
 7 **DISPLAYED ON THE FEDERAL MOTOR VEHICLE SAFETY STANDARD (FMVSS)**
 8 **CERTIFICATION LABEL REQUIRED BY THE NATIONAL HIGHWAY TRAFFIC**
 9 **SAFETY ADMINISTRATION.**

10 (2) "Gross vehicle weight rating" or "GVWR" means the ~~value~~
 11 ~~specified by the manufacturer as the loaded weight of a single~~
 12 ~~vehicle.~~ **SUM OF THE GROSS VEHICLE WEIGHT RATINGS, OR THE SUM OF**
 13 **THE GROSS VEHICLE WEIGHTS OF THE POWER UNIT AND THE TOWED UNIT OR**
 14 **UNITS, OR ANY COMBINATION OF THE GROSS VEHICLE WEIGHT RATINGS AND**
 15 **THE GROSS VEHICLE WEIGHTS OF POWER UNIT AND TOWED UNIT OR UNITS**
 16 **THAT PRODUCES THE HIGHEST VALUE. THE GROSS COMBINATION WEIGHT**
 17 **RATING OF THE POWER UNIT SHALL NOT BE USED IN DETERMINING WHETHER**
 18 **THE VEHICLE IS A COMMERCIAL MOTOR VEHICLE WHEN THAT POWER UNIT IS**
 19 **NOT TOWING ANOTHER UNIT.**

20 Sec. 25. "License" means any driving privileges, license,
 21 temporary instruction permit, **COMMERCIAL LEARNER'S PERMIT**, or
 22 temporary license issued under the laws of this state pertaining
 23 to the licensing of persons to operate motor vehicles.

24 Sec. 67a. (1) "Tandem axle assembly" means 2 axles spaced
 25 more than 3 feet 6 inches and less than 9 feet apart, 1 axle in
 26 front of the other and so attached to the vehicle wherein an
 27 attempt is made by connecting mechanism to distribute the weight

1 equally between the 2 axles.

2 (2) "Tank vehicle" means any commercial motor vehicle that
 3 is designed to transport any liquid or gaseous material within a
 4 tank ~~that is either permanently or temporarily attached to the~~
 5 ~~vehicle. Tank vehicle does not include a vehicle attached to a~~
 6 ~~portable tank having a rated capacity less than 1,000 gallons.~~ OR
 7 TANKS HAVING AN INDIVIDUAL RATED CAPACITY OF MORE THAN 119
 8 GALLONS AND AN AGGREGATE RATED CAPACITY OF 1,000 GALLONS OR MORE
 9 THAT ARE EITHER PERMANENTLY OR TEMPORARILY ATTACHED TO THE
 10 VEHICLE OR THE CHASSIS. IF A COMMERCIAL MOTOR VEHICLE TRANSPORTS
 11 1 OR MORE TANKS MANIFESTED EITHER AS BEING EMPTY OR CONTAINING
 12 ONLY RESIDUE, THOSE TANKS SHALL NOT BE CONSIDERED IN DETERMINING
 13 WHETHER THE VEHICLE IS A TANK VEHICLE.

14 Sec. 212. If the secretary of state is authorized or
 15 required to give notice under this act or other law regulating
 16 the operation of a vehicle, unless a different method of giving
 17 notice is otherwise expressly prescribed, notice shall be given
 18 either by personal delivery to the person to be notified or by
 19 first-class United States mail addressed to the person at the
 20 address shown by the record of the secretary of state. The giving
 21 of notice by mail is complete upon the expiration of 5 days after
 22 mailing the notice. ~~Proof of the giving of notice in either~~
 23 ~~manner may be made by the certificate of a person 18 years of age~~
 24 ~~or older, naming the person to whom notice was given and~~
 25 ~~specifying the time, place, and manner of the giving of notice.~~

26 Sec. 217c. (1) The secretary of state may conduct periodic
 27 reviews of the records of a dealer to determine whether adequate

1 notice is given to a transferee or lessee of a rebuilt salvage
2 vehicle of that vehicle's prior designation as a salvage vehicle.
3 The secretary of state may request an insurance company to
4 provide copies of salvage title documents and claims reports
5 involving major component parts to assist the secretary of state
6 in monitoring compliance with this act.

7 (2) Except for a late model vehicle that has been stolen and
8 recovered and that has no major component part removed, missing,
9 or destroyed, or damaged and not salvageable, an insurance
10 company licensed to conduct business in this state that acquires
11 ownership of a late model vehicle through the payment of a claim
12 shall proceed under either of the following:

13 (a) If the insurance company acquires ownership of the
14 vehicle through payment of a claim, the owner of the vehicle
15 shall assign the certificate of title to the insurance company
16 which shall do all of the following:

17 (i) Surrender a properly assigned certificate of title to the
18 secretary of state.

19 (ii) If the estimated cost of repair, including parts and
20 labor, is equal to or more than 75% but less than 91% of the
21 predamaged actual cash value of the vehicle, apply for a salvage
22 certificate of title, and if the estimated cost of repair,
23 including parts and labor, is equal to or greater than 91% of the
24 predamaged actual cash value of the vehicle, apply for a scrap
25 certificate of title. The insurance company shall not sell the
26 vehicle without first receiving a salvage or scrap certificate of
27 title, which shall be assigned to the buyer. An insurance company

1 may assign a salvage or scrap certificate of the title only to an
2 automotive recycler, used or secondhand vehicle parts dealer,
3 foreign salvage vehicle dealer, or vehicle scrap metal processor.

4 (b) If after payment of a total loss claim the insurance
5 company permits the owner of the vehicle to retain ownership, the
6 insurance company shall do all of the following:

7 (i) If the estimated cost of repair, including parts and
8 labor, is equal to or greater than 75% but less than 91% of the
9 predamaged actual cash value of the vehicle, require each owner
10 of the vehicle to sign an application for a salvage certificate
11 of title, or if the estimated cost of repair, including parts and
12 labor, is equal to or greater than 91% of the predamaged actual
13 cash value of the vehicle, require each owner of the vehicle to
14 sign an application for a scrap vehicle certificate of title.

15 (ii) Attach the owner's certificate of title to the
16 application for a salvage or scrap certificate of title or have
17 the owner certify that the certificate of title is lost.

18 (iii) On behalf of the owner, apply to the secretary of state
19 for a salvage or scrap certificate of title in the name of the
20 owner. The owner shall not sell or otherwise dispose of the
21 vehicle without first receiving a salvage or scrap certificate of
22 title, which shall be assigned to the buyer. An insurance company
23 may assign a salvage or scrap certificate of title only to an
24 automotive recycler, used or secondhand vehicle parts dealer,
25 foreign salvage vehicle dealer, or vehicle scrap metal processor.

26 (3) IF AN INSURANCE COMPANY PAYS A CLAIM FOR TOTAL LOSS TO
27 THE OWNER OR LIENHOLDER OF RECORD AS KEPT BY THE SECRETARY OF

1 STATE, OR BOTH, IF APPLICABLE, OF A VEHICLE BUT THE OWNER OR
2 LIENHOLDER OF RECORD AS KEPT BY THE SECRETARY OF STATE FAILS TO
3 SURRENDER THE CERTIFICATE OF TITLE OR OTHER DOCUMENT NECESSARY
4 FOR THE TRANSFER OF OWNERSHIP OF THE VEHICLE TO THE INSURANCE
5 COMPANY WITHIN THE EXPIRATION OF 30 DAYS AFTER THE CLAIM PAYMENT,
6 THE INSURANCE COMPANY, WITHOUT HAVING OBTAINED THE SURRENDER OF
7 THE TITLE OR OTHER DOCUMENT OTHERWISE NECESSARY FOR THE TRANSFER
8 OF OWNERSHIP FOR THE VEHICLE FROM THE OWNER OR LIENHOLDER OF
9 RECORD AS KEPT BY THE SECRETARY OF STATE, OR BOTH, IF APPLICABLE,
10 MAY APPLY TO THE SECRETARY OF STATE FOR A TITLE AS PROVIDED UNDER
11 THIS SECTION. THE INSURANCE COMPANY SHALL, AT THE TIME OF
12 APPLICATION, PROVIDE PROOF OF THE PAYMENT AND THAT THE INSURANCE
13 COMPANY HAS REQUESTED IN WRITING, BY CERTIFIED MAIL OR BY ANOTHER
14 COMMERCIALY AVAILABLE DELIVERY SERVICE PROVIDING PROOF OF
15 DELIVERY, ON AT LEAST 2 SEPARATE OCCASIONS THAT THE OWNER OR
16 LIENHOLDER OF RECORD AS KEPT BY THE SECRETARY OF STATE SURRENDER
17 TO THE INSURANCE COMPANY THE CERTIFICATE OF TITLE OR OTHER
18 DOCUMENT NECESSARY FOR THE TRANSFER OF OWNERSHIP TO THE INSURANCE
19 COMPANY. THE APPLICATION SHALL BE SIGNED UNDER THE PENALTY OF
20 PERJURY. SUBJECT TO SUBSECTION (2) (A) (ii) , UPON MEETING THE
21 REQUIREMENTS OF THIS SUBSECTION, THE SECRETARY OF STATE SHALL
22 ISSUE TO THE INSURANCE COMPANY THE APPROPRIATE CERTIFICATE OF
23 TITLE FREE OF ALL LIENS AND SHALL NOTIFY THE PRIOR VEHICLE OWNER
24 AND LIENHOLDER OF RECORD AS KEPT BY THE SECRETARY OF STATE, IF
25 ANY, OF THAT ACTION IN WRITING. PROOF OF PAYMENT OF THE CLAIM IS
26 SATISFIED ONLY BY 1 OF THE FOLLOWING:

27 (A) IN THE CASE OF PAYMENT BY CHECK, EITHER OF THE

1 FOLLOWING:

2 (i) A COPY OF THE FRONT AND BACK OF THE ENDORSED CHECK.

3 (ii) EVIDENCE THAT THE CHECK HAS CLEARED THE ACCOUNT OF THE
4 PAYER.

5 (B) IN THE CASE OF PAYMENT BY ELECTRONIC TRANSFER, EVIDENCE
6 THAT THE PAYMENT WAS CHARGED TO THE ACCOUNT OF THE PAYER.

7 (4) ~~(3) If~~ EXCEPT AS PROVIDED IN SUBSECTION (3), IF an
8 insurance company acquires ownership of a vehicle other than a
9 late model vehicle through payment of damages due to an accident,
10 the company shall surrender a properly assigned title to the
11 buyer upon delivery.

12 (5) ~~(4) If~~ a dealer acquires ownership of a late model
13 vehicle that is a distressed vehicle from an owner, the dealer
14 shall receive an assigned certificate of title. If the assigned
15 certificate of title is not a salvage or scrap certificate of
16 title, the dealer, other than a vehicle scrap metal processor,
17 shall surrender the assigned certificate of title to the
18 secretary of state, and if the estimated cost of repair,
19 including parts and labor, is equal to or greater than 75% but
20 less than 91% of the predamaged actual cash value of the vehicle,
21 apply for a salvage certificate of title, or if the estimated
22 cost of repair, including parts and labor, is equal to or greater
23 than 91% of the predamaged actual cash value of the vehicle,
24 apply for a scrap certificate of title within 5 days after the
25 dealer receives the assigned certificate of title. The dealer may
26 sell a salvage vehicle to another automotive recycler, used or
27 secondhand vehicle parts dealer, foreign salvage vehicle dealer,

1 or vehicle scrap metal processor by assigning the salvage
2 certificate of title to the buyer. Unless the vehicle is rebuilt,
3 inspected, and recertified ~~pursuant to~~ **UNDER** this section, if the
4 vehicle is sold to a buyer other than a dealer, application shall
5 be made for a salvage certificate in the name of the buyer in the
6 manner provided in this act. The dealer may sell a scrap vehicle
7 only to a vehicle scrap metal processor. A vehicle scrap metal
8 processor shall surrender an assigned certificate of title to the
9 secretary of state within 30 days after acquiring a vehicle for
10 which a certificate of title was received. A vehicle scrap metal
11 processor shall surrender an assigned salvage or scrap
12 certificate of title to the secretary of state within 30 days
13 after acquiring a vehicle for which a salvage or scrap
14 certificate of title was received and report that the vehicle was
15 destroyed or scrapped.

16 (6) ~~(5)~~ An application for a scrap certificate of title
17 shall be made on a form prescribed by the secretary of state
18 accompanied by a fee of \$15.00. The application shall contain all
19 of the following:

20 (a) The complete name and current address of the owner.

21 (b) A description of the vehicle, including its make, style
22 of body, model year, fee category or weight, color, and vehicle
23 identification number.

24 (c) If the vehicle is a late model vehicle, a listing of
25 each major component part that was not salvageable.

26 (d) Further information as may reasonably be required by the
27 secretary of state.

1 (7) ~~(6)~~—The scrap certificate of title shall authorize the
2 holder of the document to transport but not drive upon a highway
3 the vehicle or parts of a vehicle, and assign ownership to a
4 vehicle scrap metal processor, automotive recycler, used or
5 secondhand vehicle parts dealer, or foreign salvage vehicle
6 dealer. A certificate of title shall not again be issued for this
7 vehicle. A person shall not rebuild or repair a scrap vehicle and
8 allow it to retain the original vehicle identification number.

9 (8) ~~(7)~~—If a person, other than a dealer or insurance
10 company that is subject to subsection (2) or ~~(4)~~, ~~(5)~~, acquires
11 ownership of a distressed, late model vehicle, the person shall
12 surrender the title or assigned certificate of title to the
13 secretary of state, and if the estimated cost of repair,
14 including parts and labor, is equal to or greater than 75% but
15 less than 91% of the predamaged actual cash value of the vehicle,
16 apply for a salvage certificate of title, or if the estimated
17 cost of repair, including parts and labor, is equal to or greater
18 than 91% of the predamaged actual cash value of the vehicle,
19 apply for a scrap certificate of title before the vehicle may be
20 transported.

21 (9) ~~(8)~~—An owner of a vehicle may determine that a vehicle
22 is a scrap vehicle or a salvage vehicle without making any
23 determination as to the actual cash value of the vehicle.

24 (10) ~~(9)~~—If a leasing company, vehicle manufacturer,
25 insurance company not licensed to do business in this state,
26 association, repossession company, self-insured owner, financial
27 institution, governmental entity, or other company, institution,

1 or entity, owns a distressed, late model vehicle, the titleholder
2 shall surrender the title or assigned certificate of title to the
3 secretary of state and apply for a salvage certificate of title
4 if the retail cost of repair, including parts and labor, is equal
5 to or greater than 75% but less than 91% of the predamaged actual
6 cash value of the vehicle, or if the retail cost of repair,
7 including parts and labor, is equal to or greater than 91% of the
8 predamaged actual cash value of the vehicle, apply for a scrap
9 certificate of title, before the vehicle may be transported or
10 sold. If ownership is transferred, the owner shall sell the
11 vehicle only to a dealer who is eligible to buy a salvage or
12 scrap vehicle in this state unless the owner complies with
13 subsection ~~(12)~~—(13). When a leasing company, vehicle
14 manufacturer, insurance company not licensed to do business in
15 this state, association, repossession company, self-insured
16 owner, financial institution, governmental entity, or other
17 company, institution, or entity, estimates the repair of a
18 distressed, late model vehicle for the purpose of determining
19 whether to apply for a salvage or scrap certificate of title, a
20 complete record of the estimate and, if the vehicle is repaired
21 before a transfer of ownership, a complete record of the actual
22 cost of the repairs performed and by whom shall be maintained for
23 a minimum of 5 years by the leasing company, vehicle
24 manufacturer, insurance company not licensed to do business in
25 this state, association, repossession company, self-insured
26 owner, financial institution, governmental entity, or other
27 company, institution, or entity. The estimates and repair records

1 required by this subsection shall be available for unannounced
2 inspections by a law enforcement agency or a representative of
3 the secretary of state. The secretary of state may request a
4 leasing company, vehicle manufacturer, insurance company not
5 licensed to do business in this state, association, repossession
6 company, self-insured owner, financial institution, governmental
7 entity, or other company, institution, or entity to provide
8 copies of title documents, repair estimates, claims reports
9 involving major component parts, and actual cash value
10 determination documents to assist the secretary of state in
11 monitoring compliance with this act.

12 (11) ~~(10)~~—An application for a salvage certificate of title
13 shall be made on a form prescribed by the secretary of state
14 accompanied by a fee of \$10.00. The application shall contain all
15 of the following:

16 (a) The complete name and current address of the owner.

17 (b) A description of the vehicle, including its make, style
18 of body, model year, fee category or weight, color, and vehicle
19 identification number.

20 (c) An estimate of the cost repair, including parts and
21 labor, and an estimate of the predamaged actual cash value of the
22 vehicle.

23 (d) If the vehicle is a late model vehicle, a listing of
24 each major component part that was not salvageable.

25 (e) Further information as may reasonably be required by the
26 secretary of state.

27 (12) ~~(11)~~—The secretary of state shall issue and mail the

1 salvage certificate within 5 business days after the time the
2 application is received at the secretary of state's office in
3 Lansing. Each salvage certificate of title shall include a
4 listing of each major component part that was not salvageable.

5 (13) ~~(12)~~—A salvage certificate of title authorizes the
6 holder of the title to possess, transport, but not drive upon a
7 highway, and transfer ownership in, a vehicle. The secretary of
8 state shall not issue a certificate of title or registration
9 plates for a vehicle for which a salvage certificate of title was
10 issued unless a specially trained officer described in subsection
11 ~~(14)~~—(15) certifies all of the following:

12 (a) That the vehicle identification numbers and parts
13 identification numbers are correct.

14 (b) That the applicant has proof of ownership of repair
15 parts used.

16 (c) That the vehicle complies with the equipment standards
17 of this act.

18 (14) ~~(13)~~—The certification required by subsection ~~(12)~~—(13)
19 shall be made on a form prescribed and furnished by the secretary
20 of state in conjunction with the department of state police and
21 shall accompany the application that is submitted to the
22 secretary of state for a certificate of title. An application for
23 a certificate of title shall contain a description of each
24 salvageable part used to repair the vehicle and any
25 identification number affixed to or inscribed upon the part as
26 required by state or federal law. Upon satisfactory completion of
27 the inspection as required by the secretary of state and other

1 requirements for application, the secretary of state shall issue
2 a certificate of title for the vehicle bearing the legend
3 "rebuilt salvage".

4 (15) ~~(14)~~—An officer specially trained as provided by the
5 secretary of state and authorized by the secretary of state to
6 conduct a salvage vehicle inspection is either of the following:

7 (a) An on-duty or off-duty police officer.

8 (b) A previously certified police officer who is appointed
9 by the local police agency as a limited enforcement officer to
10 conduct salvage vehicle inspections. The local police agency
11 shall give this officer access to the agency's law enforcement
12 information network system and the authority to confiscate any
13 stolen vehicle or vehicle parts discovered during an inspection.
14 The local police agency may give the officer the authority to
15 arrest a person suspected of having unlawful possession of a
16 stolen vehicle or vehicle parts.

17 (16) ~~(15)~~—The secretary of state shall issue a certificate
18 to an officer who is specially trained as provided by the
19 secretary of state to conduct salvage vehicle inspections. Only a
20 person who has a valid certification from the secretary of state
21 may perform salvage inspections. The secretary of state on his or
22 her own initiative or in response to complaints shall make
23 reasonable and necessary public or private investigations within
24 or outside of this state and gather evidence against an officer
25 who was issued a certificate and who violated or is about to
26 violate this act or a rule promulgated under this act. The
27 secretary of state may suspend, revoke, or deny a certificate

1 after an investigation if the secretary of state determines that
2 the officer committed 1 or more of the following:

3 (a) Violated this act or a rule promulgated under this act.

4 (b) Was found guilty of a fraudulent act in connection with
5 the inspection, purchase, sale, lease, or transfer of a salvage
6 vehicle.

7 (c) Was found guilty of the theft, embezzlement, or
8 misappropriation of salvage vehicle inspection fees.

9 (d) Performed improper, careless, or negligent salvage
10 vehicle inspections.

11 (e) Ceased to function as a police officer because of
12 suspension, retirement, dismissal, disability, or termination of
13 employment.

14 (f) Was convicted of a violation or attempted violation of
15 1986 PA 119, MCL 257.1351 to 257.1355.

16 (g) Made a false statement of a material fact in his or her
17 certification of a salvage vehicle inspection or any record
18 concerning a salvage vehicle inspection.

19 (17) ~~(16)~~ Upon receipt of the appropriate abstract of
20 conviction from a court and without any investigation, the
21 secretary of state shall immediately revoke the certificate of an
22 officer who has been convicted of a violation or attempted
23 violation of section 413, 414, 415, 535, 535a, or 536a of the
24 Michigan penal code, 1931 PA 328, MCL 750.413, 750.414, 750.415,
25 750.535, 750.535a, and 750.536a, or has been convicted in federal
26 court or in another state of a violation or attempted violation
27 of a law substantially corresponding to 1 of those sections.

(18) ~~(17)~~—If a dealer acquires ownership of an older model vehicle from an owner, the dealer shall receive an assigned certificate of title and shall retain it as long as he or she retains the vehicle. A vehicle scrap metal processor shall surrender an assigned certificate of title to the secretary of state within 30 days after the vehicle is destroyed or scrapped.

(19) ~~(18)~~—A dealer selling or assigning a vehicle to a vehicle scrap metal processor shall make a record in triplicate on a form to be provided by the secretary of state in substantially the following form:

Scrap Vehicle Inventory:

SELLER: Dealer name _____
 Dealer address _____
 Dealer license number _____
PURCHASER: Conveyed to: _____ Date _____
 (Vehicle scrap metal processor)
 Dealer address _____
 Dealer license number _____

Vehicles

					Dealer's	
					Stock	
Model Year	Vehicle Make	VIN	Title Number	Number	Color	
1. _____	_____	_____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____	_____	_____

1 etc.

2 One copy shall be retained as a permanent record by the dealer,
3 1 copy shall be forwarded with the vehicle to be retained by the
4 vehicle scrap metal processor, and 1 copy shall be forwarded to
5 the secretary of state.

6 (20) ~~(19)~~—A person, other than an automotive recycler, used
7 or secondhand vehicle parts dealer, or a foreign salvage dealer,
8 receiving a salvage certificate of title shall not sell the
9 vehicle to anyone other than 1 of the following:

10 (a) The vehicle's former owner.

11 (b) A used or secondhand vehicle parts dealer.

12 (c) A vehicle scrap metal processor.

13 (d) A foreign salvage vehicle dealer licensed under this
14 act.

15 (e) An automotive recycler.

16 (21) ~~(20)~~—A person receiving a scrap certificate of title
17 shall not sell the vehicle to anyone other than 1 of the
18 following:

19 (a) An automotive recycler.

20 (b) A vehicle scrap metal processor.

21 (c) A foreign salvage vehicle dealer licensed under this
22 act.

23 (d) A used or secondhand vehicle parts dealer.

24 (22) ~~(21)~~—The secretary of state may conduct periodic
25 reviews of the records of a dealer to determine whether adequate

1 notice is given to a transferee or lessee of a rebuilt salvage
2 vehicle of that vehicle's prior designation as a salvage vehicle.
3 The secretary of state may request an insurance company to
4 provide copies of salvage title documents and claims reports
5 involving major component parts to assist the secretary of state
6 in monitoring compliance with this act.

7 (23) ~~(22)~~—A licensed automotive recycler, used or secondhand
8 vehicle parts dealer, vehicle scrap metal processor, vehicle
9 salvage pool operator, distressed vehicle transporter, foreign
10 salvage vehicle dealer, or broker who has removed a scrap vehicle
11 from this state for the purpose of rebuilding the vehicle or
12 selling or leasing the vehicle to a person other than a vehicle
13 scrap metal processor, shall receive an automatic suspension of
14 its dealer license and of any salvage vehicle agent's license
15 assigned to that dealer for a period of 30 days. Upon receipt by
16 the secretary of state of a written request from the dealer, the
17 dealer shall have the right to an immediate hearing on the matter
18 within that 30-day period.

19 (24) ~~(23)~~—For the purpose of this section, the estimated
20 costs of the repair parts shall be determined by using the
21 current published retail cost of original manufacturer equipment
22 parts or an estimate of the actual cost of the repair parts. The
23 estimated labor costs shall be computed by using the hourly rate
24 and time allocations which are reasonable and commonly assessed
25 in the repair industry in the community where the repairs are
26 performed.

27 (25) ~~(24)~~—A police agency shall charge a fee for an

1 inspection of a vehicle ~~pursuant to~~ **UNDER** subsection ~~(12).~~ **(13).**
 2 Each local authority with a police agency shall determine the
 3 amount of the fee for inspections by that police agency, which
 4 shall not exceed \$100.00. The police agency shall credit the fee
 5 to the budget of that police agency and use the fee for law
 6 enforcement purposes that affect stolen vehicles, stolen vehicle
 7 parts, and salvage vehicle inspections. A local police agency
 8 shall compensate an off-duty and limited enforcement police
 9 officer for a salvage vehicle inspection.

10 **(26)** ~~(25)~~ For the purpose of this section, "actual cash
 11 value" means the retail dollar value of a vehicle as determined
 12 by an objective vehicle evaluation using local market resources
 13 such as dealers or want ads or by an independent vehicle
 14 evaluation or vehicle appraisal service or by a current issue of
 15 a nationally recognized used vehicle guide for financial
 16 institution appraisal purposes in this state.

17 Sec. 217f. ~~A~~ **EXCEPT AS PROVIDED IN SECTION 248C,** A vehicle
 18 salvage pool operator or broker shall not sell, assign, or
 19 otherwise dispose of a vehicle for which a salvage certificate of
 20 title is required, unless a salvage or scrap certificate of title
 21 has been issued for the vehicle by the department.

22 Sec. 248c. ~~(1) A vehicle salvage pool or broker shall not~~
 23 ~~sell, transfer, or release a distressed, late model vehicle to~~
 24 ~~anyone other than 1 or more of the following:~~

25 ~~—— (a) The vehicle's former owner.~~

26 ~~—— (b) A used or secondhand vehicle parts dealer.~~

27 ~~—— (c) A vehicle scrap metal processor.~~

~~1 (d) A foreign salvage vehicle dealer licensed under this~~
~~2 act.~~

~~3 (e) A registered motor vehicle repair facility engaging in~~
~~4 body work.~~

~~5 (2) Subsection (1) applies until July 1, 1994.~~

6 (1) ~~(3)~~ A vehicle salvage pool, auction, or broker shall not
7 sell, transfer, or release a distressed, late model vehicle to
8 anyone other than 1 or more of the following:

9 (a) The vehicle's former owner **OR LIENHOLDER OF RECORD AS**
10 **KEPT BY THE SECRETARY OF STATE, AS APPLICABLE.**

11 (b) A licensed salvage agent of an automotive recycler.

12 (c) A licensed salvage agent of a foreign salvage vehicle
13 dealer.

~~14 (4) Subsection (3) applies beginning July 1, 1994.~~

15 (2) **AN INSURANCE COMPANY MAY DIRECT A SALVAGE POOL THAT**
16 **OBTAINS POSSESSION OF A VEHICLE TO RELEASE THE VEHICLE TO THE**
17 **OWNER OR LIENHOLDER OF RECORD AS KEPT BY THE SECRETARY OF STATE,**
18 **AS APPLICABLE. THE INSURANCE COMPANY SHALL PROVIDE THE SALVAGE**
19 **POOL WITH A RELEASE STATEMENT UNDER SUBSECTION (3) AUTHORIZING**
20 **THE SALVAGE POOL TO RELEASE THE VEHICLE TO THE VEHICLE'S OWNER OR**
21 **LIENHOLDER OF RECORD AS KEPT BY THE SECRETARY OF STATE, AS**
22 **APPLICABLE.**

23 (3) **A RELEASE STATEMENT AUTHORIZING A SALVAGE POOL TO**
24 **RELEASE A VEHICLE TO A VEHICLE'S OWNER OR LIENHOLDER OF RECORD AS**
25 **KEPT BY THE SECRETARY OF STATE SHALL CONTAIN THE FOLLOWING**
26 **INFORMATION:**

27 (A) **THE CLAIM NUMBER RELATING TO THE VEHICLE.**

1 (B) THE NAME AND ADDRESS OF THE OWNER OF THE VEHICLE.

2 (C) THE VEHICLE IDENTIFICATION NUMBER AND DESCRIPTION OF THE
3 VEHICLE.

4 (D) THE SIGNATURE OF AN AUTHORIZED REPRESENTATIVE OF THE
5 INSURANCE COMPANY.

6 (4) UPON RECEIVING A RELEASE STATEMENT CONCERNING A VEHICLE
7 FROM AN INSURANCE COMPANY UNDER SUBSECTION (2), A SALVAGE POOL
8 SHALL SEND A NOTICE TO THE OWNER AND ANY LIENHOLDER OF RECORD AS
9 KEPT BY THE SECRETARY OF STATE OF THE VEHICLE THAT THE VEHICLE IS
10 AVAILABLE FOR PICKUP BY THE OWNER OR LIENHOLDER OF RECORD AS KEPT
11 BY THE SECRETARY OF STATE. THE NOTICE SHALL BE ACCOMPANIED BY AN
12 INVOICE FOR ANY OUTSTANDING CHARGES OWED TO THE SALVAGE POOL. THE
13 NOTICE SHALL INFORM THE OWNER AND ANY LIENHOLDER OF RECORD AS
14 KEPT BY THE SECRETARY OF STATE THAT THE OWNER AND LIENHOLDER OF
15 RECORD AS KEPT BY THE SECRETARY OF STATE HAVE 30 DAYS FROM THE
16 DATE OF THE NOTICE AND UPON PAYMENT OF APPLICABLE CHARGES TO PICK
17 UP THE VEHICLE FROM THE SALVAGE POOL. A NOTICE UNDER THIS
18 SUBSECTION SHALL BE SENT BY THE SALVAGE POOL TO THE APPLICABLE
19 ADDRESS ON RECORD WITH THE SECRETARY OF STATE BY CERTIFIED MAIL
20 OR BY ANOTHER COMMERCIALY AVAILABLE DELIVERY SERVICE PROVIDING
21 PROOF OF DELIVERY.

22 (5) IF THE OWNER OR LIENHOLDER OF RECORD AS KEPT BY THE
23 SECRETARY OF STATE DOES NOT PICK UP THE VEHICLE WITHIN THE 30-DAY
24 PERIOD DESCRIBED IN SUBSECTION (4), THE SALVAGE POOL MAY SELL THE
25 VEHICLE FOR PARTS ONLY TO A LICENSED SALVAGE AGENT OF AN
26 AUTOMOTIVE RECYCLER OR TO A LICENSED SALVAGE AGENT OF A FOREIGN
27 SALVAGE VEHICLE DEALER IF THE VEHICLE IS A DISTRESSED LATE-MODEL

1 VEHICLE, OR TO A LICENSED SALVAGE AGENT OF AN AUTOMOTIVE
 2 RECYCLER, TO A LICENSED SALVAGE AGENT OF A FOREIGN SALVAGE
 3 VEHICLE DEALER, OR TO A VEHICLE SCRAP METAL PROCESSOR IF THE
 4 VEHICLE IS NOT A DISTRESSED LATE-MODEL VEHICLE. THE SALVAGE POOL
 5 SHALL PROVIDE THE BUYER AND THE SECRETARY OF STATE WITH A COPY OF
 6 THE RELEASE STATEMENT UNDER SUBSECTION (2), PROOF OF NOTICE UNDER
 7 SUBSECTION (4) TO THE OWNER AND LIENHOLDER OF RECORD AS KEPT BY
 8 THE SECRETARY OF STATE, AND A BILL OF SALE. THE SECRETARY OF
 9 STATE SHALL USE THE DOCUMENTATION PROVIDED TO ISSUE THE
 10 APPROPRIATE SALVAGE OR SCRAP CERTIFICATE OF TITLE.

11 Sec. 252a. (1) A person shall not abandon a vehicle in this
 12 state. It is presumed that the last titled owner of the vehicle
 13 is responsible for abandoning the vehicle unless the person
 14 provides a record of **THE** sale as that term is defined in section
 15 240. A person who violates this subsection and who fails to
 16 redeem the vehicle before disposition of the vehicle under
 17 section 252g is responsible for a civil infraction and shall be
 18 ordered to pay a civil fine of \$50.00.

19 (2) As used in this section and sections ~~252a-252B~~ through
 20 252l, "abandoned vehicle" means ~~either~~ **ANY** of the following:

21 (a) A vehicle that has remained on private property without
 22 the consent of the owner.

23 (b) A vehicle that has remained on public property for a
 24 period of not less than 48 hours, or on a state trunk line
 25 highway as described in section 1 of 1951 PA 51, MCL 247.651, as
 26 follows:

27 (i) If a valid registration plate is affixed to the vehicle,

1 for a period of not less than 18 hours.

2 (ii) If a valid registration plate is not affixed to the
3 vehicle.

4 (C) A VEHICLE, OTHER THAN A LATE-MODEL VEHICLE, TO WHICH ALL
5 OF THE FOLLOWING APPLY:

6 (i) AN INSURANCE COMPANY HAS NOT ACQUIRED OWNERSHIP OF THE
7 VEHICLE UNDER SECTION 217C.

8 (ii) THE VEHICLE CANNOT BE DISPOSED OF UNDER SECTION 248C.

9 (iii) THE VEHICLE HAS REMAINED IN THE CUSTODY OF A VEHICLE
10 SALVAGE POOL OR BROKER SITE WITHOUT THE CONSENT OF THE VEHICLE
11 SALVAGE POOL OPERATOR OR THE BROKER FOR A PERIOD OF NOT LESS THAN
12 60 DAYS.

13 (3) If a vehicle has remained on public property for the
14 period of time described in subsection (2)(b) so that it
15 qualifies as abandoned, a police agency having jurisdiction over
16 the vehicle or the agency's designee shall determine whether the
17 vehicle has been reported stolen and may affix a written notice
18 to the vehicle. The written notice shall contain the following
19 information:

20 (a) The date and time the notice was affixed.

21 (b) The name and address of the police agency taking the
22 action.

23 (c) The name and badge number of the police officer affixing
24 the notice.

25 (d) The date and time the vehicle may be taken into custody
26 and stored at the owner's expense or scrapped if the vehicle is
27 not removed.

1 (e) The year, make, and vehicle identification number of the
2 vehicle, if available.

3 (4) If the vehicle is an abandoned vehicle, the police
4 agency or the agency's designee may have the towing agency take
5 the vehicle into custody.

6 (5) A police agency that has received a vehicle taken into
7 custody as abandoned shall do all of the following:

8 (a) Recheck to determine if the vehicle has been reported
9 stolen.

10 (b) Within 24 hours after the vehicle is taken into custody,
11 enter the vehicle as abandoned into the law enforcement
12 information network, and notify the secretary of state through
13 the law enforcement information network that the vehicle has been
14 taken into custody as abandoned. Each notification shall contain
15 the following information:

16 (i) The year, make, and vehicle identification number of the
17 vehicle, if available.

18 (ii) The address or approximate location from which the
19 vehicle was taken into custody.

20 (iii) The date on which the vehicle was taken into custody.

21 (iv) The name and address of the police agency that had the
22 vehicle taken into custody.

23 (v) The name and business address of the custodian of the
24 vehicle.

25 (vi) The name of the court that has jurisdiction over the
26 case.

27 (c) Within 7 days after receiving notice under subdivision

1 (b) that the vehicle has been taken into custody, the secretary
2 of state shall do both of the following:

3 (i) Send to the last titled owner and secured party, as shown
4 by the records of the secretary of state as described in section
5 221 or 237, by first-class mail or personal service, notice that
6 the vehicle is considered abandoned. The form for the notice
7 shall be furnished by the secretary of state. Each notice form
8 shall contain the following information:

9 (A) The year, make, and vehicle identification number of the
10 vehicle if available.

11 (B) The address or approximate location from which the
12 vehicle was taken into custody.

13 (C) The date on which the vehicle was taken into custody.

14 (D) The name and address of the police agency that had the
15 vehicle taken into custody.

16 (E) The name and business address of the custodian of the
17 vehicle.

18 (F) The procedure to redeem the vehicle.

19 (G) The procedure to contest the fact that the vehicle is
20 considered abandoned or the reasonableness of the towing fees and
21 daily storage fees.

22 (H) A form petition that the owner may file in person or by
23 mail with the specified court that requests a hearing on the
24 police agency's action.

25 (I) A warning that the failure to redeem the vehicle or to
26 request a hearing within 20 days after the date of the notice may
27 result in the sale of the vehicle and the termination of all

1 rights of the owner and the secured party to the vehicle or the
2 proceeds of the sale.

3 (ii) Enter the information described in subparagraph (i) on a
4 website maintained by the department for public use in locating
5 vehicles that are removed under this section as abandoned. The
6 department shall maintain the data on the website for 1 year or
7 until the vehicle is disposed of under this act, whichever occurs
8 first.

9 (6) The owner may contest the fact that the vehicle is
10 considered abandoned or the reasonableness of the towing fees and
11 daily storage fees by requesting a hearing and posting a bond
12 equal to \$40.00 plus the amount of the accrued towing and storage
13 fees. A request for a hearing shall be made by filing a petition
14 with the court specified in the notice described in subsection
15 (5)(c) within 20 days after the date of the notice. If the owner
16 requests a hearing, the matter shall be resolved after a hearing
17 conducted under sections 252e and 252f. An owner who requests a
18 hearing may obtain release of the vehicle by posting a towing and
19 storage bond in an amount equal to the \$40.00 plus the accrued
20 towing and storage fees with the court. The owner of a vehicle
21 who requests a hearing may obtain release of the vehicle by
22 paying a fee of \$40.00 to the court and the accrued towing and
23 storage fees instead of posting the towing and storage bond.

24 (7) If the owner does not request a hearing under subsection
25 (6), he or she may obtain the release of the vehicle by paying a
26 fee of \$40.00 and the accrued towing and storage fees to the
27 custodian of the vehicle. The custodian of the vehicle shall

1 forward \$25.00 of the fee to the secretary of state within 30
2 days after receipt in a manner prescribed by the secretary of
3 state, who shall deposit the fee into the abandoned vehicle fund
4 created in section 252h.

5 (8) If the owner does not redeem the vehicle or request a
6 hearing within 20 days after the date of the notice described in
7 subsection (5)(c), the secured party may obtain the release of
8 the vehicle by paying a \$40.00 fee plus the accrued charges to
9 the custodian of the vehicle. The custodian of the vehicle shall
10 forward \$25.00 of the fee to the secretary of state, who shall
11 deposit the fee into the abandoned vehicle fund created in
12 section 252h.

13 (9) If a vehicle has remained on private property without
14 the consent of the property owner, the owner of the private
15 property may have the vehicle taken into custody as an abandoned
16 vehicle by contacting a local towing agency. A local towing
17 agency is considered a towing agency whose storage lot is located
18 within 15 miles from the border of the local unit of government
19 having jurisdiction over the abandoned vehicle.

20 (10) Before removing the vehicle from private property, the
21 towing agency shall provide reasonable notice by telephone, or
22 otherwise, to a police agency having jurisdiction over the
23 vehicle that the vehicle is being removed. The police agency
24 shall determine if the vehicle has been reported stolen and enter
25 the vehicle into the law enforcement information network as an
26 abandoned vehicle. Verification by the police agency of
27 compliance with this section is not necessary and is not a

1 predicate to the entrance of the vehicle into the law enforcement
2 information network.

3 (11) Within 24 hours after taking the abandoned vehicle into
4 custody, the police agency shall notify the secretary of state
5 through the law enforcement information network that the vehicle
6 has been taken into custody as abandoned. Each notification shall
7 contain the following information:

8 (a) The year, make, and vehicle identification number of the
9 vehicle if available.

10 (b) The address or approximate location from which the
11 vehicle was taken into custody.

12 (c) The date on which the vehicle was taken into custody.

13 (d) The name and address of the police agency that had the
14 vehicle taken into custody.

15 (e) The name and business address of the custodian of the
16 vehicle.

17 (f) The name of the court that has jurisdiction over the
18 case.

19 (12) Within 7 days after being notified under subsection
20 (11), the secretary of state shall do both of the following:

21 (a) Send to the owner and secured party, as shown by the
22 records of the secretary of state, by first-class mail or
23 personal service, notice that the vehicle is considered
24 abandoned. The form for the notice shall be furnished by the
25 secretary of state. Each notice form shall contain the following
26 information:

27 (i) The year, make, and vehicle identification number of the

- 1 vehicle if available.
- 2 (ii) The location from which the vehicle was taken into
3 custody.
- 4 (iii) The date on which the vehicle was taken into custody.
- 5 (iv) The name of the towing agency that had the vehicle taken
6 into custody.
- 7 (v) The business address of the custodian of the vehicle.
- 8 (vi) The procedure to redeem the vehicle.
- 9 (vii) The procedure to contest the fact that the vehicle is
10 considered abandoned or the reasonableness of the towing fees and
11 daily storage fees.
- 12 (viii) A form petition that the owner may file in person or by
13 mail with the specified court that requests a hearing on the
14 custodian's action.
- 15 (ix) A warning that the failure to redeem the vehicle or to
16 request a hearing within 20 days after the date of the notice may
17 result in the sale of the vehicle and the termination of all
18 rights of the owner and the secured party to the vehicle or the
19 proceeds of the sale.
- 20 (b) Enter the information described in subdivision (a) on a
21 website maintained by the department for public use in locating
22 vehicles that are removed under this section as abandoned.
- 23 (13) The owner may contest the fact that the vehicle is
24 abandoned or, unless the towing fees and daily storage fees are
25 established by contract with the local governmental unit or local
26 law enforcement agency and comply with section 252i, the
27 reasonableness of the towing fees and daily storage fees by

1 requesting a hearing. A request for a hearing shall be made by
2 filing a petition with the court specified in the notice within
3 20 days after the date of the notice. If the owner requests a
4 hearing, the matter shall be resolved after a hearing conducted
5 under section 252f. An owner who requests a hearing may obtain
6 release of the vehicle by posting with the court a towing and
7 storage bond in an amount equal to \$40.00 plus the accrued towing
8 and storage fees. The owner of a vehicle who requests a hearing
9 may obtain release of the vehicle by paying a fee of \$40.00 to
10 the court plus the towing and storage fees instead of posting the
11 towing and storage bond. An owner requesting a hearing but not
12 taking possession of the vehicle shall post with the court a
13 towing and storage bond in an amount equal to \$40.00 plus the
14 accrued towing and storage fees.

15 (14) If the owner does not request a hearing, he or she may
16 obtain the release of the vehicle by paying a fee of \$40.00 plus
17 the accrued charges to the custodian of the vehicle. The
18 custodian shall forward \$25.00 of the fee collected under this
19 subsection to the secretary of state within 30 days after receipt
20 in a manner prescribed by the secretary of state, who shall
21 deposit the fee into the abandoned vehicle fund created in
22 section 252h.

23 (15) If the owner does not redeem the vehicle or request a
24 hearing within 20 days after the date of the notice, the secured
25 party may obtain the release of the vehicle by paying a fee of
26 \$40.00 and the accrued towing and storage fees to the custodian
27 of the vehicle. The custodian shall forward \$25.00 of the fee

1 collected under this subsection to the secretary of state within
2 30 days after receipt in a manner prescribed by the secretary of
3 state, who shall deposit the fee into the abandoned vehicle fund
4 created in section 252h.

5 (16) Not less than 20 days after the disposition of the
6 hearing described in subsection (6) or, if a hearing is not
7 requested, not less than 20 days after the date of the notice,
8 the police agency if the abandoned vehicle is found on public
9 property, or the custodian of the vehicle if the vehicle is found
10 on private property, shall offer the vehicle for sale at a public
11 sale under section 252g.

12 (17) If the ownership of a vehicle that is considered
13 abandoned under this section cannot be determined either because
14 of the condition of the vehicle identification numbers or because
15 a check with the records of the secretary of state as described
16 in section 221 or 237 does not reveal ownership, the police
17 agency may sell the vehicle at public sale as provided in section
18 252g not less than 30 days after public notice of the sale has
19 been published.

20 (18) The secretary of state shall release a vehicle for
21 disposition under section 252b or 252g within 45 days after the
22 vehicle is entered into the law enforcement information network
23 as an abandoned vehicle.

24 Sec. 259. (1) ~~(a) All license~~ **REGISTRATION** plates,
25 certificates of title, registration certificates or the license
26 of any dealer or wrecker, ~~shall be deemed to be~~ **ARE** the property
27 of the ~~THIS~~ state, ~~of Michigan and whenever~~ **SHALL CONTAIN**

1 INFORMATION REQUIRED BY THIS ACT, AND SHALL BE MADE IN A MANNER
 2 AND BEAR INFORMATION AND BE IN A CONFIGURATION AS PRESCRIBED BY
 3 THE DEPARTMENT. WHEN the department ~~as authorized hereunder~~
 4 cancels or suspends the registration of a vehicle or a
 5 certificate of title ~~—~~or the license of any dealer or wrecker **AS**
 6 **AUTHORIZED BY THIS ACT**, the owner or person in possession of the
 7 same shall immediately return the evidence of **THE CANCELED OR**
 8 **SUSPENDED** registration, title, or license ~~so cancelled or~~
 9 ~~suspended~~ to the department.

10 (2) ~~(b)~~ It is unlawful for any person to fail or refuse to
 11 surrender to the department upon demand any **REGISTRATION PLATE**,
 12 registration, certificate of title, or license of any dealer as
 13 required in this section.

14 Sec. 306. (1) The secretary of state, upon receiving an
 15 application for a temporary instruction permit from a person who
 16 is 18 years of age or older, may issue that permit entitling the
 17 applicant, while carrying the permit, to drive a motor vehicle
 18 other than a motor vehicle requiring an indorsement under section
 19 312a or a vehicle group designation under section 312e upon the
 20 highways for a period of 180 days when accompanied by a licensed
 21 adult operator or chauffeur who is actually occupying a seat
 22 beside the driver.

23 (2) The secretary of state may issue an original operator's
 24 license and designate level 1, 2, or 3 graduated licensing
 25 provisions to a person who is less than 18 years of age, has been
 26 licensed in another state or country, and has satisfied the
 27 applicable requirements of section 310e.

1 (3) A student enrolled in a driver education course as ~~that~~
2 ~~term is~~ defined in section 3 of the driver education provider and
3 instructor act, 2006 PA 384, MCL 256.623, or a motorcycle safety
4 course approved by the department of state may operate a motor
5 vehicle **THAT DOES NOT REQUIRE A GROUP DESIGNATION UNDER SECTION**
6 **312E** without holding an operator's license or permit while under
7 the direct supervision of the program instructor.

8 (4) A student enrolled in a driver education course as ~~that~~
9 ~~term is~~ defined in section 3 of the driver education provider and
10 instructor act, 2006 PA 384, MCL 256.623, and who has
11 successfully completed 10 hours of classroom instruction and the
12 equivalent of 2 hours of behind-the-wheel training may be issued
13 a temporary driver education certificate furnished by the
14 department of state that authorizes a student to drive a motor
15 vehicle, other than a motor vehicle requiring an indorsement
16 under section 312a or a vehicle group designation under section
17 312e, when accompanied by a licensed parent or guardian, or when
18 accompanied by a nonlicensed parent or guardian and a licensed
19 adult for the purpose of receiving additional instruction until
20 the end of the student's driver education course.

21 (5) Beginning January 1, 2015, the secretary of state, upon
22 receiving proper application from a person 16 or 17 years of age
23 who is enrolled in or has successfully completed an approved
24 motorcycle safety course under section 811a, or a person who is
25 18 years of age or older and who holds a valid operator's or
26 chauffeur's license, may issue a motorcycle temporary instruction
27 permit entitling the applicant, while carrying the permit, to

1 operate a motorcycle upon the public streets and highways for a
2 period of 180 days under the following conditions:

3 (a) The applicant shall operate the motorcycle under the
4 constant visual supervision of a licensed motorcycle operator who
5 is at least 18 years of age.

6 (b) The applicant shall not operate the motorcycle at night.

7 (c) The applicant shall not operate the motorcycle with a
8 passenger.

9 (d) The applicant shall not be eligible for more than 2
10 motorcycle temporary instruction permits in a 10-year period.

11 ~~—— (6) Except as prohibited under federal law, the secretary of~~
12 ~~state, upon receiving proper application from a person who is 18~~
13 ~~years of age or older, who holds a valid operator's or~~
14 ~~chauffeur's license other than a restricted license, and who has~~
15 ~~passed the knowledge test for an original vehicle group~~
16 ~~designation or indorsement, and, if the person is applying for a~~
17 ~~hazardous material indorsement, the person has been approved for~~
18 ~~the hazardous materials indorsement by the transportation~~
19 ~~security administration, may issue a temporary instruction permit~~
20 ~~entitling the person, while carrying the permit, to drive a~~
21 ~~vehicle requiring a vehicle group designation or vehicle group~~
22 ~~indorsement under section 312c upon the streets and highways for~~
23 ~~a period of 180 days, but only when accompanied by a licensed~~
24 ~~adult operator or chauffeur who is licensed with the appropriate~~
25 ~~vehicle group designation and indorsement for the vehicle group~~
26 ~~being driven and who is actually occupying a seat beside the~~
27 ~~driver, or behind the driver if the permittee is driving a bus or~~

~~1 school bus. In addition, if a permittee is enrolled in a driver
2 training program for drivers of motor vehicles requiring a
3 vehicle group designation or vehicle group indorsement under
4 section 312e, which program is conducted by a college, a
5 university, a school licensed by the department under the driver
6 education provider and instructor act, 2006 PA 384, MCL 256.621
7 to 256.705, or a local or intermediate school district, the
8 permittee may drive a vehicle requiring a vehicle group
9 designation or vehicle group indorsement on the streets and
10 highways of this state for a period of 180 days when accompanied
11 by an instructor licensed with the appropriate vehicle group
12 designation and indorsement for the vehicle being driven who is
13 either occupying the seat beside the driver or in direct visual
14 and audio communication with the permittee. A person issued a
15 temporary instruction permit under this section shall not operate
16 a vehicle designed to carry 16 or more passengers that is
17 transporting passengers except with an instructor licensed with
18 the appropriate vehicle group designation and indorsement for the
19 vehicle being driven or a driver skills test examiner.~~

**20 SEC. 306A. (1) THE SECRETARY OF STATE MAY ISSUE A COMMERCIAL
21 LEARNER'S PERMIT ENTITLING A PERSON TO DRIVE A VEHICLE REQUIRING
22 A VEHICLE GROUP DESIGNATION OR INDORSEMENT UNDER SECTION 312E IF
23 ALL OF THE FOLLOWING APPLY:**

**24 (A) THE PERSON SUBMITS A PROPER APPLICATION AND MEETS THE
25 REQUIREMENTS OF 49 CFR PART 383.**

26 (B) THE PERSON IS 18 YEARS OF AGE OR OLDER.

27 (C) THE PERSON HOLDS A VALID OPERATOR'S OR CHAUFFEUR'S

1 LICENSE THAT IS NOT A RESTRICTED LICENSE.

2 (D) THE PERSON PASSES THE KNOWLEDGE TESTS FOR AN ORIGINAL
3 VEHICLE GROUP DESIGNATION OR INDORSEMENT, AS REQUIRED BY 49 CFR
4 PART 383.

5 (E) IF THE PERSON IS APPLYING FOR A HAZARDOUS MATERIALS
6 INDORSEMENT, HE OR SHE HAS BEEN APPROVED FOR THE HAZARDOUS
7 MATERIALS INDORSEMENT BY THE FEDERAL TRANSPORTATION SECURITY
8 ADMINISTRATION.

9 (2) A PERSON ISSUED A COMMERCIAL LEARNER'S PERMIT UNDER
10 SUBSECTION (1), OR AN EQUIVALENT COMMERCIAL LEARNER'S PERMIT
11 ISSUED BY ANOTHER JURISDICTION, MAY OPERATE A VEHICLE REQUIRING A
12 VEHICLE GROUP DESIGNATION OR INDORSEMENT UNDER SECTION 312E, IF
13 ALL OF THE FOLLOWING APPLY:

14 (A) THE PERSON HAS THE PERMIT AND A VALID OPERATOR'S OR
15 CHAUFFEUR'S LICENSE IN HIS OR HER POSSESSION WHILE OPERATING THE
16 VEHICLE.

17 (B) THE PERSON IS ACCOMPANIED BY AN INSTRUCTOR CERTIFIED
18 UNDER THE DRIVER EDUCATION PROVIDER AND INSTRUCTOR ACT, 2006 PA
19 384, MCL 256.621 TO 256.705, OR AN ADULT WITH A VALID OPERATOR'S
20 OR CHAUFFEUR'S LICENSE, AND ALL OF THE FOLLOWING APPLY:

21 (i) THE INSTRUCTOR OR LICENSED ADULT HAS IN HIS OR HER
22 POSSESSION A VALID LICENSE WITH A VEHICLE GROUP DESIGNATION AND
23 ANY INDORSEMENT NECESSARY TO OPERATE THE VEHICLE AS PROVIDED IN
24 SECTION 312E.

25 (ii) THE INSTRUCTOR OR LICENSED ADULT IS AT ALL TIMES
26 PHYSICALLY PRESENT IN THE FRONT SEAT OF THE VEHICLE NEXT TO THE
27 OPERATOR OR, IN THE CASE OF A PASSENGER VEHICLE, DIRECTLY BEHIND

1 THE OPERATOR OR IN THE FIRST ROW BEHIND THE OPERATOR.

2 (iii) THE INSTRUCTOR OR LICENSED ADULT HAS THE OPERATOR UNDER
3 OBSERVATION AND DIRECT SUPERVISION.

4 (C) THE PERSON SHALL NOT OPERATE A VEHICLE TRANSPORTING
5 HAZARDOUS MATERIALS AS DEFINED IN 49 CFR PART 383.

6 (D) IF THE PERSON HAS A PERMIT TO OPERATE A TANK VEHICLE,
7 THE PERSON MAY ONLY OPERATE AN EMPTY TANK VEHICLE AND SHALL NOT
8 OPERATE ANY TANK VEHICLE THAT PREVIOUSLY CONTAINED HAZARDOUS
9 MATERIALS UNLESS THE TANK HAS BEEN PURGED OF ALL HAZARDOUS
10 MATERIAL RESIDUE.

11 (E) IF THE PERSON HAS A PERMIT TO OPERATE A VEHICLE DESIGNED
12 TO CARRY 16 OR MORE PASSENGERS OR A SCHOOL BUS, THE PERSON SHALL
13 NOT OPERATE A VEHICLE DESIGNED TO CARRY 16 OR MORE PASSENGERS OR
14 A SCHOOL BUS WITH ANY PASSENGERS OTHER THAN THE FOLLOWING
15 INDIVIDUALS:

16 (i) THE INSTRUCTOR OR LICENSED ADULT DESCRIBED IN THIS
17 SECTION.

18 (ii) FEDERAL OR STATE AUDITORS OR INSPECTORS.

19 (iii) TEST EXAMINERS.

20 (iv) OTHER TRAINEES.

21 (3) A COMMERCIAL LEARNER'S PERMIT ISSUED UNDER THIS SECTION
22 IS VALID FOR 180 DAYS FROM THE DATE OF ISSUANCE. A PERSON MAY
23 APPLY 1 TIME TO RENEW THE PERMIT FOR AN ADDITIONAL 180 DAYS
24 WITHOUT TAKING THE KNOWLEDGE TESTS DESCRIBED IN SUBSECTION (1) IF
25 THE PERSON APPLIES FOR THE RENEWAL BEFORE THE EXPIRATION OF THE
26 ORIGINAL PERMIT.

27 Sec. 307. (1) If an applicant for an operator's license or

1 chauffeur's license **TO OPERATE A NONCOMMERCIAL MOTOR VEHICLE** is a
2 citizen of the United States, the applicant shall supply a
3 photographic identity document, a birth certificate, or other
4 sufficient documents as the secretary of state may require, to
5 verify the identity and citizenship of the applicant. If an
6 applicant for an operator's or chauffeur's license is not a
7 citizen of the United States, the applicant shall supply a
8 photographic identity document and other sufficient documents to
9 verify the identity of the applicant and the applicant's legal
10 presence in the United States under subdivision (b). The
11 documents required under this subsection shall include the
12 applicant's full legal name, date of birth, and address and
13 residency and demonstrate that the applicant is a citizen of the
14 United States or is legally present in the United States. If the
15 applicant's full legal name differs from the name of the
16 applicant that appears on a document presented under this
17 subsection, the applicant shall present documents to verify his
18 or her current full legal name. The secretary of state shall
19 accept as 1 of the required identification documents an
20 identification card issued by the department of corrections to
21 prisoners who are placed on parole or released from a
22 correctional facility, containing the prisoner's legal name,
23 photograph, and other information identifying the prisoner as
24 provided in section 37(4) of the corrections code of 1953, 1953
25 PA 232, MCL 791.237. An application for an operator's or
26 chauffeur's license shall be made in a manner prescribed by the
27 secretary of state and shall contain all of the following:

1 (a) The applicant's full legal name, date of birth,
2 residence address, height, sex, eye color, signature, intent to
3 make an anatomical gift, other information required or permitted
4 on the license under this chapter, and, only to the extent
5 required to comply with federal law, the applicant's social
6 security number. The applicant may provide a mailing address if
7 the applicant receives mail at an address different from his or
8 her residence address.

9 (b) If the applicant is not a citizen of the United States,
10 the applicant shall provide, and the department shall verify,
11 documents demonstrating his or her legal presence in the United
12 States. Nothing in this act shall obligate or be construed to
13 obligate this state to comply with title II of the real ID act of
14 2005, Public Law 109-13. The secretary of state may adopt rules
15 under the administrative procedures act of 1969, 1969 PA 306, MCL
16 24.201 to 24.328, as are necessary for the administration of this
17 subdivision. A determination by the secretary of state that an
18 applicant is not legally present in the United States may be
19 appealed under section 631 of the revised judicature act of 1961,
20 1961 PA 236, MCL 600.631.

21 (c) The following notice shall be included to inform the
22 applicant that under sections 509o and 509r of the Michigan
23 election law, 1954 PA 116, MCL 168.509o and 168.509r, the
24 secretary of state is required to use the residence address
25 provided on this application as the applicant's residence address
26 on the qualified voter file for voter registration and voting:

1 "NOTICE: Michigan law requires that the same address
2 be used for voter registration and driver license
3 purposes. Therefore, if the residence address
4 you provide in this application differs from your
5 voter registration address as it appears on the
6 qualified voter file, the secretary of state
7 will automatically change your voter registration
8 to match the residence address on this application,
9 after which your voter registration at your former
10 address will no longer be valid for voting purposes.
11 A new voter registration card, containing the
12 information of your polling place, will be provided
13 to you by the clerk of the jurisdiction where your
14 residence address is located.".

15 (d) For an original or renewal operator's or chauffeur's
16 license with a vehicle group designation or indorsement, the
17 names of all states where the applicant has been licensed to
18 drive any type of motor vehicle during the previous 10 years.

19 (e) For an operator's or chauffeur's license with a vehicle
20 group designation or indorsement, the following certifications by
21 the applicant:

22 (i) The applicant meets the applicable federal driver
23 qualification requirements under 49 CFR parts 383 and 391 ~~if the~~
24 ~~applicant operates or intends to operate in interstate commerce~~
25 or meets the applicable qualifications of the department of state
26 police under the motor carrier safety act of 1963, 1963 PA 181,
27 MCL 480.11 to 480.25. ~~if the applicant operates or intends to~~
28 ~~operate in intrastate commerce.~~

1 (ii) The vehicle in which the applicant will take the driving
2 skills tests is representative of the type of vehicle the
3 applicant operates or intends to operate.

4 (iii) The applicant is not subject to disqualification by the
5 United States secretary of transportation, or a suspension,
6 revocation, or cancellation under any state law for conviction of
7 an offense described in section 312f or 319b.

8 (iv) The applicant does not have a driver's license from more
9 than 1 state or jurisdiction.

10 (f) An applicant for an operator's or chauffeur's license
11 with a vehicle group designation and a hazardous material
12 indorsement shall provide his or her fingerprints as prescribed
13 by state and federal law.

14 (2) An applicant for an operator's or chauffeur's license
15 may have his or her image and signature captured or reproduced
16 when the application for the license is made. The secretary of
17 state shall acquire equipment purchased or leased under this
18 section under standard purchasing procedures of the department of
19 technology, management, and budget based on standards and
20 specifications established by the secretary of state. The
21 secretary of state shall not purchase or lease equipment until an
22 appropriation for the equipment has been made by the legislature.
23 A digital photographic image and signature captured under this
24 section shall appear on the applicant's operator's license or
25 chauffeur's license. A person's digital photographic image and
26 signature shall be used as follows:

27 (a) By a federal, state, or local governmental agency for a

1 law enforcement purpose authorized by law.

2 (b) By the secretary of state for a use specifically
3 authorized by law.

4 (c) By the secretary of state for forwarding to the
5 department of state police ~~the~~ **EITHER OF THE FOLLOWING:**

6 (i) **THE** images of persons required to be registered under the
7 sex offenders registration act, 1994 PA 295, MCL 28.721 to
8 28.736, upon the department of state police providing the
9 secretary of state an updated list of the names of those persons.

10 (ii) **THE IMAGES OF PERSONS APPLYING FOR A CONCEALED PISTOL**
11 **LICENSE UNDER 1927 PA 372, MCL 28.421 TO 28.435.**

12 (d) As necessary to comply with a law of this state or of
13 the United States.

14 (3) An application shall contain a signature or verification
15 and certification by the applicant, as determined by the
16 secretary of state, and shall be accompanied by the proper fee.
17 The secretary of state shall collect the application fee with the
18 application. The secretary of state shall refund the application
19 fee to the applicant if the license applied for is denied, but
20 shall not refund the fee to an applicant who fails to complete
21 the examination requirements of the secretary of state within 90
22 days after the date of application for a license.

23 (4) In conjunction with the application for an operator's
24 license or chauffeur's license, the secretary of state shall do
25 all of the following:

26 (a) Provide the applicant with all of the following:

27 (i) Information explaining the applicant's right to make an

1 anatomical gift in the event of death in accordance with section
2 310.

3 (ii) Information describing the anatomical gift donor
4 registry program under part 101 of the public health code, 1978
5 PA 368, MCL 333.10101 to 333.10123. The information required
6 under this subparagraph includes the address and telephone number
7 of Michigan's federally designated organ procurement organization
8 or its successor organization as defined in section 10102 of the
9 public health code, 1978 PA 368, MCL 333.10102.

10 (iii) Information giving the applicant the opportunity to be
11 placed on the donor registry described in subparagraph (ii).

12 (b) Provide the applicant with the opportunity to specify on
13 his or her operator's or chauffeur's license that he or she is
14 willing to make an anatomical gift in the event of death in
15 accordance with section 310.

16 (c) Inform the applicant that, if he or she indicates to the
17 secretary of state under this section a willingness to have his
18 or her name placed on the donor registry described in subdivision
19 (a)(ii), the secretary of state will mark the applicant's record
20 for the donor registry.

21 (5) The secretary of state may fulfill the requirements of
22 subsection (4) by 1 or more of the following methods:

23 (a) Providing printed material enclosed with a mailed notice
24 for an operator's or chauffeur's license renewal or the issuance
25 of an operator's or chauffeur's license.

26 (b) Providing printed material to an applicant who
27 personally appears at a secretary of state branch office.

1 (c) Through electronic information transmittals for
2 operator's and chauffeur's licenses processed by electronic
3 means.

4 (6) The secretary of state shall maintain a record of an
5 individual who indicates a willingness to have his or her name
6 placed on the donor registry described in subsection (4)(a)(ii).
7 Information about an applicant's indication of a willingness to
8 have his or her name placed on the donor registry that is
9 obtained by the secretary of state under subsection (4) and
10 forwarded under subsection (14) is exempt from disclosure under
11 section 13(1)(d) of the freedom of information act, 1976 PA 442,
12 MCL 15.243.

13 (7) If an application is received from a person previously
14 licensed in another jurisdiction, the secretary of state shall
15 request a copy of the applicant's driving record and other
16 available information from the national driver register. When
17 received, the driving record and other available information
18 become a part of the driver's record in this state.

19 ~~(8) If an application is received for an original, renewal,~~
20 ~~or upgrade of a vehicle group designation or indorsement, the IF~~
21 **A PERSON APPLIES FOR A COMMERCIAL LEARNER'S PERMIT FOR AN**
22 **ORIGINAL VEHICLE GROUP DESIGNATION OR INDORSEMENT TO OPERATE A**
23 **COMMERCIAL MOTOR VEHICLE, THE SECRETARY OF STATE MAY VERIFY THE**
24 **PERSON'S IDENTITY, MAY REQUIRE PROOF OF MICHIGAN DOMICILE UNDER**
25 **49 CFR 383.5, AND MAY VERIFY THE PERSON'S PROOF OF UNITED STATES**
26 **CITIZENSHIP OR PROOF OF LAWFUL PERMANENT RESIDENCY AS REQUIRED**
27 **UNDER 49 CFR 383.71 AND 383.73, IF THAT INFORMATION IS NOT ON THE**

1 PERSON'S MICHIGAN DRIVING RECORD. IF A PERSON APPLIES FOR A
2 RENEWAL OF AN OPERATOR'S OR CHAUFFEUR'S LICENSE TO OPERATE A
3 COMMERCIAL MOTOR VEHICLE, THE SECRETARY OF STATE MAY VERIFY THE
4 PERSON'S IDENTITY, MAY REQUIRE PROOF OF MICHIGAN DOMICILE UNDER
5 49 CFR 383.5, AND MAY VERIFY THE PERSON'S PROOF OF CITIZENSHIP OR
6 LAWFUL PERMANENT RESIDENCY UNDER 49 CFR 383.71 AND 383.73, IF
7 THAT INFORMATION IS NOT ON THE PERSON'S MICHIGAN DRIVING RECORD.
8 IF A PERSON APPLIES FOR AN UPGRADE OF A VEHICLE GROUP DESIGNATION
9 OR INDORSEMENT, THE SECRETARY OF STATE MAY VERIFY THE PERSON'S
10 IDENTITY, MAY REQUIRE PROOF OF MICHIGAN DOMICILE UNDER 49 CFR
11 383.5, AND MAY VERIFY THE PERSON'S PROOF OF CITIZENSHIP OR LAWFUL
12 PERMANENT RESIDENCY UNDER 49 CFR 383.71 AND 383.73, IF THAT
13 INFORMATION IS NOT ON THE PERSON'S MICHIGAN DRIVING RECORD. THE
14 secretary of state shall request the person's complete driving
15 record from all states where the applicant was previously
16 licensed to drive any type of motor vehicle over the last 10
17 years before issuing a vehicle group designation or indorsement
18 to the applicant. If the applicant does not hold a valid
19 commercial motor vehicle driver license from a state where he or
20 she was licensed in the last 10 years, this complete driving
21 record request must be made not earlier than 24 hours before the
22 secretary of state issues the applicant a vehicle group
23 designation or indorsement. For all other drivers, this request
24 must be made not earlier than 10 days before the secretary of
25 state issues the applicant a vehicle group designation or
26 indorsement. IF THE APPLICATION IS FOR THE RENEWAL OF A VEHICLE
27 GROUP DESIGNATION OR INDORSEMENT, AND IF THE SECRETARY OF STATE

1 ENTERS ON THE PERSON'S DRIVING RECORD MAINTAINED UNDER SECTION
2 204A A NOTATION THAT THE REQUEST WAS MADE AND THE DATE OF THE
3 REQUEST, THE SECRETARY OF STATE IS REQUIRED TO REQUEST THE
4 APPLICANT'S COMPLETE DRIVING RECORD FROM OTHER STATES ONLY ONCE
5 UNDER THIS SECTION. The secretary of state shall also check the
6 applicant's driving record with the national driver register and
7 the federal commercial driver license information system before
8 issuing that group designation or indorsement. ~~If the application~~
9 ~~is for the renewal of a vehicle group designation or indorsement,~~
10 ~~and if the secretary of state enters on the person's historical~~
11 ~~driving record maintained under section 204a a notation that the~~
12 ~~request was made and the date of the request, the secretary of~~
13 ~~state is required to request the applicant's complete driving~~
14 ~~record from other states only once under this section.~~

15 (9) Except for a vehicle group designation or indorsement or
16 as provided in this subsection or section 314(5), the secretary
17 of state may issue a renewal operator's or chauffeur's license
18 for 1 additional 4-year period or until the person is no longer
19 determined to be legally present under this section by mail or by
20 other methods prescribed by the secretary of state. The secretary
21 of state may check the applicant's driving record through the
22 national driver register and the commercial driver license
23 information system before issuing a license under this section.
24 The secretary of state shall issue a renewal license only in
25 person if the person is a person required under section 5a of the
26 sex offenders registration act, 1994 PA 295, MCL 28.725a, to
27 maintain a valid operator's or chauffeur's license or official

1 state personal identification card. If a license is renewed by
2 mail or by other method, the secretary of state shall issue
3 evidence of renewal to indicate the date the license expires in
4 the future. The department of state police shall provide to the
5 secretary of state updated lists of persons required under
6 section 5a of the sex offenders registration act, 1994 PA 295,
7 MCL 28.725a, to maintain a valid operator's or chauffeur's
8 license or official state personal identification card.

9 (10) Upon request, the secretary of state shall provide an
10 information manual to an applicant explaining how to obtain a
11 vehicle group designation or indorsement. The manual shall
12 contain the information required under 49 CFR part 383.

13 (11) The secretary of state shall not disclose a social
14 security number obtained under subsection (1) to another person
15 except for use for 1 or more of the following purposes:

16 (a) Compliance with 49 USC 31301 to 31317 and regulations
17 and state law and rules related to this chapter.

18 (b) To carry out the purposes of section 466(a) of the
19 social security act, 42 USC 666, in connection with matters
20 relating to paternity, child support, or overdue child support.

21 (c) To check an applicant's driving record through the
22 national driver register and the commercial driver license
23 information system when issuing a license under this act.

24 (d) With the department of community health, for comparison
25 with vital records maintained by the department of community
26 health under part 28 of the public health code, 1978 PA 368, MCL
27 333.2801 to 333.2899.

1 (e) As otherwise required by law.

2 (12) The secretary of state shall not display a person's
3 social security number on the person's operator's or chauffeur's
4 license.

5 (13) A requirement under this section to include a social
6 security number on an application does not apply to an applicant
7 who demonstrates he or she is exempt under law from obtaining a
8 social security number.

9 (14) As required in section 10120 of the public health code,
10 1978 PA 368, MCL 333.10120, the secretary of state shall maintain
11 the donor registry in a manner that provides electronic access,
12 including, but not limited to, the transfer of data to this
13 state's federally designated organ procurement organization or
14 its successor organization, tissue banks, and eye banks, in a
15 manner that complies with that section.

16 (15) The secretary of state, with the approval of the state
17 administrative board created under 1921 PA 2, MCL 17.1 to 17.3,
18 may enter into agreements with the United States government to
19 verify whether an applicant for an operator's license or a
20 chauffeur's license under this section who is not a citizen of
21 the United States is authorized under federal law to be present
22 in the United States.

23 (16) The secretary of state shall not issue an operator's
24 license or a chauffeur's license to a person holding an
25 operator's license or chauffeur's license issued by another state
26 without confirmation that the person is terminating or has
27 terminated the operator's license or chauffeur's license issued

1 by the other state.

2 (17) The secretary of state shall do all of the following:

3 (a) Ensure the physical security of locations where
4 operator's licenses and chauffeur's licenses are produced and the
5 security of document materials and papers from which operator's
6 licenses and chauffeur's licenses are produced.

7 (b) Subject all persons authorized to manufacture or produce
8 operator's licenses or chauffeur's licenses and all persons who
9 have the ability to affect the identity information that appears
10 on operator's licenses or chauffeur's licenses to appropriate
11 security clearance requirements. The security requirements of
12 this subdivision and subdivision (a) may require that licenses be
13 manufactured or produced in this state.

14 (c) Provide fraudulent document recognition programs to
15 department of state employees engaged in the issuance of
16 operator's licenses and chauffeur's licenses.

17 (18) The secretary of state shall have electronic access to
18 prisoner information maintained by the department of corrections
19 for the purpose of verifying the identity of a prisoner who
20 applies for an operator's or chauffeur's license under subsection
21 (1).

22 Sec. 309. (1) Before issuing a license, the secretary of
23 state shall examine each applicant for an operator's or
24 chauffeur's license who at the time of the application is not the
25 holder of a valid, unrevoked operator's or chauffeur's license
26 under a law of this state providing for the licensing of drivers.

27 **BEFORE THE SECRETARY OF STATE AUTHORIZES A PERSON TO ADMINISTER**

1 VEHICLE GROUP DESIGNATION OR ENDORSEMENT KNOWLEDGE TESTS, THAT
2 PERSON MUST SUCCESSFULLY COMPLETE BOTH A STATE AND FEDERAL BUREAU
3 OF INVESTIGATION FINGERPRINT-BASED CRIMINAL HISTORY CHECK OR THE
4 EQUIVALENT THROUGH THE DEPARTMENT OF STATE POLICE. In all other
5 cases, the secretary of state may waive the examination, except
6 that an examination shall not be waived if it appears from the
7 application, from the apparent physical or mental condition of
8 the applicant, or from any other information that has come to the
9 secretary of state from another source, that the applicant does
10 not possess the physical, mental, or other qualifications
11 necessary to operate a motor vehicle in a manner as not to
12 jeopardize the safety of persons or property, or that the
13 applicant is not entitled to a license under section 303. A
14 licensee who applies for the renewal of his or her license by
15 mail ~~pursuant to~~ **UNDER** section 307 shall certify to his or her
16 physical capability to operate a motor vehicle. The secretary of
17 state may check the applicant's driving record through the
18 national driver register and the commercial driver license
19 information system before issuing a license under this section.

20 (2) The secretary of state may appoint sheriffs, their
21 deputies, the chiefs of police of cities and villages having
22 organized police departments within this state, their duly
23 authorized representatives, or employees of the secretary of
24 state as examining officers for the purpose of examining
25 applicants for operator's and chauffeur's licenses. An examining
26 officer shall conduct examinations of applicants for operator's
27 and chauffeur's licenses in accordance with this chapter and the

1 rules promulgated by the secretary of state under subsection (3).
2 After conducting an examination an examining officer shall make a
3 written report of his or her findings and recommendations to the
4 secretary of state.

5 (3) The secretary of state shall promulgate rules ~~pursuant~~
6 ~~to~~ **UNDER** the administrative procedures act of 1969, 1969 PA 306,
7 MCL 24.201 to 24.328, for the examination of the applicant's
8 physical and mental qualifications to operate a motor vehicle in
9 a manner as not to jeopardize the safety of persons or property,
10 and shall ascertain whether facts exist that would bar the
11 issuance of a license under section 303. The secretary of state
12 may consider a written medical report and recommendation
13 submitted under section 5139 of the public health code, 1978 PA
14 368, MCL 333.5139, from the personal physician or optometrist of
15 an applicant, in making the examination regarding the applicant's
16 physical and mental qualifications to operate a motor vehicle
17 under this section and R 257.851 to R 257.855 of the Michigan
18 administrative code. A report received by the secretary of state
19 from a physician or an optometrist under this section is
20 confidential. The secretary of state shall also ascertain whether
21 the applicant has sufficient knowledge of the English language to
22 understand highway warnings or direction signs written in that
23 language. The examination shall not include investigation of
24 facts other than those facts directly pertaining to the ability
25 of the applicant to operate a motor vehicle with safety or facts
26 declared to be prerequisite to the issuance of a license under
27 this act.

1 (4) The secretary of state shall not issue an original
2 operator's or chauffeur's license without a vehicle group
3 designation or indorsement without an examination that includes a
4 driving skills test conducted by the secretary of state or by a
5 designated examining officer under subsection (2) or section
6 310e. The secretary of state may enter into an agreement with
7 another public or private corporation or agency to conduct a
8 driving skills test conducted under this section. Before the
9 secretary of state authorizes a person to administer a
10 corporation's or agency's driver skills testing operations or
11 authorizes an examiner to conduct a driving skills test, that
12 person or examiner must **SUCCESSFULLY** complete both a state and
13 federal bureau of investigation fingerprint based criminal
14 history check through the department of state police **AS REQUIRED**
15 **BY LAW AND AS PROVIDED UNDER 49 CFR 384.228**. In an agreement with
16 another public or private corporation or agency to conduct a
17 driving skills test, the secretary of state shall prescribe the
18 method and examination criteria to be followed by the
19 corporation, agency, or examiner when conducting the driving
20 skills test and the form of the certification to be issued to a
21 person who satisfactorily completes a driving skills test. An
22 original vehicle group designation or indorsement shall not be
23 issued by the secretary of state without a knowledge test
24 conducted by the secretary of state. Except as provided in
25 section 312f(1), an original vehicle group designation or
26 passenger or school bus indorsement shall not be issued by the
27 secretary of state without a driving skills test conducted by an

1 examiner appointed or authorized by the secretary of state **OR AN**
2 **EQUIVALENT DRIVING SKILLS TEST MEETING THE REQUIREMENTS OF 49 CFR**
3 **PART 383 CONDUCTED IN ANOTHER JURISDICTION.**

4 (5) Except as otherwise provided in this act, the secretary
5 of state may waive the requirement of a driving skills test,
6 knowledge test, or road sign test of an applicant for an original
7 operator's or chauffeur's license without a vehicle group
8 designation or indorsement who at the time of the application is
9 the holder of a valid, unrevoked operator's or chauffeur's
10 license issued by another state or country.

11 (6) A driving skills test conducted under this section shall
12 include a behind-the-wheel road test. ~~A behind-the-wheel road~~
13 ~~test for an original vehicle group designation or passenger~~
14 ~~indorsement shall not be conducted unless the applicant has been~~
15 ~~issued a temporary instruction permit.~~ **BEFORE CONDUCTING A BEHIND-**
16 **THE-WHEEL ROAD TEST FOR AN APPLICANT SEEKING A VEHICLE GROUP**
17 **DESIGNATION, INCLUDING ANY UPGRADE TO A VEHICLE GROUP**
18 **DESIGNATION, OR FOR ANY INDORSEMENT REQUIRED TO OPERATE A**
19 **COMMERCIAL MOTOR VEHICLE, THE EXAMINER SHALL DETERMINE THAT THE**
20 **APPLICANT WAS ISSUED HIS OR HER COMMERCIAL LEARNER'S PERMIT NOT**
21 **LESS THAN 14 DAYS BEFORE THE DATE OF THAT TEST AND THAT HE OR SHE**
22 **HAS THAT PERMIT IN HIS OR HER POSSESSION.**

23 (7) A person who corrupts or attempts to corrupt a
24 designated examining officer appointed or designated by the
25 secretary of state under this section or section 310e by giving,
26 offering, or promising any gift or gratuity with the intent to
27 influence the opinion or decision of the examining officer

1 conducting the test is guilty of a felony.

2 (8) A designated examining officer appointed or designated
3 by the secretary of state who conducts a driving skills test
4 under an agreement entered into under this section or section
5 310e and who varies from, shortens, or in any other way changes
6 the method or examination criteria prescribed in that agreement
7 in conducting a driving skills test is guilty of a felony.

8 (9) A person who forges, counterfeits, or alters a
9 satisfactorily completed driving skills test certification issued
10 by a designated examining officer appointed or designated by the
11 secretary of state under this section or section 310e is guilty
12 of a felony.

13 Sec. 310d. (1) A license issued under this act to a person
14 not previously licensed in this or in another state shall be
15 designated as probationary for 3 years after the date of
16 issuance. During the first 12 months of probation, the license
17 may be suspended or probationary terms and conditions may be
18 imposed upon failure of the licensee to appear before a
19 magistrate, as provided in this chapter, or upon conviction of
20 the licensee or determination of the licensee's responsibility
21 for a moving violation in this state. The period of suspension or
22 the probationary terms and conditions shall not be for more than
23 12 months and shall be determined by the secretary of state. ~~at~~
24 ~~an examination of the driver by the secretary of state.~~

25 (2) Upon completion of the first 12 months of probation, the
26 secretary of state may require a licensee to be reexamined by the
27 secretary of state if the licensee's driving record contains any

1 of the following:

2 (a) A conviction or civil infraction determination for a
3 moving violation that was assessed 4 or more points as provided
4 in section 320a.

5 (b) Three convictions or 3 civil infraction determinations,
6 or a combination of convictions and civil infraction
7 determinations that equals 3, for moving violations.

8 (c) A total of 6 or more points as provided in section 320a.

9 (d) A conviction or civil infraction determination for a
10 moving violation and an accident for which the official police
11 report indicates the licensee had been drinking alcoholic liquor.

12 (e) A conviction or civil infraction determination for a
13 moving violation and an accident for which the official police
14 report indicates a moving violation on the part of the licensee.

15 (f) Three accidents for which the official police report
16 indicates a moving violation on the part of the licensee.

17 (g) A suspension ~~pursuant to~~ **UNDER** section 625f.

18 (3) The probationary period shall be extended beyond 3 years
19 and the secretary of state may reexamine a licensee as provided
20 in subsection (2) if any of the following occur and are recorded
21 on the licensee's driving record during the last 10 months of the
22 probationary period:

23 (a) A moving violation resulting in a conviction or civil
24 infraction determination.

25 (b) An accident for which the official police report
26 indicates a moving violation on the part of the licensee.

27 (c) An accident for which the official police report

1 indicates the licensee had been drinking alcoholic liquor.

2 (d) A license suspension for a reason other than a mental or
3 physical disability.

4 (4) The probationary period shall be extended ~~pursuant to~~
5 **UNDER** subsection (3) until the licensee completes 10 consecutive
6 months without a moving violation, accident, or suspension
7 enumerated in subsection (3).

8 (5) Upon completion of a reexamination, the secretary of
9 state may suspend or impose probationary terms and conditions on
10 the license of a probationary licensee, except that a
11 reexamination for subsection (2)(d), (e), or (f) shall not result
12 in a license suspension or the imposition of probationary terms
13 or conditions.

14 (6) For 24 months immediately after a licensee's
15 probationary period, the secretary of state may require the
16 licensee to be reexamined by the secretary of state if the
17 licensee's driver record has a total of 9 or more points, as
18 provided in section 320a, imposed in a period of 2 years and if
19 the licensee's record contains 1 or more of the following:

20 (a) A conviction for a violation or attempted violation of
21 any of the following:

22 (i) Section 625, except a violation of section 625(2), or a
23 violation of any prior enactment of section 625 in which the
24 defendant operated a vehicle while under the influence of
25 intoxicating or alcoholic liquor or a controlled substance, or a
26 combination of intoxicating or alcoholic liquor and a controlled
27 substance, or while visibly impaired, or with an unlawful bodily

1 alcohol content.

2 (ii) A violation or attempted violation of section 625m.

3 (iii) Former section 625b.

4 (iv) A local ordinance substantially corresponding to a

5 conviction described in this subdivision.

6 (v) A law of another state substantially corresponding to a

7 conviction described in this subdivision.

8 (b) A suspension of the licensee's license pursuant to

9 section 625f.

10 (c) An accident for which the official police report

11 indicates a moving violation on the part of the licensee.

12 (d) An accident for which the official police report

13 indicates the licensee had been drinking alcoholic liquor.

14 (7) Upon completion of a reexamination under subsection (6),

15 the secretary of state may suspend the license of the licensee,

16 except that a reexamination for subsection (6)(c) or (d) shall

17 not result in a license suspension or restriction.

18 (8) If a licensee fails to appear for a reexamination

19 scheduled by the secretary of state ~~pursuant to~~ **UNDER** this

20 section, the licensee's license may be suspended immediately and

21 remain suspended until the licensee appears for a reexamination

22 by the secretary of state. **THE SECRETARY OF STATE MAY RESTRICT,**

23 **SUSPEND, OR REVOKE A LICENSEE'S LICENSE BASED SOLELY ON HIS OR**

24 **HER DRIVING RECORD.**

25 (9) Notice of **SUSPENSION, THE IMPOSITION OF PROBATIONARY**

26 **TERMS OR CONDITIONS, OR** a reexamination required under this

27 section shall be given by first-class mail to the last known

1 address of the licensee. **THE NOTICE SHALL PROVIDE THAT THE**
2 **SUSPENSION OR IMPOSITION OF PROBATIONARY TERMS OR CONDITIONS WILL**
3 **BE EFFECTIVE 14 DAYS FROM THE DATE OF THE NOTICE, UNLESS THE**
4 **PROBATIONARY LICENSEE REQUESTS A REEXAMINATION.**

5 (10) For purposes of this section:

6 (a) Upon conviction for a moving violation, the date of the
7 violation shall be used in determining whether the conviction
8 occurred within the probationary period.

9 (b) Upon entry of a civil infraction determination for a
10 moving violation, the date of the violation shall be used in
11 determining whether the civil infraction determination occurred
12 within the probationary period.

13 (c) Information of a reexamination shall not be placed on a
14 driver's record unless the secretary of state suspends a license
15 or imposes probationary terms and conditions.

16 (d) A suspension shall be considered part of a driving
17 record from the date the suspension is imposed until the
18 suspension is terminated.

19 (e) The date of the official police report shall be used in
20 determining whether a licensee was driving a motor vehicle
21 involved in an accident for which the official police report
22 indicates a moving violation on the part of the licensee or
23 indicates the licensee had been drinking alcoholic liquor.

24 Sec. 310e. (1) Except as otherwise provided in this act, an
25 operator's or chauffeur's license issued to a person who is 17
26 years of age or less shall be in a form as prescribed in section
27 310, and valid only upon the issuance of a graduated driver

1 license.

2 (2) The secretary of state shall designate graduated
3 licensing provisions in a manner that clearly indicates that the
4 person is subject to the appropriate provisions described in this
5 section.

6 (3) Except as otherwise provided in section 303, a person
7 who is not less than 14 years and 9 months of age may be issued a
8 level 1 graduated licensing status to operate a motor vehicle if
9 the person has satisfied all of the following conditions:

10 (a) Passed a vision test and met health standards as
11 prescribed by the secretary of state.

12 (b) Successfully completed segment 1 of a driver education
13 course as that term is defined in section 7 of the driver
14 education provider and instructor act, 2006 PA 384, MCL 256.627,
15 including a minimum of 6 hours of on-the-road driving time with
16 the instructor.

17 (c) Received written approval of a parent or legal guardian.

18 (4) A person issued a level 1 graduated licensing status may
19 operate a motor vehicle only when accompanied either by a
20 licensed parent or legal guardian or, with the permission of the
21 parent or legal guardian, a licensed driver 21 years of age or
22 older. Except as otherwise provided in this section, a person is
23 restricted to operating a motor vehicle with a level 1 graduated
24 licensing status for not less than 6 months.

25 (5) A person may be issued a level 2 graduated licensing
26 status to operate a motor vehicle if the person has satisfied all
27 of the following conditions:

1 (a) Had a level 1 graduated licensing status for not less
2 than 6 months.

3 (b) Successfully completed segment 2 of a driver education
4 course as that term is defined in section 7 of the driver
5 education provider and instructor act, 2006 PA 384, MCL 256.627.

6 (c) Not incurred a moving violation resulting in a
7 conviction or civil infraction determination or been involved in
8 an accident for which the official police report indicates a
9 moving violation on the part of the person during the 90-day
10 period immediately preceding application.

11 (d) Presented a certification by the parent or guardian that
12 the person, accompanied by his or her licensed parent or legal
13 guardian or, with the permission of the parent or legal guardian,
14 any licensed driver 21 years of age or older, has accumulated a
15 total of not less than 50 hours of behind-the-wheel experience
16 including not less than 10 nighttime hours.

17 (e) Successfully completed a secretary of state approved
18 driving skills test. The secretary of state may enter into an
19 agreement with another public or private corporation or agency to
20 conduct this driving skills test. Before the secretary of state
21 authorizes a person to administer a corporation's or agency's
22 driver skills testing operations or authorizes an examiner to
23 conduct a driving skills test, that person or examiner must
24 complete both a state and federal bureau of investigation
25 fingerprint based criminal history check through the department
26 of state police. This subdivision applies to a person 16 years of
27 age or over only if the person has satisfied subdivisions (a),

1 (b), (c), and (d).

2 (6) A person issued a level 2 graduated licensing status
3 under subsection (5) shall remain at level 2 for not less than 6
4 months. A person issued a level 2 graduated licensing status
5 under subsection (5) shall not operate a vehicle under the
6 following circumstances:

7 (a) Between the hours of 10 p.m. and 5 a.m. This subdivision
8 does not apply if either of the following applies:

9 (i) The person is accompanied by a parent or legal guardian
10 or a licensed driver 21 years of age or older designated by the
11 parent or legal guardian.

12 (ii) The person is operating the vehicle in the course of his
13 or her employment or while going to or from employment or while
14 going to or from an authorized activity.

15 (b) With more than 1 passenger in the vehicle who is less
16 than 21 years of age. This subdivision does not apply if any of
17 the following apply:

18 (i) The person is accompanied by a parent or legal guardian
19 or a licensed driver 21 years of age or older designated by the
20 parent or legal guardian.

21 (ii) Any additional passengers who are less than 21 years of
22 age are members of his or her immediate family.

23 (iii) The person is operating the vehicle in the course of his
24 or her employment or while going to or from employment or while
25 going to or from an authorized activity.

26 (7) The provisions and provisional period described in
27 subsection (4) or (6) shall be expanded or extended, or both,

beyond the periods described in subsection (4) or (6) if any of the following occur and are recorded on the licensee's driving record during the provisional periods described in subsection (4) or (6) or any additional periods imposed under this subsection:

(a) A moving violation resulting in a conviction, civil infraction determination, or probate court disposition.

(b) An accident for which the official police report indicates a moving violation on the part of the licensee.

(c) A license suspension for a reason other than a mental or physical disability.

(d) A violation of subsection (4) or (6).

(8) The provisional period described in subsection (4) shall be extended under subsection (7) until the licensee completes 90 consecutive days without a moving violation, an accident in which a moving violation resulted, ~~accident~~, suspension, or provisional period violation listed in subsection (7), or until age 18, whichever occurs first. The provisional period described in subsection (6) shall be extended under subsection (7) until the licensee completes 12 consecutive months without a moving violation, ~~accident~~, suspension, or restricted period violation listed in subsection (7) or until age 18, whichever occurs first.

(9) A person who is not less than 17 years of age may be issued a level 3 graduated licensing status under this subsection if the person has completed 12 consecutive months without a moving violation, an accident in which a moving violation resulted, ~~accident~~, suspension, or restricted period violation listed in subsection (7) while the person was issued a level 2

1 graduated licensing status under subsection (5).

2 (10) Notice shall be given by first-class mail to the last
3 known address of a licensee if the provisions are expanded or
4 extended as described in subsection (7).

5 (11) A person who violates subsection (4) or (6) is
6 responsible for a civil infraction.

7 (12) If a person is determined responsible for a violation
8 of subsection (4) or (6), the secretary of state shall send
9 written notification of any conviction or moving violation to a
10 designated parent or guardian of the person.

11 (13) For purposes of this section:

12 (a) Upon conviction for a moving violation, the date of the
13 arrest for the violation shall be used in determining whether the
14 conviction occurred within a provisional licensure period under
15 this section.

16 (b) Upon entry of a civil infraction determination for a
17 moving violation, the date of issuance of a citation for a civil
18 infraction shall be used in determining whether the civil
19 infraction determination occurred within a provisional licensure
20 period under this section.

21 (c) The date of the official police report shall be used in
22 determining whether a licensee was driving a motor vehicle
23 involved in an accident for which the official police report
24 indicates a moving violation on the part of the licensee or
25 indicates the licensee had been drinking alcoholic liquor.

26 (14) A person shall have his or her graduated licensing
27 status in his or her immediate possession at all times when

operating a motor vehicle, and shall display the card upon demand of a police officer. A person who violates this subsection is responsible for a civil infraction.

(15) As used in this section, "authorized activity" means any of the following:

(a) A school or a school-sanctioned event or activity. For purposes of this subdivision, school means a public or private school, including a home school.

(b) A sporting event or activity, or extracurricular event or activity, that is not school-sanctioned but that is part of an official sports league or association or an official extracurricular club, or that is paid for as a service offered by a business specializing in those events or activities or training for those events or activities.

(c) A class or program of vocational instruction offered by a college, community college, nonprofit association, or unit of government or by a business specializing in vocational training.

(d) An event or activity sponsored by a religious organization that is tax-exempt under federal law.

(e) Transporting an individual in need of immediate emergency care or personal protection to a health care professional, hospital, police station, domestic violence shelter, or public safety location.

Sec. 312e. (1) Except as otherwise provided in this section, a person, before operating a commercial motor vehicle, shall obtain the required vehicle group designation as follows:

(a) A person, before operating a combination of **MOTOR**

1 vehicles with a gross combination weight rating **OR GROSS**
2 **COMBINATION WEIGHT** of 26,001 pounds or more, ~~including a towed~~
3 ~~vehicle~~ **WHICHEVER IS GREATER, INCLUSIVE OF TOWED UNITS** with a
4 gross vehicle weight rating **OR GROSS VEHICLE WEIGHT** of more than
5 10,000 pounds, shall procure a group A vehicle designation on his
6 or her operator's or chauffeur's license. Unless an indorsement
7 or the removal of restrictions is required, a person licensed to
8 operate a group A vehicle may operate a group B or C vehicle
9 without taking another test.

10 (b) A person, before operating a **SINGLE** vehicle having a
11 gross vehicle weight rating **OR GROSS VEHICLE WEIGHT** of 26,001
12 pounds or more, **WHICHEVER IS GREATER, INCLUDING WHILE TOWING A**
13 **VEHICLE HAVING A GROSS VEHICLE WEIGHT RATING OR GROSS VEHICLE**
14 **WEIGHT OF NOT MORE THAN 10,000 POUNDS**, shall procure a group B
15 vehicle designation on his or her operator's or chauffeur's
16 license. Unless an indorsement or the removal of restrictions is
17 required, a person licensed to operate a group B vehicle may
18 operate a group C vehicle without taking another test.

19 (c) A person, before operating a single vehicle or a
20 combination of vehicles that fits the definition of small vehicle
21 (group C) under 49 CFR 383.91(a)(3) shall procure a group C
22 vehicle designation and a hazardous material or passenger vehicle
23 indorsement on his or her operator's or chauffeur's license.

24 (2) An applicant for a vehicle group designation shall take
25 knowledge and driving skills tests that comply with minimum
26 federal standards prescribed in 49 CFR part 383 as required under
27 this act.

1 (3) The license shall be issued, suspended, revoked,
2 canceled, or renewed in accordance with this act.

3 (4) Except as provided in this subsection, all of the
4 following apply:

5 (a) If a person operates a group B passenger vehicle while
6 taking his or her driving skills test for a P indorsement, he or
7 she is restricted to operating only group B or C passenger
8 vehicles under that P indorsement. If a person operates a group B
9 school bus while taking his or her driving skills test for an S
10 indorsement, he or she is restricted to operating only group B or
11 C school buses under that S indorsement. **EXCEPT AS PROVIDED IN**
12 **THIS SECTION, BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY**
13 **ACT THAT ADDED THIS SENTENCE, THE SECRETARY OF STATE SHALL PLACE**
14 **ON THE COMMERCIAL LEARNER'S PERMIT OR COMMERCIAL DRIVER LICENSE**
15 **THE FOLLOWING RESTRICTION CODE AS PROVIDED UNDER 49 CFR 383.95**
16 **AND 383.153: NOT VALID TO OPERATE A GROUP A PASSENGER COMMERCIAL**
17 **MOTOR VEHICLE.**

18 (b) If a person operates a group C passenger vehicle while
19 taking his or her driving skills test for a P indorsement, he or
20 she is restricted to operating only group C passenger vehicles
21 under that P indorsement. If a person operates a group C school
22 bus while taking his or her driving skills test for an S
23 indorsement, he or she is restricted to operating only group C
24 school buses under that S indorsement. **EXCEPT AS PROVIDED IN THIS**
25 **SECTION, BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT**
26 **THAT ADDED THIS SENTENCE, THE SECRETARY OF STATE SHALL PLACE ON**
27 **THE COMMERCIAL LEARNER'S PERMIT OR COMMERCIAL DRIVER LICENSE THE**

1 FOLLOWING RESTRICTION CODE AS PROVIDED UNDER 49 CFR 383.95 AND
2 383.153: NOT VALID TO OPERATE A GROUP A OR GROUP B PASSENGER
3 COMMERCIAL MOTOR VEHICLE.

4 (c) A person who fails the air brake portion of the written
5 or driving skills test provided under section 312f or who takes
6 the driving skills test provided under that section in a
7 commercial motor vehicle that is not equipped with air brakes
8 shall not operate a commercial motor vehicle equipped with air
9 brakes. EXCEPT AS PROVIDED IN THIS SECTION, BEGINNING ON THE
10 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SENTENCE,
11 THE SECRETARY OF STATE SHALL PLACE ON THE COMMERCIAL LEARNER'S
12 PERMIT OR COMMERCIAL DRIVER LICENSE THE FOLLOWING RESTRICTION
13 CODE AS PROVIDED UNDER 49 CFR 383.95 AND 383.153: CDL NOT VALID
14 FOR VEHICLE WITH AIR BRAKES.

15 (D) EXCEPT AS PROVIDED IN THIS SECTION, BEGINNING ON THE
16 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBDIVISION,
17 THE SECRETARY OF STATE SHALL PLACE ON A COMMERCIAL LEARNER'S
18 PERMIT OR COMMERCIAL DRIVER LICENSE THE FOLLOWING RESTRICTION
19 CODES AS PROVIDED UNDER 49 CFR 383.95 AND 383.153:

20 (i) FOR A COMMERCIAL LEARNER'S PERMIT:

21 (A) NO PASSENGERS IN A COMMERCIAL MOTOR VEHICLE BUS.

22 (B) NO CARGO IN A COMMERCIAL MOTOR VEHICLE TANK VEHICLE.

23 (C) COMMERCIAL MOTOR VEHICLE OPERATION WITH MEDICAL
24 VARIANCE.

25 (D) COMMERCIAL MOTOR VEHICLE OPERATION INTRASTATE ONLY.

26 (ii) FOR A COMMERCIAL DRIVER LICENSE:

27 (A) NOT VALID TO OPERATE COMMERCIAL MOTOR VEHICLE EQUIPPED

1 WITH FULL AIR BRAKES.

2 (B) NOT VALID TO OPERATE COMMERCIAL MOTOR VEHICLE EQUIPPED
3 WITH MANUAL TRANSMISSION.

4 (C) NOT VALID TO OPERATE A GROUP A COMMERCIAL VEHICLE
5 TRACTOR-TRAILER COMBINATION CONNECTED BY FIFTH WHEEL.

6 (D) COMMERCIAL MOTOR VEHICLE OPERATION INTRASTATE ONLY.

7 (E) COMMERCIAL MOTOR VEHICLE OPERATION WITH MEDICAL
8 VARIANCE.

9 (5) A person, before operating a commercial motor vehicle,
10 shall obtain ~~required~~**THE FOLLOWING** vehicle indorsements as
11 ~~follows~~**PROVIDED UNDER 49 CFR 383.93 AND 383.153:**

12 (a) A person, before operating a commercial motor vehicle
13 pulling double trailers, shall ~~procure~~**OBTAIN** the appropriate
14 vehicle group designation and a T vehicle indorsement under this
15 act.

16 (b) **A PERSON APPLYING FOR A COMMERCIAL LEARNER'S PERMIT TO**
17 **OPERATE AN EMPTY TANK MOTOR VEHICLE SHALL OBTAIN THE APPROPRIATE**
18 **VEHICLE GROUP DESIGNATION AND AN N INDORSEMENT.** A person, before
19 operating a ~~commercial-TANK~~ motor vehicle, ~~that is a tank~~
20 ~~vehicle,~~ shall ~~procure~~**HAVE ON A COMMERCIAL DRIVER LICENSE** the
21 appropriate vehicle group designation and an N vehicle
22 indorsement under this act.

23 (c) A person, before operating a commercial motor vehicle
24 carrying hazardous materials on which a placard is required under
25 49 CFR parts 100 to 199, shall procure the appropriate vehicle
26 group designation and an H vehicle indorsement under this act.

27 (d) A person, before operating a ~~commercial-TANK~~ motor

1 ~~vehicle that is a tank vehicle carrying hazardous material,~~
 2 **MATERIALS**, shall ~~procure~~**OBTAIN** the appropriate vehicle group
 3 designation and both an N and H vehicle indorsement, which shall
 4 be designated by the code letter X on the person's operator's or
 5 chauffeur's license.

6 (e) **A PERSON APPLYING FOR A COMMERCIAL LEARNER'S PERMIT TO**
 7 **OPERATE A PASSENGER COMMERCIAL MOTOR VEHICLE THAT IS NOT A SCHOOL**
 8 **BUS, AS SET FORTH IN SECTION 306A(2) (E), SHALL OBTAIN THE**
 9 **APPROPRIATE COMMERCIAL VEHICLE GROUP DESIGNATION AND A P**
 10 **INDORSEMENT.** A person, before operating a vehicle that is
 11 designed to transport 16 or more passengers including the driver
 12 but **THAT** is not a school bus shall ~~procure~~**HAVE ON A COMMERCIAL**
 13 **DRIVER LICENSE** the appropriate vehicle group designation and a P
 14 vehicle indorsement under this act. An applicant for a P vehicle
 15 indorsement shall take the driving skills test in a vehicle
 16 designed to transport 16 or more passengers including the driver.

17 (f) **A PERSON APPLYING FOR A COMMERCIAL LEARNER'S PERMIT TO**
 18 **OPERATE A SCHOOL BUS DESIGNED TO TRANSPORT 16 OR MORE PASSENGERS,**
 19 **INCLUDING THE DRIVER, AS SET FORTH IN SECTION 306A(2) (E), WHO**
 20 **DOES NOT CURRENTLY POSSESS A P INDORSEMENT, SHALL OBTAIN THE**
 21 **APPROPRIATE VEHICLE GROUP DESIGNATION AND PASS THE KNOWLEDGE**
 22 **TESTS FOR BOTH THE P AND S INDORSEMENTS.** A person, ~~who does not~~
 23 ~~currently possess a P indorsement,~~ before operating a school bus,
 24 ~~designed to transport 16 or more passengers, including the~~
 25 ~~driver,~~ shall ~~procure~~**HAVE ON A COMMERCIAL DRIVER LICENSE** the
 26 appropriate vehicle group designation, ~~pass the knowledge tests~~
 27 ~~for the P and S indorsements, and procure~~**AND BOTH** the P and S

1 vehicle indorsements under this act. An applicant for an S
 2 vehicle indorsement shall take a driving skills test in a school
 3 bus designed to transport 16 or more passengers, including the
 4 driver, that represents the same type of vehicle that the
 5 applicant intends to operate as a school bus.

6 (g) **A PERSON WHO CURRENTLY POSSESSES A P INDORSEMENT AND IS**
 7 **APPLYING FOR A COMMERCIAL LEARNER'S PERMIT TO OPERATE A SCHOOL**
 8 **BUS DESIGNED TO TRANSPORT 16 OR MORE PASSENGERS, INCLUDING THE**
 9 **DRIVER, AS SET FORTH IN SECTION 306(A)(2)(E), SHALL OBTAIN THE**
 10 **APPROPRIATE VEHICLE GROUP DESIGNATION AND PASS THE KNOWLEDGE TEST**
 11 **FOR THE S INDORSEMENT.** A person who currently possesses a P
 12 indorsement, before operating a school bus designed to transport
 13 16 or more passengers, including the driver, shall ~~procure~~**OBTAIN**
 14 the appropriate vehicle group designation, pass the knowledge
 15 test for an S indorsement, and ~~procure~~**OBTAIN** an S vehicle
 16 indorsement **FOR HIS OR HER COMMERCIAL DRIVER LICENSE** under this
 17 act. An applicant for an S vehicle indorsement shall take a
 18 driving skills test in a school bus designed to transport 16 or
 19 more passengers, including the driver, that represents the same
 20 type of vehicle that the applicant intends to operate as a school
 21 bus.

22 (6) An applicant for an indorsement shall take the knowledge
 23 and driving skills tests described and required under 49 CFR part
 24 383.

25 (7) The holder of an unexpired operator's or chauffeur's
 26 license may be issued a vehicle group designation and indorsement
 27 valid for the remainder of the license upon meeting the

1 qualifications of section 312f and payment of the original
2 vehicle group designation fee of \$25.00 and an indorsement fee of
3 \$5.00 per indorsement, and a corrected license fee of \$18.00. A
4 person required to procure an F vehicle indorsement under
5 subsection (9) shall pay an indorsement fee of \$5.00.

6 (8) Except as otherwise provided in subsections (9) and
7 (10), this section does not apply to a driver or operator of a
8 vehicle under all of the following conditions:

9 (a) The vehicle is controlled and operated by a farmer or an
10 employee or family member of the farmer.

11 (b) The vehicle is used to transport agricultural products,
12 farm machinery, farm supplies, or a combination of these items,
13 to or from a farm.

14 (c) The vehicle is not used in the operation of a common or
15 contract motor carrier.

16 (d) The vehicle is operated within 150 miles of the farm.

17 (9) A person, before driving or operating a combination of
18 vehicles having a gross vehicle weight rating of 26,001 pounds or
19 more on the power unit that is used as described in subsection
20 (8)(a) to (d), shall obtain an F vehicle indorsement. The F
21 vehicle indorsement shall be issued upon successful completion of
22 a knowledge test only.

23 (10) A person, before driving or operating a single vehicle
24 truck having a gross vehicle weight rating of 26,001 pounds or
25 more or a combination of vehicles having a gross vehicle weight
26 rating of 26,001 pounds or more on the power unit that is used as
27 described in subsection (8)(a) to (d) for carrying hazardous

1 materials on which a placard is required under 49 CFR parts 100
2 to 199, shall successfully complete both a knowledge test and a
3 driving skills test. Upon successful completion of the knowledge
4 test and driving skills test, the person shall be issued the
5 appropriate vehicle group designation and any vehicle indorsement
6 necessary under this act.

7 (11) This section does not apply to a police officer
8 operating an authorized emergency vehicle or to a firefighter
9 operating an authorized emergency vehicle who has met the driver
10 training standards published under the firefighters training
11 council act, ~~of 1966,~~ 1966 PA 291, MCL 29.361 to 29.377.

12 (12) This section does not apply to a person operating a
13 vehicle used exclusively to transport personal possessions or
14 family members for nonbusiness purposes.

15 (13) The money collected under subsection (7) for a vehicle
16 group designation or indorsement shall be deposited in the state
17 treasury to the credit of the general fund. The secretary of
18 state shall refund out of the fees collected to each county or
19 municipality acting as an examining officer or examining bureau
20 \$3.00 for each applicant examined for a first designation or
21 indorsement to an operator's or chauffeur's license and \$1.50 for
22 each renewal designation or indorsement to an operator's or
23 chauffeur's license, whose application is not denied, on the
24 condition that the money refunded shall be paid to the county or
25 local treasurer and is appropriated to the county, municipality,
26 or officer or bureau receiving that money for the purpose of
27 carrying out this act.

1 (14) Notwithstanding any other provision of this section, a
2 person operating a vehicle described in subsections (8) and (9)
3 is subject to the provisions of sections 303 and 319b.

4 (15) This state shall comply with the requirements of the
5 American association of motor vehicle administrators' AAMVAnet,
6 incorporated's "Commercial Driver License Information System
7 (CDLIS) State Procedures Manual" that the secretary of state
8 determines are required for implementing and enforcing federal
9 law.

10 Sec. 312f. (1) Except as otherwise provided in this section,
11 a person shall be not less than 18 years of age before he or she
12 is issued a vehicle group designation or indorsement, other than
13 a motorcycle indorsement, or not less than 21 years of age and
14 has been approved by the transportation security administration
15 for a hazardous material endorsement before he or she is issued a
16 hazardous material indorsement on an operator's or chauffeur's
17 license and, as provided in this section, the person shall pass
18 knowledge and driving skills tests that comply with minimum
19 federal standards prescribed in 49 CFR part 383. **THE KNOWLEDGE**
20 **AND SKILLS TEST SCORES SHALL BE RETAINED BY THE SECRETARY OF**
21 **STATE AS PROVIDED UNDER 49 CFR 383.135.** A person who is 18 years
22 of age or older operating a vehicle to be used for farming
23 purposes only may obtain an A or B vehicle group designation or
24 an F vehicle indorsement. Each written examination given an
25 applicant for a vehicle group designation or indorsement shall
26 include subjects designed to cover the type or general class of
27 vehicle to be operated. Except as follows, a person shall pass an

1 examination that includes a driving skills test designed to test
2 competency of the applicant for an original vehicle group
3 designation and passenger indorsement on an operator's or
4 chauffeur's license to drive that type or general class of
5 vehicle upon the highways of this state with safety to persons
6 and property:

7 (a) The secretary of state shall waive the driving skills
8 test for a person operating a vehicle that is used under the
9 conditions described in section 312e(8)(a) to (d) unless the
10 vehicle has a gross vehicle weight rating of 26,001 pounds or
11 more on the power unit and is to be used to carry hazardous
12 materials on which a placard is required under 49 CFR parts 100
13 to 199.

14 (b) The driving skills test may be waived if the applicant
15 has a valid license with the appropriate vehicle group
16 designation, passenger vehicle indorsement, or school bus
17 indorsement in another state issued in compliance with 49 USC
18 31301 to 31317, **OR IF THE PERSON SUCCESSFULLY PASSES A DRIVING**
19 **SKILLS TEST ADMINISTERED IN ANOTHER STATE THAT MEETS THE**
20 **REQUIREMENTS OF FEDERAL LAW AND THE LAW OF THIS STATE.**

21 (c) The secretary of state may waive the driving skills test
22 required under this section for a person with military commercial
23 motor vehicle experience if the person, at the time of
24 application, certifies and provides evidence satisfactory to the
25 secretary of state that he or she continuously met all of the
26 requirements under 49 CFR 383 during the 2-year period
27 immediately preceding the date of application for the commercial

1 driver license.

2 (2) Except for a person who has held an operator's or
3 chauffeur's license for less than 1 year, the secretary of state
4 shall waive the knowledge test and the driving skills test and
5 issue a 1-year seasonal restricted vehicle group designation to
6 an otherwise qualified applicant to operate a group B or a group
7 C vehicle for a farm related service industry if all of the
8 following conditions are met:

9 (a) The applicant meets the requirements of 49 CFR 383.77.

10 (b) The seasons for which the seasonal restricted vehicle
11 group designation is issued are from April 2 to June 30 and from
12 September 2 to November 30 only of a 12-month period or, at the
13 option of the applicant, for not more than 180 days from the date
14 of issuance in a 12-month period.

15 (c) The commercial motor vehicle for which the seasonal
16 restricted vehicle group designation is issued shall be operated
17 only if all the following conditions are met:

18 (i) The commercial motor vehicle is operated only on routes
19 within 150 miles from the place of business to the farm or farms
20 being served.

21 (ii) The commercial motor vehicle does not transport a
22 quantity of hazardous materials on which a placard under 49 CFR
23 parts 100 to 199 is required except for the following:

24 (A) Diesel motor fuel in quantities of 1,000 gallons or
25 less.

26 (B) Liquid fertilizers in quantities of 3,000 gallons or
27 less.

1 (C) Solid fertilizers that are not transported with any
2 organic substance.

3 (iii) The commercial motor vehicle does not require the H, N,
4 P, S, T, or X vehicle indorsement.

5 (3) A seasonal restricted vehicle group designation under
6 this section shall be issued, suspended, revoked, canceled,
7 denied, or renewed in accordance with this act.

8 (4) The secretary of state may enter into an agreement with
9 another public or private corporation or agency to conduct a
10 driving skills test required under this section, section 312e, or
11 49 CFR part 383. Before the secretary of state authorizes a
12 person to administer a corporation's or agency's driver skills
13 testing operations or authorizes an examiner to conduct a driving
14 skills test, that person or examiner must complete both a state
15 and federal bureau of investigation fingerprint based criminal
16 history check through the department of state police.

17 (5) The secretary of state shall not issue a commercial
18 learner's permit, a vehicle group designation, or a vehicle
19 indorsement to an applicant for an original vehicle group
20 designation or vehicle indorsement under section 312e or may
21 cancel a commercial learner's permit or all vehicle group
22 designations or endorsements on a person's operator's or
23 chauffeur's license to whom 1 or more of the following apply:

24 (a) The applicant has had his or her license suspended or
25 revoked for a reason other than as provided in section 321a, 515,
26 732a, or 801c or section 30 of the support and parenting time
27 enforcement act, 1982 PA 295, MCL 552.630, in the 36 months

1 immediately preceding application. However, a vehicle group
2 designation may be issued if the suspension or revocation was due
3 to a temporary medical condition or failure to appear at a
4 reexamination as provided in section 320.

5 (b) The applicant was convicted of or incurred a bond
6 forfeiture in relation to a 6-point violation as provided in
7 section 320a in the 24 months immediately preceding application
8 if the violation occurred while the applicant was operating a
9 commercial motor vehicle, or a violation of section 625(3) or
10 former section 625b, or a local ordinance substantially
11 corresponding to section 625(3) or former section 625b in the 24
12 months immediately preceding application, if the applicant was
13 operating any type of motor vehicle.

14 (c) The applicant is listed on the national driver register,
15 the commercial driver license information system, or the driving
16 records of the state in which the applicant was previously
17 licensed as being disqualified from operating a commercial motor
18 vehicle or as having a license or driving privilege suspended,
19 revoked, canceled, or denied.

20 (d) The applicant is listed on the national driver register,
21 the commercial driver license information system, or the driving
22 records of the state in which the applicant was previously
23 licensed as having had a license suspended, revoked, or canceled
24 in the 36 months immediately preceding application if a
25 suspension or revocation would have been imposed under this act
26 had the applicant been licensed in this state in the original
27 instance. This subdivision does not apply to a suspension or

1 revocation that would have been imposed due to a temporary
2 medical condition or under section 321a, 515, 732a, or 801c or
3 section 30 of the support and parenting time enforcement act,
4 1982 PA 295, MCL 552.630.

5 (e) The applicant is subject to a suspension or revocation
6 under section 319b or would have been subject to a suspension or
7 revocation under section 319b if the applicant had been issued a
8 vehicle group designation or vehicle indorsement.

9 (f) The applicant has been disqualified from operating a
10 commercial motor vehicle under 49 USC 31301 to 31317 or the
11 applicant's license to operate a commercial motor vehicle has
12 been suspended, revoked, denied, or canceled within 36 months
13 immediately preceding the date of application.

14 (g) The United States secretary of transportation has
15 disqualified the applicant from operating a commercial motor
16 vehicle.

17 (h) The applicant fails to satisfy the federal regulations
18 promulgated under 49 CFR parts 383 and 391 by refusing to certify
19 the type of commercial motor vehicle operation the applicant
20 intends to perform and fails to present valid medical
21 certification to the secretary of state if required to do so.

22 (i) The applicant has been disqualified from operating a
23 commercial motor vehicle due to improper or fraudulent testing.

24 (j) If the secretary of state determines through a
25 governmental investigation that there is reason to believe that a
26 commercial driver license or endorsement was issued as a result
27 of fraudulent or improper conduct in taking a knowledge test or

1 driving skills test required under 49 CFR 383, the secretary of
2 state shall require the applicant to retake and successfully pass
3 that test. The secretary of state shall cancel any commercial
4 driver license or endorsement issued as a result of the suspect
5 test unless the applicant retakes and passes that test.

6 (6) The secretary of state shall not renew or upgrade a
7 vehicle group designation if 1 or more of the following
8 conditions exist:

9 (a) The United States secretary of transportation has
10 disqualified the applicant from operating a commercial motor
11 vehicle.

12 (b) The applicant is listed on the national driver register
13 or the commercial driver license information system as being
14 disqualified from operating a commercial motor vehicle or as
15 having a driver license or driving privilege suspended, revoked,
16 canceled, or denied.

17 (c) On or after January 30, 2012, the applicant fails to
18 meet the requirements of 49 CFR parts 383 and 391 by refusing to
19 certify the type of commercial motor vehicle operation the
20 applicant intends to perform and fails to present medical
21 certification to the secretary of state if required to do so.

22 (7) The secretary of state shall only consider bond
23 forfeitures under subsection (5)(b) for violations that occurred
24 on or after January 1, 1990 when determining the applicability of
25 subsection (5).

26 (8) If an applicant for an original vehicle group
27 designation was previously licensed in another jurisdiction, the

1 secretary of state shall request a copy of the applicant's
2 driving record from that jurisdiction. If 1 or more of the
3 conditions described in subsection (5) exist in that jurisdiction
4 when the secretary of state receives the copy, the secretary of
5 state shall cancel all vehicle group designations on the person's
6 operator's or chauffeur's license.

7 (9) The secretary of state shall cancel all vehicle group
8 designations on a person's operator's or chauffeur's license upon
9 receiving notice from the United States secretary of
10 transportation, the national driver register, the commercial
11 driver license system, or another state or jurisdiction that 1 or
12 more of the conditions described in subsection (5) existed at the
13 time of the person's application in this state.

14 (10) The secretary of state shall cancel all vehicle group
15 designations on the person's operator's or chauffeur's license
16 upon receiving proper notice that the person no longer meets the
17 federal driver qualification requirements under 49 CFR parts 383
18 and 391 to operate a commercial motor vehicle in interstate or
19 intrastate commerce, or the person no longer meets the driver
20 qualification requirements to operate a commercial motor vehicle
21 in intrastate commerce under the motor carrier safety act of
22 1963, 1963 PA 181, MCL 480.11 to 480.25.

23 (11) Subsection (5)(a), (b), (d), and (f) ~~do~~**DOES** not apply
24 to an applicant for an original vehicle group designation who at
25 the time of application has a valid license to operate a
26 commercial motor vehicle issued by any state in compliance with
27 49 USC 31301 to 31317.

1 (12) As used in this section, "farm related service
2 industry" means custom harvesters, farm retail outlets and
3 suppliers, agri-chemical business, or livestock feeders.

4 Sec. 319. (1) The secretary of state shall immediately
5 suspend a person's license as provided in this section upon
6 receiving a record of the person's conviction for a crime
7 described in this section, whether the conviction is under a law
8 of this state, a local ordinance substantially corresponding to a
9 law of this state, a law of another state substantially
10 corresponding to a law of this state, or, beginning October 31,
11 2010, a law of the United States substantially corresponding to a
12 law of this state.

13 (2) The secretary of state shall suspend the person's
14 license for 1 year for any of the following crimes:

15 (a) Fraudulently altering or forging documents pertaining to
16 motor vehicles in violation of section 257.

17 (b) A violation of section 413 of the Michigan penal code,
18 1931 PA 328, MCL 750.413.

19 (c) A violation of section 1 of former 1931 PA 214, MCL
20 752.191, or **FORMER** section 626c.

21 (d) A felony in which a motor vehicle was used. As used in
22 this section, "felony in which a motor vehicle was used" means a
23 felony during the commission of which the person convicted
24 operated a motor vehicle and while operating the vehicle
25 presented real or potential harm to persons or property and 1 or
26 more of the following circumstances existed:

27 (i) The vehicle was used as an instrument of the felony.

1 (ii) The vehicle was used to transport a victim of the
2 felony.

3 (iii) The vehicle was used to flee the scene of the felony.

4 (iv) The vehicle was necessary for the commission of the
5 felony.

6 (e) A violation of section 602a(2) or (3) of this act or
7 section 479a(2) or (3) of the Michigan penal code, 1931 PA 328,
8 MCL 750.479a.

9 (f) Beginning October 31, 2010, a violation of section 601d.

10 (3) The secretary of state shall suspend the person's
11 license for 90 days for any of the following crimes:

12 (a) Failing to stop and disclose identity at the scene of an
13 accident resulting in injury in violation of section 617a.

14 (b) A violation of section 601b(2), section 601c(1), section
15 653a(3), section 626 before October 31, 2010, or, beginning
16 October 31, 2010, section 626(2).

17 (c) Malicious destruction resulting from the operation of a
18 vehicle under section 382(1)(b), (c), or (d) of the Michigan
19 penal code, 1931 PA 328, MCL 750.382.

20 (d) A violation of section 703(2) of the Michigan liquor
21 control code of 1998, 1998 PA 58, MCL 436.1703.

22 (4) The secretary of state shall suspend the person's
23 license for 30 days for malicious destruction resulting from the
24 operation of a vehicle under section 382(1)(a) of the Michigan
25 penal code, 1931 PA 328, MCL 750.382.

26 (5) For perjury or making a false certification to the
27 secretary of state under any law requiring the registration of a

1 motor vehicle or regulating the operation of a vehicle on a
2 highway, or for conduct prohibited under section 324(1) or a
3 local ordinance substantially corresponding to section 324(1),
4 the secretary shall suspend the person's license as follows:

5 (a) If the person has no prior conviction for an offense
6 described in this subsection within 7 years, for 90 days.

7 (b) If the person has 1 or more prior convictions for an
8 offense described in this subsection within 7 years, for 1 year.

9 (6) For a violation of section 414 of the Michigan penal
10 code, 1931 PA 328, MCL 750.414, the secretary of state shall
11 suspend the person's license as follows:

12 (a) If the person has no prior conviction for that offense
13 within 7 years, for 90 days.

14 (b) If the person has 1 or more prior convictions for that
15 offense within 7 years, for 1 year.

16 (7) For a violation of section 624a or 624b of this act or
17 section 703(1) of the Michigan liquor control code of 1998, 1998
18 PA 58, MCL 436.1703, the secretary of state shall suspend the
19 person's license as follows:

20 (a) If the person has 1 prior conviction for an offense
21 described in this subsection or section 33b(1) of former 1933 (Ex
22 Sess) PA 8, for 90 days. The secretary of state may issue the
23 person a restricted license after the first 30 days of
24 suspension.

25 (b) If the person has 2 or more prior convictions for an
26 offense described in this subsection or section 33b(1) of former
27 1933 (Ex Sess) PA 8, for 1 year. The secretary of state may issue

1 the person a restricted license after the first 60 days of
2 suspension.

3 (8) The secretary of state shall suspend the person's
4 license for a violation of section 625 or 625m as follows:

5 (a) For 180 days for a violation of section 625(1) or (8)
6 before October 31, 2010 or, beginning October 31, 2010, section
7 625(1)(a) or (b) or (8) if the person has no prior convictions
8 within 7 years. The secretary of state may issue the person a
9 restricted license during a specified portion of the suspension,
10 except that the secretary of state shall not issue a restricted
11 license during the first 30 days of suspension.

12 (b) For 90 days for a violation of section 625(3) if the
13 person has no prior convictions within 7 years. However, if the
14 person is convicted of a violation of section 625(3), for
15 operating a vehicle when, due to the consumption of a controlled
16 substance or a combination of alcoholic liquor and a controlled
17 substance, the person's ability to operate the vehicle was
18 visibly impaired, the secretary of state shall suspend the
19 person's license under this subdivision for 180 days. The
20 secretary of state may issue the person a restricted license
21 during all or a specified portion of the suspension.

22 (c) For 30 days for a violation of section 625(6) if the
23 person has no prior convictions within 7 years. The secretary of
24 state may issue the person a restricted license during all or a
25 specified portion of the suspension.

26 (d) For 90 days for a violation of section 625(6) if the
27 person has 1 or more prior convictions for that offense within 7

1 years.

2 (e) For 180 days for a violation of section 625(7) if the
3 person has no prior convictions within 7 years. The secretary of
4 state may issue the person a restricted license after the first
5 90 days of suspension.

6 (f) For 90 days for a violation of section 625m if the
7 person has no prior convictions within 7 years. The secretary of
8 state may issue the person a restricted license during all or a
9 specified portion of the suspension.

10 (g) Beginning October 31, 2010, for 1 year for a violation
11 of section 625(1)(c) if the person has no prior convictions
12 within 7 years or not more than 2 convictions within 10 years.
13 The secretary of state may issue the person a restricted license,
14 except that the secretary of state shall not issue a restricted
15 license during the first 45 days of suspension.

16 (h) Beginning October 31, 2010, the department shall order a
17 person convicted of violating section 625(1)(c) not to operate a
18 motor vehicle under a restricted license issued under subdivision
19 (g) unless the vehicle is equipped with an ignition interlock
20 device approved, certified, and installed as required under
21 sections 625k and 625l. The ignition interlock device may be
22 removed after the interlock device provider provides the
23 department with verification that the person has operated the
24 vehicle with no instances of reaching or exceeding a blood
25 alcohol level of 0.025 grams per 210 liters of breath. This
26 subdivision does not prohibit the removal of the ignition
27 interlock device for any of the following:

1 (i) A start-up test failure that occurs within the first 2
2 months after installation of the device. As used in this
3 subdivision, "start-up test failure" means that the ignition
4 interlock device has prevented the motor vehicle from being
5 started. Multiple unsuccessful attempts at 1 time to start the
6 vehicle shall be treated as 1 start-up test failure only under
7 this subparagraph.

8 (ii) A start-up test failure occurring more than 2 months
9 after installation of the device, if not more than 15 minutes
10 after detecting the start-up test failure the person delivers a
11 breath sample that the ignition interlock device analyzes as
12 having an alcohol level of less than 0.025 grams per 210 liters
13 of breath.

14 (iii) A retest prompted by the device, if not more than 5
15 minutes after detecting the retest failure the person delivers a
16 breath sample that the ignition interlock device analyzes as
17 having an alcohol level of less than 0.025 grams per 210 liters
18 of breath.

19 (i) Beginning October 31, 2010, if an individual violates
20 the conditions of the restricted license issued under subdivision
21 (g) or operates or attempts to operate a motor vehicle with a
22 blood alcohol level of 0.025 grams per 210 liters of breath, the
23 secretary of state shall impose an additional like period of
24 suspension and restriction as prescribed under subdivision (g).
25 This subdivision does not require an additional like period of
26 suspension and restriction for any of the following:

27 (i) A start-up test failure within the first 2 months after

1 installation of the ignition interlock device. As used in this
2 subdivision, "start-up test failure" means that the ignition
3 interlock device has prevented the motor vehicle from being
4 started. Multiple unsuccessful attempts at 1 time to start the
5 vehicle shall be treated as 1 start-up test failure only under
6 this subparagraph.

7 (ii) A start-up test failure occurring more than 2 months
8 after installation of the device, if not more than 15 minutes
9 after detecting the start-up test failure the person delivers a
10 breath sample that the ignition interlock device analyzes as
11 having an alcohol level of less than 0.025 grams per 210 liters
12 of breath.

13 (iii) Any retest prompted by the device, if not more than 5
14 minutes after detecting the retest failure the person delivers a
15 breath sample that the ignition interlock device analyzes as
16 having an alcohol level of less than 0.025 grams per 210 liters
17 of breath.

18 (9) For a violation of section 367c of the Michigan penal
19 code, 1931 PA 328, MCL 750.367c, the secretary of state shall
20 suspend the person's license as follows:

21 (a) If the person has no prior conviction for an offense
22 described in this subsection within 7 years, for 6 months.

23 (b) If the person has 1 or more convictions for an offense
24 described in this subsection within 7 years, for 1 year.

25 (10) For a violation of section 315(4), the secretary of
26 state may suspend the person's license for 6 months.

27 (11) For a violation or attempted violation of section

1 411a(2) of the Michigan penal code, 1931 PA 328, MCL 750.411a,
2 involving a school, the secretary of state shall suspend the
3 license of a person 14 years of age or over but less than 21
4 years of age until 3 years after the date of the conviction or
5 juvenile disposition for the violation. The secretary of state
6 may issue the person a restricted license after the first 365
7 days of suspension.

8 (12) For a second or subsequent violation of section 701(1)
9 of the Michigan liquor control code of 1998, 1998 PA 58, MCL
10 436.1701, by an individual who is not a retail licensee or a
11 retail licensee's clerk, agent, or employee, the secretary of
12 state shall suspend the person's license for 180 days. The
13 secretary of state may issue a person a restricted license during
14 all or a specified portion of the suspension.

15 (13) Except as provided in subsection (15), a suspension
16 under this section shall be imposed notwithstanding a court order
17 unless the court order complies with section 323.

18 (14) If the secretary of state receives records of more than
19 1 conviction of a person resulting from the same incident, a
20 suspension shall be imposed only for the violation to which the
21 longest period of suspension applies under this section.

22 (15) The secretary of state may waive a restriction,
23 suspension, or revocation of a person's license imposed under
24 this act if the person submits proof that a court in another
25 state revoked, suspended, or restricted his or her license for a
26 period equal to or greater than the period of a restriction,
27 suspension, or revocation prescribed under this act for the

1 violation and that the revocation, suspension, or restriction was
2 served for the violation, or may grant a restricted license.

3 (16) The secretary of state shall not issue a restricted
4 license to a person whose license is suspended under this section
5 unless a restricted license is authorized under this section and
6 the person is otherwise eligible for a license.

7 (17) The secretary of state shall not issue a restricted
8 license to a person under subsection (8) that would permit the
9 person to operate a commercial motor vehicle.

10 (18) Except as provided in subsection (17), a restricted
11 license issued under this section shall permit the person to whom
12 it is issued to take any driving skills test required by the
13 secretary of state and to operate a vehicle under 1 or more of
14 the following circumstances:

15 (a) In the course of the person's employment or occupation.

16 (b) To and from any combination of the following:

17 (i) The person's residence.

18 (ii) The person's work location.

19 (iii) An alcohol or drug education or treatment program as
20 ordered by the court.

21 (iv) The court probation department.

22 (v) A court-ordered community service program.

23 (vi) An educational institution at which the person is
24 enrolled as a student.

25 (vii) A place of regularly occurring medical treatment for a
26 serious condition for the person or a member of the person's
27 household or immediate family.

1 (viii) AN IGNITION INTERLOCK SERVICE PROVIDER AS REQUIRED.

2 (19) While driving with a restricted license, the person
3 shall carry proof of his or her destination and the hours of any
4 employment, class, or other reason for traveling and shall
5 display that proof upon a peace officer's request.

6 (20) Subject to subsection (22), as used in subsection (8),
7 "prior conviction" means a conviction for any of the following,
8 whether under a law of this state, a local ordinance
9 substantially corresponding to a law of this state, or a law of
10 another state substantially corresponding to a law of this state:

11 (a) Except as provided in subsection (21), a violation or
12 attempted violation of any of the following:

13 (i) Section 625, except a violation of section 625(2), or a
14 violation of any prior enactment of section 625 in which the
15 defendant operated a vehicle while under the influence of
16 intoxicating or alcoholic liquor or a controlled substance, or a
17 combination of intoxicating or alcoholic liquor and a controlled
18 substance, or while visibly impaired, or with an unlawful bodily
19 alcohol content.

20 (ii) Section 625m.

21 (iii) Former section 625b.

22 (b) Negligent homicide, manslaughter, or murder resulting
23 from the operation of a vehicle or an attempt to commit any of
24 those crimes.

25 (c) Beginning October 31, 2010, a violation of section 601d
26 or section 626(3) or (4).

27 (21) Except for purposes of the suspensions described in

1 subsection (8)(c) and (d), only 1 violation or attempted
2 violation of section 625(6), a local ordinance substantially
3 corresponding to section 625(6), or a law of another state
4 substantially corresponding to section 625(6) may be used as a
5 prior conviction.

6 (22) If 2 or more convictions described in subsection (20)
7 are convictions for violations arising out of the same
8 transaction, only 1 conviction shall be used to determine whether
9 the person has a prior conviction.

10 Sec. 319b. (1) The secretary of state shall immediately
11 suspend or revoke, as applicable, all commercial learners permits
12 or vehicle group designations on the operator's or chauffeur's
13 license of a person upon receiving notice of a conviction, bond
14 forfeiture, or civil infraction determination of the person, or
15 notice that a court or administrative tribunal has found the
16 person responsible, for a violation described in this subsection
17 of a law of this state, a local ordinance substantially
18 corresponding to a law of this state while the person was
19 operating a commercial motor vehicle, or a law of another state
20 substantially corresponding to a law of this state, or notice
21 that the person has refused to submit to a chemical test of his
22 or her blood, breath, or urine for the purpose of determining the
23 amount of alcohol or presence of a controlled substance or both
24 in the person's blood, breath, or urine while the person was
25 operating a commercial motor vehicle as required by a law or
26 local ordinance of this or another state. The period of
27 suspension or revocation is as follows:

1 (a) Suspension for 60 days, to run consecutively with any
2 commercial driver license action imposed under this section, if
3 the person is convicted of or found responsible for 1 of the
4 following while operating a commercial motor vehicle:

5 (i) Two serious traffic violations arising from separate
6 incidents within 36 months.

7 (ii) A violation of section 667, 668, 669, or 669a.

8 (iii) A violation of motor carrier safety regulations 49 CFR
9 392.10 or 392.11, as adopted by section 1a of the motor carrier
10 safety act of 1963, 1963 PA 181, MCL 480.11a.

11 (iv) A violation of section 57 of the pupil transportation
12 act, 1990 PA 187, MCL 257.1857.

13 (v) A violation of motor carrier safety regulations 49 CFR
14 392.10 or 392.11, as adopted by section 31 of the motor bus
15 transportation act, 1982 PA 432, MCL 474.131.

16 (vi) A violation of motor carrier safety regulations 49 CFR
17 392.10 or 392.11 while operating a commercial motor vehicle other
18 than a vehicle covered under subparagraph (iii), (iv), or (v).

19 (vii) A violation of commercial motor vehicle fraudulent
20 testing law.

21 (b) Suspension for 120 days, to be served consecutively with
22 a 60-day suspension imposed under subdivision (a)(i), if the
23 person is convicted of or found responsible for 1 of the
24 following arising from separate incidents within 36 months while
25 operating a commercial motor vehicle:

26 (i) Three serious traffic violations.

27 (ii) Any combination of 2 violations described in subdivision

1 (a) (ii) .

2 (c) Suspension for 1 year, to run consecutively with any
3 commercial driver license action imposed under this section, if
4 the person is convicted of or found responsible for 1 of the
5 following:

6 (i) A violation of section 625(1), (3), (4), (5), (6), (7),
7 or (8), section 625m, or former section 625(1) or (2), or former
8 section 625b, while operating a commercial or noncommercial motor
9 vehicle.

10 (ii) Leaving the scene of an accident involving a commercial
11 or noncommercial motor vehicle operated by the person.

12 (iii) Except for a felony described in 49 CFR 383.51(b)(9), a
13 felony in which a commercial or noncommercial motor vehicle was
14 used.

15 (iv) A refusal of a peace officer's request to submit to a
16 chemical test of his or her blood, breath, or urine to determine
17 the amount of alcohol or presence of a controlled substance or
18 both in his or her blood, breath, or urine while he or she was
19 operating a commercial or noncommercial motor vehicle as required
20 by a law or local ordinance of this state or another state.

21 (v) Operating a commercial motor vehicle in violation of a
22 suspension, revocation, denial, or cancellation that was imposed
23 for previous violations committed while operating a commercial
24 motor vehicle.

25 (vi) Causing a fatality through the negligent or criminal
26 operation of a commercial motor vehicle, including, but not
27 limited to, the crimes of motor vehicle manslaughter, motor

1 vehicle homicide, and negligent homicide.

2 (vii) A violation of commercial motor vehicle fraudulent
3 testing law.

4 (viii) Any combination of 3 violations described in
5 subdivision (a) (ii) arising from separate incidents within 36
6 months while operating a commercial motor vehicle.

7 (d) Suspension for 3 years, to run consecutively with any
8 commercial driver license action imposed under this section, if
9 the person is convicted of or found responsible for an offense
10 enumerated in subdivision (c) (i) to ~~(vii)~~ (vi) in which a commercial
11 motor vehicle was used if the vehicle was carrying hazardous
12 material required to have a placard under 49 CFR parts 100 to
13 199.

14 (e) Revocation for life, to run consecutively with any
15 commercial driver license action imposed under this section, but
16 with eligibility for reissue of a group vehicle designation after
17 not less than 10 years and after approval by the secretary of
18 state, if the person is convicted of or found responsible for 2
19 violations or a combination of any 2 violations arising from 2 or
20 more separate incidents involving any of the following:

21 (i) Section 625(1), (3), (4), (5), (6), (7), or (8), section
22 625m, or former section 625(1) or (2), or former section 625b,
23 while operating a commercial or noncommercial motor vehicle.

24 (ii) Leaving the scene of an accident involving a commercial
25 or noncommercial motor vehicle operated by the licensee.

26 (iii) Except for a felony described in 49 CFR 383.51(b) (9), a
27 felony in which a commercial or noncommercial motor vehicle was

1 used.

2 (iv) A refusal of a request of a police officer to submit to
3 a chemical test of his or her blood, breath, or urine for the
4 purpose of determining the amount of alcohol or presence of a
5 controlled substance or both in his or her blood while he or she
6 was operating a commercial or noncommercial motor vehicle in this
7 state or another state.

8 (v) Operating a commercial motor vehicle in violation of a
9 suspension, revocation, denial, or cancellation that was imposed
10 for previous violations committed while operating a commercial
11 motor vehicle.

12 (vi) Causing a fatality through the negligent or criminal
13 operation of a commercial motor vehicle, including, but not
14 limited to, the crimes of motor vehicle manslaughter, motor
15 vehicle homicide, and negligent homicide.

16 (f) Revocation for life if a person is convicted of or found
17 responsible for any of the following:

18 (i) One violation of a felony in which a commercial motor
19 vehicle was used and that involved the manufacture, distribution,
20 or dispensing of a controlled substance or possession with intent
21 to manufacture, distribute, or dispense a controlled substance.

22 (ii) A conviction of any offense described in subdivision (c)
23 or (d) after having been approved for the reissuance of a vehicle
24 group designation under subdivision (e).

25 (iii) A conviction of a violation of chapter LXXXIII-A of the
26 Michigan penal code, 1931 PA 328, MCL 750.543a to 750.543z.

27 (2) The secretary of state shall immediately deny, cancel,

1 or revoke a hazardous material indorsement on the operator's or
2 chauffeur's license of a person with a vehicle group designation
3 upon receiving notice from a federal government agency that the
4 person poses a security risk warranting denial, cancellation, or
5 revocation under the uniting and strengthening America by
6 providing appropriate tools required to intercept and obstruct
7 terrorism (USA PATRIOT ACT) act of 2001, Public Law 107-56. The
8 denial, cancellation, or revocation cannot be appealed under
9 section 322 or 323 and remains in effect until the secretary of
10 state receives a federal government notice that the person does
11 not pose a security risk in the transportation of hazardous
12 materials.

13 (3) The secretary of state shall immediately suspend or
14 revoke, as applicable, all commercial learners permits or vehicle
15 group designations on a person's operator's or chauffeur's
16 license upon receiving notice of a conviction, bond forfeiture,
17 or civil infraction determination of the person, or notice that a
18 court or administrative tribunal has found the person
19 responsible, for a violation of section 319d(4) or 319f, a local
20 ordinance substantially corresponding to section 319d(4) or 319f,
21 or a law or local ordinance of another state, the United States,
22 Canada, the United Mexican States, or a local jurisdiction of
23 either of these countries substantially corresponding to section
24 319d(4) or 319f, while operating a commercial motor vehicle. The
25 period of suspension or revocation, which shall run consecutively
26 with any commercial driver license action imposed under this
27 section, is as follows:

1 (a) Suspension for 180 days if the person is convicted of or
2 found responsible for a violation of section 319d(4) or 319f
3 while operating a commercial motor vehicle.

4 (b) Suspension for 180 days if the person is convicted of or
5 found responsible for a violation of section 319d(4) or 319f
6 while operating a commercial motor vehicle that is either
7 carrying hazardous material required to have a placard under 49
8 CFR parts 100 to 199 or designed to carry 16 or more passengers,
9 including the driver.

10 (c) Suspension for 2 years if the person is convicted of or
11 found responsible for 2 violations, in any combination, of
12 section 319d(4) or 319f while operating a commercial motor
13 vehicle arising from 2 or more separate incidents during a 10-
14 year period.

15 (d) Suspension for 3 years if the person is convicted of or
16 found responsible for 3 or more violations, in any combination,
17 of section 319d(4) or 319f while operating a commercial motor
18 vehicle arising from 3 or more separate incidents during a 10-
19 year period.

20 (e) Suspension for 3 years if the person is convicted of or
21 found responsible for 2 or more violations, in any combination,
22 of section 319d(4) or 319f while operating a commercial motor
23 vehicle carrying hazardous material required to have a placard
24 under 49 CFR parts 100 to 199, or designed to carry 16 or more
25 passengers, including the driver, arising from 2 or more separate
26 incidents during a 10-year period.

27 (4) The secretary of state shall suspend or revoke, as

1 applicable, any privilege to operate a commercial motor vehicle
2 as directed by the federal government or its designee.

3 (5) For the purpose of this section only, a bond forfeiture
4 or a determination by a court of original jurisdiction or an
5 authorized administrative tribunal that a person has violated the
6 law is considered a conviction.

7 (6) The secretary of state shall suspend or revoke a vehicle
8 group designation under subsection (1) or deny, cancel, or revoke
9 a hazardous material indorsement under subsection (2)
10 notwithstanding a suspension, restriction, revocation, or denial
11 of an operator's or chauffeur's license or vehicle group
12 designation under another section of this act or a court order
13 issued under another section of this act or a local ordinance
14 substantially corresponding to another section of this act.

15 (7) A conviction, bond forfeiture, or civil infraction
16 determination, or notice that a court or administrative tribunal
17 has found a person responsible for a violation described in this
18 subsection while the person was operating a noncommercial motor
19 vehicle counts against the person who holds a license to operate
20 a commercial motor vehicle the same as if the person had been
21 operating a commercial motor vehicle at the time of the
22 violation. For the purpose of this subsection, a noncommercial
23 motor vehicle does not include a recreational vehicle used off-
24 road. This subsection applies to the following state law
25 violations or a local ordinance substantially corresponding to
26 any of those violations or a law of another state or out-of-state
27 jurisdiction substantially corresponding to any of those

- 1 violations:
- 2 (a) Operating a vehicle in violation of section 625.
- 3 (b) Refusing to submit to a chemical test of his or her
- 4 blood, breath, or urine for the purpose of determining the amount
- 5 of alcohol or the presence of a controlled substance or both in
- 6 the person's blood, breath, or urine as required by a law or
- 7 local ordinance of this or another state.
- 8 (c) Leaving the scene of an accident.
- 9 (d) Using a vehicle to commit a felony.
- 10 (8) When determining the applicability of conditions listed
- 11 in this section, the secretary of state shall consider only
- 12 violations that occurred after January 1, 1990.
- 13 (9) When determining the applicability of conditions listed
- 14 in subsection (1)(a) or (b), the secretary of state shall count
- 15 only from incident date to incident date.
- 16 (10) As used in this section:
- 17 (a) "Felony in which a commercial motor vehicle was used"
- 18 means a felony during the commission of which the person
- 19 convicted operated a commercial motor vehicle and while the
- 20 person was operating the vehicle 1 or more of the following
- 21 circumstances existed:
- 22 (i) The vehicle was used as an instrument of the felony.
- 23 (ii) The vehicle was used to transport a victim of the
- 24 felony.
- 25 (iii) The vehicle was used to flee the scene of the felony.
- 26 (iv) The vehicle was necessary for the commission of the
- 27 felony.

- 1 (b) "Serious traffic violation" means any of the following:
- 2 (i) A traffic violation that occurs in connection with an
- 3 accident in which a person died.
- 4 (ii) Reckless driving.
- 5 (iii) Excessive speeding as defined in regulations promulgated
- 6 under 49 USC 31301 to 31317.
- 7 (iv) Improper lane use.
- 8 (v) Following too closely.
- 9 (vi) Operating a commercial motor vehicle without obtaining
- 10 any vehicle group designation on the person's license.
- 11 (vii) Operating a commercial motor vehicle without either
- 12 having an operator's or chauffeur's license in the person's
- 13 possession or providing proof to the court, not later than the
- 14 date by which the person must appear in court or pay a fine for
- 15 the violation, that the person held a valid vehicle group
- 16 designation and indorsement on the date that the citation was
- 17 issued.
- 18 (viii) Operating a commercial motor vehicle while in
- 19 possession of an operator's or chauffeur's license that has a
- 20 vehicle group designation but does not have the appropriate
- 21 vehicle group designation or indorsement required for the
- 22 specific vehicle group being operated or the passengers or type
- 23 of cargo being transported.
- 24 (ix) Beginning October 28, 2013, a violation of section
- 25 602b(2) or (3).
- 26 (x) Any other serious traffic violation as defined in 49 CFR
- 27 383.5 or as prescribed under this act.

1 Sec. 324. (1) A person shall not do any of the following:

2 (a) Display, or cause or permit to be displayed, or have in
3 possession an operator's or chauffeur's license knowing the
4 operator's or chauffeur's license to be fictitious or to have
5 been canceled, revoked, suspended, or altered.

6 (b) Lend to or knowingly permit use of, by one not entitled
7 to its use, the operator's or chauffeur's license issued to the
8 person lending or permitting the use of the operator's or
9 chauffeur's license.

10 (c) Display or to represent as one's own any operator's or
11 chauffeur's license not issued to the person displaying the
12 operator's or chauffeur's license.

13 (d) Fail or refuse to surrender to the department upon
14 demand, any operator's or chauffeur's license which has been
15 suspended, canceled, or revoked as provided by law.

16 (e) Use a false or fictitious name or give a false or
17 fictitious address in an application for an operator's or
18 chauffeur's license, or any renewal or duplicate of an operator's
19 or chauffeur's license, or knowingly make a false statement or
20 knowingly conceal a material fact or otherwise commit a fraud in
21 making an application.

22 (f) Alter or otherwise cause to be altered any operator's or
23 chauffeur's license so as to knowingly make a false statement or
24 knowingly conceal a material fact in order to misrepresent as
25 one's own the operator's or chauffeur's license.

26 (g) Use or have in possession in committing a crime an
27 operator's or chauffeur's license that has been altered or that

1 is used to knowingly make a false statement or to knowingly
 2 conceal a material fact in order to misrepresent as one's own the
 3 operator's or chauffeur's license.

4 (h) Furnish to a peace officer false, forged, fictitious, or
 5 misleading verbal or written information identifying the person
 6 as another person, if the person is detained for a violation of
 7 this act or of a local ordinance substantially corresponding to a
 8 provision of this act.

9 (I) COMMIT FRAUD RELATED TO THE TESTING FOR OR ISSUANCE OF A
 10 COMMERCIAL DRIVER LICENSE OR PERMIT.

11 (J) FAIL TO SCHEDULE A RETEST APPOINTMENT WITHIN 30 DAYS
 12 AFTER RECEIVING THE SECRETARY OF STATE'S RETEST NOTIFICATION.

13 (2) ~~A license for an operator or chauffeur~~ **AN OPERATOR'S OR**
 14 **CHAUFFEUR'S LICENSE** issued **TO A PERSON** under this chapter upon an
 15 application that is untrue, or that contains false statements as
 16 to any material matters, **OR THAT WAS OBTAINED BY FRAUD IN THE**
 17 **TESTING FOR OR ISSUANCE OF THE LICENSE**, is ~~absolutely~~ void from
 18 the date of issuance. The operator or chauffeur who was issued
 19 the license is considered unlicensed and the license issued shall
 20 be returned upon request or order of the department. A person
 21 whose commercial driver license application is voided or canceled
 22 under this subsection, **INCLUDING AS REQUIRED UNDER 49 CFR PART**
 23 **383**, shall not reapply for a commercial driver license ~~for at~~
 24 ~~least~~ **EXCEPT AS FOLLOWS:**

25 (A) NOT SOONER THAN 60 days after an application is voided
 26 or canceled.

27 (B) IF THE PERSON OBTAINED THE LICENSE BY FRAUD IN THE

1 TESTING FOR OR ISSUANCE OF THE COMMERCIAL DRIVER LICENSE OR
2 COMMERCIAL LEARNER'S PERMIT, NOT SOONER THAN 365 DAYS AFTER THE
3 PERMIT OR LICENSE IS CANCELED.

4 (C) IF THE PERSON FAILED TO SCHEDULE A RETESTING FOR A NEW
5 COMMERCIAL LEARNER'S PERMIT OR COMMERCIAL DRIVER LICENSE WITHIN
6 30 DAYS AFTER RECEIVING THE NOTIFICATION BY THE SECRETARY OF
7 STATE FOR RETESTING, UNTIL THE DRIVER MEETS THE DEPARTMENT'S
8 REQUIREMENTS FOR APPLYING FOR A NEW COMMERCIAL LEARNER'S PERMIT
9 OR COMMERCIAL DRIVER LICENSE.

10 Sec. 625a. (1) A peace officer may arrest a person without a
11 warrant under either of the following circumstances:

12 (a) The peace officer has reasonable cause to believe the
13 person was, at the time of an accident in this state, the
14 operator of a vehicle involved in the accident and was operating
15 the vehicle in violation of section 625 or a local ordinance
16 substantially corresponding to section 625.

17 (b) The person is found in the driver's seat of a vehicle
18 parked or stopped on a highway or street within this state if any
19 part of the vehicle intrudes into the roadway and the peace
20 officer has reasonable cause to believe the person was operating
21 the vehicle in violation of section 625 or a local ordinance
22 substantially corresponding to section 625.

23 (2) A peace officer who has reasonable cause to believe that
24 a person was operating a vehicle upon a public highway or other
25 place open to the public or generally accessible to motor
26 vehicles, including an area designated for the parking of
27 vehicles, within this state and that the person by the

1 consumption of alcoholic liquor, a controlled substance, or other
2 intoxicating substance or a combination of them may have affected
3 his or her ability to operate a vehicle, or reasonable cause to
4 believe that a person was operating a commercial motor vehicle
5 within the state while the person's blood, breath, or urine
6 contained any measurable amount of alcohol, a controlled
7 substance, or any other intoxicating substance or while the
8 person had any detectable presence of alcoholic liquor, a
9 controlled substance or any other intoxicating substance, or any
10 combination of them, or reasonable cause to believe that a person
11 who is less than 21 years of age was operating a vehicle upon a
12 public highway or other place open to the public or generally
13 accessible to motor vehicles, including an area designated for
14 the parking of vehicles, within this state while the person had
15 any bodily alcohol content as that term is defined in section
16 625(6), may require the person to submit to a preliminary
17 roadside analysis. The following provisions apply with respect to
18 a preliminary roadside analysis administered under this
19 subsection:

20 (a) A peace officer may arrest a person based in whole or in
21 part upon the results of a preliminary roadside analysis.

22 (b) The results of a preliminary ~~roadside~~ **CHEMICAL BREATH**
23 analysis are admissible in a criminal prosecution for a crime
24 enumerated in section 625c(1) or in an administrative hearing for
25 1 or more of the following purposes:

26 (i) To assist the court or hearing officer in determining a
27 challenge to the validity of an arrest. This subparagraph does

1 not limit the introduction of other competent evidence offered to
2 establish the validity of an arrest.

3 (ii) As evidence of the defendant's breath alcohol content,
4 if offered by the defendant to rebut testimony elicited on cross-
5 examination of a defense witness that the defendant's breath
6 alcohol content was higher at the time of the charged offense
7 than when a chemical test was administered under subsection (6).

8 (iii) As evidence of the defendant's breath alcohol content,
9 if offered by the prosecution to rebut testimony elicited on
10 cross-examination of a prosecution witness that the defendant's
11 breath alcohol content was lower at the time of the charged
12 offense than when a chemical test was administered under
13 subsection (6).

14 (c) A person who submits to a preliminary roadside analysis
15 remains subject to the requirements of sections 625c, 625d, 625e,
16 and 625f for purposes of chemical tests described in those
17 sections.

18 (d) Except as provided in subsection (5), a person who
19 refuses to submit to a ~~preliminary roadside analysis~~ **ANY OF THE**
20 **FOLLOWING** upon a lawful request by a peace officer is responsible
21 for a civil infraction: -

22 (i) **A STANDARDIZED FIELD SOBRIETY TEST.**

23 (ii) **A PRELIMINARY CHEMICAL BREATH ANALYSIS.**

24 (3) A peace officer shall use the results of a preliminary
25 roadside analysis conducted under this section to determine
26 whether to order a person out-of-service under section 319d. A
27 peace officer shall order out-of-service as required under

1 section 319d a person who was operating a commercial motor
2 vehicle and who refuses to submit to a preliminary roadside
3 analysis as provided in this section. This section does not limit
4 use of other competent evidence by the peace officer to determine
5 whether to order a person out-of-service under section 319d.

6 (4) A person who was operating a commercial motor vehicle
7 and who is requested to submit to a preliminary roadside analysis
8 under this section shall be advised that refusing a peace
9 officer's request to take a test described in this section is a
10 misdemeanor punishable by imprisonment for not more than 93 days
11 or a fine of not more than \$100.00, or both, and will result in
12 the issuance of a 24-hour out-of-service order.

13 (5) A person who was operating a commercial motor vehicle
14 and who refuses to submit to a preliminary roadside analysis upon
15 a peace officer's lawful request is guilty of a misdemeanor
16 punishable by imprisonment for not more than 93 days or a fine of
17 not more than \$100.00, or both.

18 (6) The following provisions apply with respect to chemical
19 tests and analysis of a person's blood, urine, or breath, other
20 than a preliminary roadside analysis:

21 (a) The amount of alcohol or presence of a controlled
22 substance or other intoxicating substance in a driver's blood or
23 urine or the amount of alcohol in a person's breath at the time
24 alleged as shown by chemical analysis of the person's blood,
25 urine, or breath is admissible into evidence in any civil or
26 criminal proceeding and is presumed to be the same as at the time
27 the person operated the vehicle.

1 (b) A person arrested for a crime described in section
2 625c(1) shall be advised of all of the following:

3 (i) If he or she takes a chemical test of his or her blood,
4 urine, or breath administered at the request of a peace officer,
5 he or she has the right to demand that a person of his or her own
6 choosing administer 1 of the chemical tests.

7 (ii) The results of the test are admissible in a judicial
8 proceeding as provided under this act and will be considered with
9 other admissible evidence in determining the defendant's
10 innocence or guilt.

11 (iii) He or she is responsible for obtaining a chemical
12 analysis of a test sample obtained at his or her own request.

13 (iv) If he or she refuses the request of a peace officer to
14 take a test described in subparagraph (i), a test shall not be
15 given without a court order, but the peace officer may seek to
16 obtain a court order.

17 (v) Refusing a peace officer's request to take a test
18 described in subparagraph (i) will result in the suspension of his
19 or her operator's or chauffeur's license and vehicle group
20 designation or operating privilege and in the addition of 6
21 points to his or her driver record.

22 (c) A sample or specimen of urine or breath shall be taken
23 and collected in a reasonable manner. Only a licensed physician,
24 or an individual operating under the delegation of a licensed
25 physician under section 16215 of the public health code, 1978 PA
26 368, MCL 333.16215, qualified to withdraw blood and acting in a
27 medical environment, may withdraw blood at a peace officer's

1 request to determine the amount of alcohol or presence of a
2 controlled substance or other intoxicating substance in the
3 person's blood, as provided in this subsection. Liability for a
4 crime or civil damages predicated on the act of withdrawing or
5 analyzing blood and related procedures does not attach to a
6 licensed physician or individual operating under the delegation
7 of a licensed physician who withdraws or analyzes blood or
8 assists in the withdrawal or analysis in accordance with this act
9 unless the withdrawal or analysis is performed in a negligent
10 manner.

11 (d) A chemical test described in this subsection shall be
12 administered at the request of a peace officer having reasonable
13 grounds to believe the person has committed a crime described in
14 section 625c(1). A person who takes a chemical test administered
15 at a peace officer's request as provided in this section shall be
16 given a reasonable opportunity to have a person of his or her own
17 choosing administer 1 of the chemical tests described in this
18 subsection within a reasonable time after his or her detention.
19 The test results are admissible and shall be considered with
20 other admissible evidence in determining the defendant's
21 innocence or guilt. If the person charged is administered a
22 chemical test by a person of his or her own choosing, the person
23 charged is responsible for obtaining a chemical analysis of the
24 test sample.

25 (e) If, after an accident, the driver of a vehicle involved
26 in the accident is transported to a medical facility and a sample
27 of the driver's blood is withdrawn at that time for medical

1 treatment, the results of a chemical analysis of that sample are
2 admissible in any civil or criminal proceeding to show the amount
3 of alcohol or presence of a controlled substance or other
4 intoxicating substance in the person's blood at the time alleged,
5 regardless of whether the person had been offered or had refused
6 a chemical test. The medical facility or person performing the
7 chemical analysis shall disclose the results of the analysis to a
8 prosecuting attorney who requests the results for use in a
9 criminal prosecution as provided in this subdivision. A medical
10 facility or person disclosing information in compliance with this
11 subsection is not civilly or criminally liable for making the
12 disclosure.

13 (f) If, after an accident, the driver of a vehicle involved
14 in the accident is deceased, a sample of the decedent's blood
15 shall be withdrawn in a manner directed by the medical examiner
16 to determine the amount of alcohol or the presence of a
17 controlled substance or other intoxicating substance, or any
18 combination of them, in the decedent's blood. The medical
19 examiner shall give the results of the chemical analysis of the
20 sample to the law enforcement agency investigating the accident
21 and that agency shall forward the results to the department of
22 state police.

23 (g) The department of state police shall promulgate uniform
24 rules in compliance with the administrative procedures act of
25 1969, 1969 PA 306, MCL 24.201 to 24.328, for the administration
26 of chemical tests for the purposes of this section. An instrument
27 used for a preliminary roadside analysis may be used for a

1 chemical test described in this subsection if approved under
2 rules promulgated by the department of state police.

3 (7) The provisions of subsection (6) relating to chemical
4 testing do not limit the introduction of any other admissible
5 evidence bearing upon any of the following questions:

6 (a) Whether the person was impaired by, or under the
7 influence of, alcoholic liquor, a controlled substance or other
8 intoxicating substance, or a combination of alcoholic liquor, a
9 controlled substance, or other intoxicating substance.

10 (b) Whether the person had an alcohol content of 0.08 grams
11 or more per 100 milliliters of blood, per 210 liters of breath,
12 or per 67 milliliters of urine or, beginning October 1, 2018, the
13 person had an alcohol content of 0.10 grams or more per 100
14 milliliters of blood, per 210 liters of breath, or per 67
15 milliliters of urine.

16 (c) If the person is less than 21 years of age, whether the
17 person had any bodily alcohol content within his or her body. As
18 used in this subdivision, "any bodily alcohol content" means
19 either of the following:

20 (i) An alcohol content of 0.02 grams or more but less than
21 0.08 grams per 100 milliliters of blood, per 210 liters of
22 breath, or per 67 milliliters of urine or, beginning October 1,
23 2018, the person had an alcohol content of 0.02 grams or more but
24 less than 0.10 grams or more per 100 milliliters of blood, per
25 210 liters of breath, or per 67 milliliters of urine.

26 (ii) Any presence of alcohol within a person's body resulting
27 from the consumption of alcoholic liquor, other than the

1 consumption of alcoholic liquor as a part of a generally
2 recognized religious service or ceremony.

3 (8) If a chemical test described in subsection (6) is
4 administered, the test results shall be made available to the
5 person charged or the person's attorney upon written request to
6 the prosecution, with a copy of the request filed with the court.
7 The prosecution shall furnish the results at least 2 days before
8 the day of the trial. The prosecution shall offer the test
9 results as evidence in that trial. Failure to fully comply with
10 the request bars the admission of the results into evidence by
11 the prosecution.

12 (9) A person's refusal to submit to a chemical test as
13 provided in subsection (6) is admissible in a criminal
14 prosecution for a crime described in section 625c(1) only to show
15 that a test was offered to the defendant, but not as evidence in
16 determining the defendant's innocence or guilt. The jury shall be
17 instructed accordingly.

18 (10) As used in this section:

19 (a) "Controlled substance" means that term as defined in
20 section 7104 of the public health code, 1978 PA 368, MCL
21 333.7104.

22 (b) "Intoxicating substance" means that term as defined in
23 section 625.

24 (C) **"STANDARDIZED FIELD SOBRIETY TEST" MEANS A TEST**
25 **DEVELOPED AND VALIDATED BY THE NATIONAL HIGHWAY TRAFFIC SAFETY**
26 **ADMINISTRATION TO OBTAIN VALIDATED INDICATORS OF IMPAIRMENT.**

27 Sec. 732. (1) Each municipal judge and each clerk of a court

1 of record shall keep a full record of every case in which a
2 person is charged with or cited for a violation of this act or a
3 local ordinance substantially corresponding to this act
4 regulating the operation of vehicles on highways and with those
5 offenses pertaining to the operation of ORVs or snowmobiles for
6 which points are assessed under section 320a(1)(c) or (i). Except
7 as provided in subsection (16), the municipal judge or clerk of
8 the court of record shall prepare and forward to the secretary of
9 state an abstract of the court record as follows:

10 (a) Not more than 5 days after a conviction, forfeiture of
11 bail, or entry of a civil infraction determination or default
12 judgment upon a charge of or citation for violating or attempting
13 to violate this act or a local ordinance substantially
14 corresponding to this act regulating the operation of vehicles on
15 highways.

16 (b) Immediately for each case charging a violation of
17 section 625(1), (3), (4), (5), (6), (7), or (8) or section 625m
18 or a local ordinance substantially corresponding to section
19 625(1), (3), (6), or (8) or section 625m in which the charge is
20 dismissed or the defendant is acquitted.

21 (c) Immediately for each case charging a violation of
22 section 82127(1) or (3), 81134, or 81135 of the natural resources
23 and environmental protection act, 1994 PA 451, MCL 324.82127,
24 324.81134, and 324.81135, or a local ordinance substantially
25 corresponding to those sections.

26 (2) If a city or village department, bureau, or person is
27 authorized to accept a payment of money as a settlement for a

1 violation of a local ordinance substantially corresponding to
2 this act, the city or village department, bureau, or person shall
3 send a full report of each case in which a person pays any amount
4 of money to the city or village department, bureau, or person to
5 the secretary of state upon a form prescribed by the secretary of
6 state.

7 (3) The abstract or report required under this section shall
8 be made upon a form furnished by the secretary of state. An
9 abstract shall be certified by signature, stamp, or facsimile
10 signature of the person required to prepare the abstract as
11 correct. An abstract or report shall include all of the
12 following:

13 (a) The name, address, and date of birth of the person
14 charged or cited.

15 (b) The number of the person's operator's or chauffeur's
16 license, if any.

17 (c) The date and nature of the violation.

18 (d) The type of vehicle driven at the time of the violation
19 and, if the vehicle is a commercial motor vehicle, that vehicle's
20 group designation.

21 (e) The date of the conviction, finding, forfeiture,
22 judgment, or civil infraction determination.

23 (f) Whether bail was forfeited.

24 (g) Any license restriction, suspension, or denial ordered
25 by the court as provided by law.

26 (h) The vehicle identification number and registration plate
27 number of all vehicles that are ordered immobilized or forfeited.

1 (i) Other information considered necessary to the secretary
2 of state.

3 (4) The clerk of the court also shall forward an abstract of
4 the court record to the secretary of state upon a person's
5 conviction involving any of the following:

6 (a) A violation of section 413, 414, or 479a of the Michigan
7 penal code, 1931 PA 328, MCL 750.413, 750.414, and 750.479a.

8 (b) A violation of section 1 of former 1931 PA 214.

9 (c) Negligent homicide, manslaughter, or murder resulting
10 from the operation of a vehicle.

11 (d) A violation of sections 701(1) and 703 of the Michigan
12 liquor control code of 1998, 1998 PA 58, MCL 436.1701 and
13 436.1703, or a local ordinance substantially corresponding to
14 those sections.

15 (e) A violation of section 411a(2) of the Michigan penal
16 code, 1931 PA 328, MCL 750.411a.

17 (f) A violation of motor carrier safety regulations 49 CFR
18 392.10 or 392.11 as adopted by section 1a of the motor carrier
19 safety act of 1963, 1963 PA 181, MCL 480.11a.

20 (g) A violation of section 57 of the pupil transportation
21 act, 1990 PA 187, MCL 257.1857.

22 (h) A violation of motor carrier safety regulations 49 CFR
23 392.10 or 392.11 as adopted by section 31 of the motor bus
24 transportation act, 1982 PA 432, MCL 474.131.

25 (i) An attempt to violate, a conspiracy to violate, or a
26 violation of part 74 of the public health code, 1978 PA 368, MCL
27 333.7401 to 333.7461, or a local ordinance that prohibits conduct

1 prohibited under part 74 of the public health code, 1978 PA 368,
2 MCL 333.7401 to 333.7461, unless the convicted person is
3 sentenced to life imprisonment or a minimum term of imprisonment
4 that exceeds 1 year for the offense.

5 (j) An attempt to commit an offense described in
6 subdivisions (a) to (h).

7 (k) A violation of chapter LXXXIII-A of the Michigan penal
8 code, 1931 PA 328, MCL 750.543a to 750.543z.

9 (l) A violation of section 3101, 3102(1), or 3103 of the
10 insurance code of 1956, 1956 PA 218, MCL 500.3101, 500.3102, and
11 500.3103.

12 (m) A violation listed as a disqualifying offense under 49
13 CFR 383.51.

14 (5) The clerk of the court shall also forward an abstract of
15 the court record to the secretary of state if a person has pled
16 guilty to, or offered a plea of admission in a juvenile
17 proceeding for, a violation of section 703 of the Michigan liquor
18 control code of 1998, 1998 PA 58, MCL 436.1703, or a local
19 ordinance substantially corresponding to that section, and has
20 had further proceedings deferred under that section. If the
21 person is sentenced to a term of probation and terms and
22 conditions of probation are fulfilled and the court discharges
23 the individual and dismisses the proceedings, the court shall
24 also report the dismissal to the secretary of state.

25 (6) As used in subsections (7) to (9), "felony in which a
26 motor vehicle was used" means a felony during the commission of
27 which the person operated a motor vehicle and while operating the

1 vehicle presented real or potential harm to persons or property
2 and 1 or more of the following circumstances existed:

3 (a) The vehicle was used as an instrument of the felony.

4 (b) The vehicle was used to transport a victim of the
5 felony.

6 (c) The vehicle was used to flee the scene of the felony.

7 (d) The vehicle was necessary for the commission of the
8 felony.

9 (7) If a person is charged with a felony in which a motor
10 vehicle was used, other than a felony specified in subsection (4)
11 or section 319, the prosecuting attorney shall include the
12 following statement on the complaint and information filed in
13 district or circuit court:

14 "You are charged with the commission of a felony in which a
15 motor vehicle was used. If you are convicted and the judge finds
16 that the conviction is for a felony in which a motor vehicle was
17 used, as defined in section 319 of the Michigan vehicle code,
18 1949 PA 300, MCL 257.319, your driver's license shall be
19 suspended by the secretary of state.".

20 (8) If a juvenile is accused of an act, the nature of which
21 constitutes a felony in which a motor vehicle was used, other
22 than a felony specified in subsection (4) or section 319, the
23 prosecuting attorney or family division of circuit court shall
24 include the following statement on the petition filed in the
25 court:

26 "You are accused of an act the nature of which constitutes a
27 felony in which a motor vehicle was used. If the accusation is

1 found to be true and the judge or referee finds that the nature
2 of the act constitutes a felony in which a motor vehicle was
3 used, as defined in section 319 of the Michigan vehicle code,
4 1949 PA 300, MCL 257.319, your driver's license shall be
5 suspended by the secretary of state."

6 (9) If the court determines as part of the sentence or
7 disposition that the felony for which the person was convicted or
8 adjudicated and with respect to which notice was given under
9 subsection (7) or (8) is a felony in which a motor vehicle was
10 used, the clerk of the court shall forward an abstract of the
11 court record of that conviction to the secretary of state.

12 (10) As used in subsections (11) and (12), "felony in which
13 a commercial motor vehicle was used" means a felony during the
14 commission of which the person operated a commercial motor
15 vehicle and while the person was operating the vehicle 1 or more
16 of the following circumstances existed:

17 (a) The vehicle was used as an instrument of the felony.

18 (b) The vehicle was used to transport a victim of the
19 felony.

20 (c) The vehicle was used to flee the scene of the felony.

21 (d) The vehicle was necessary for the commission of the
22 felony.

23 (11) If a person is charged with a felony in which a
24 commercial motor vehicle was used and for which a vehicle group
25 designation on a license is subject to suspension or revocation
26 under section 319b(1)(c)(iii), 319b(1)(d), 319b(1)(e)(iii), or
27 319b(1)(f)(i), the prosecuting attorney shall include the

1 following statement on the complaint and information filed in
2 district or circuit court:

3 "You are charged with the commission of a felony in which a
4 commercial motor vehicle was used. If you are convicted and the
5 judge finds that the conviction is for a felony in which a
6 commercial motor vehicle was used, as defined in section 319b of
7 the Michigan vehicle code, 1949 PA 300, MCL 257.319b, all vehicle
8 group designations on your driver's license shall be suspended or
9 revoked by the secretary of state.".

10 (12) If the judge determines as part of the sentence that
11 the felony for which the defendant was convicted and with respect
12 to which notice was given under subsection (11) is a felony in
13 which a commercial motor vehicle was used, the clerk of the court
14 shall forward an abstract of the court record of that conviction
15 to the secretary of state.

16 (13) Every person required to forward abstracts to the
17 secretary of state under this section shall certify for the
18 period from January 1 through June 30 and for the period from
19 July 1 through December 31 that all abstracts required to be
20 forwarded during the period have been forwarded. The
21 certification shall be filed with the secretary of state not
22 later than 28 days after the end of the period covered by the
23 certification. The certification shall be made upon a form
24 furnished by the secretary of state and shall include all of the
25 following:

26 (a) The name and title of the person required to forward
27 abstracts.

1 (b) The court for which the certification is filed.

2 (c) The time period covered by the certification.

3 (d) The following statement:

4 "I certify that all abstracts required by section 732 of the
5 Michigan vehicle code, MCL 257.732; MSA 9.2432, for the period
6 _____ through _____ have been forwarded to
7 the secretary of state.".

8 (e) Other information the secretary of state considers
9 necessary.

10 (f) The signature of the person required to forward
11 abstracts.

12 (14) The failure, refusal, or neglect of a person to comply
13 with this section constitutes misconduct in office and is grounds
14 for removal from office.

15 (15) Except as provided in subsection (16), the secretary of
16 state shall keep all abstracts received under this section at the
17 secretary of state's main office and the abstracts shall be open
18 for public inspection during the office's usual business hours.
19 Each abstract shall be entered upon the master driving record of
20 the person to whom it pertains.

21 (16) Except for controlled substance offenses described in
22 subsection (4), the court shall not submit, and the secretary of
23 state shall discard and not enter on the master driving record,
24 an abstract for a conviction or civil infraction determination
25 for any of the following violations:

26 (a) The parking or standing of a vehicle.

27 (b) A nonmoving violation that is not the basis for the

1 secretary of state's suspension, revocation, or denial of an
2 operator's or chauffeur's license.

3 (c) A violation of chapter II that is not the basis for the
4 secretary of state's suspension, revocation, or denial of an
5 operator's or chauffeur's license.

6 (d) A pedestrian, passenger, or bicycle violation, other
7 than a violation of section 703(1) or (2) of the Michigan liquor
8 control code of 1998, 1998 PA 58, MCL 436.1703, or a local
9 ordinance substantially corresponding to section 703(1) or (2) of
10 the Michigan liquor control code of 1998, 1998 PA 58, MCL
11 436.1703, or section 624a or 624b or a local ordinance
12 substantially corresponding to section 624a or 624b.

13 (e) A violation of section 710e or a local ordinance
14 substantially corresponding to section 710e.

15 (f) A violation of section 328(1) if, before the appearance
16 date on the citation, the person submits proof to the court that
17 the motor vehicle had insurance meeting the requirements of
18 sections 3101 and 3102 of the insurance code of 1956, 1956 PA
19 218, MCL 500.3101 and 500.3102, at the time the citation was
20 issued. Insurance obtained subsequent to the time of the
21 violation does not make the violation an exception under this
22 subsection.

23 (g) A violation described in section 319b(10)(b)(vii) if,
24 before the court appearance date or date fines are to be paid,
25 the person submits proof to the court that he or she held a valid
26 commercial driver license on the date the citation was issued.

27 (h) A violation of section 311 if the person was driving a

1 noncommercial vehicle and, before the court appearance date or
2 the date fines are to be paid, the person submits proof to the
3 court that he or she held a valid driver license on the date the
4 citation was issued.

5 (i) A violation of section 602b(1) or 602c.

6 (17) Except as otherwise provided in this subsection, the
7 secretary of state shall discard and not enter on the master
8 driving record an abstract for a bond forfeiture that occurred
9 outside this state. The secretary of state shall enter on the
10 master driving record an abstract for a conviction as defined in
11 section 8a(b) that occurred outside this state in connection with
12 the operation of a commercial motor vehicle or for a conviction
13 of a person licensed as a commercial motor vehicle driver.

14 (18) The secretary of state shall inform the courts of this
15 state of the nonmoving violations and violations of chapter II
16 that are used by the secretary of state as the basis for the
17 suspension, restriction, revocation, or denial of an operator's
18 or chauffeur's license.

19 (19) If a conviction or civil infraction determination is
20 reversed upon appeal, the person whose conviction or
21 determination has been reversed may serve on the secretary of
22 state a certified copy of the order of reversal. The secretary of
23 state shall enter the order in the proper book or index in
24 connection with the record of the conviction or civil infraction
25 determination.

26 (20) The secretary of state may permit a city or village
27 department, bureau, person, or court to modify the requirement as

1 to the time and manner of reporting a conviction, civil
2 infraction determination, or settlement to the secretary of state
3 if the modification will increase the economy and efficiency of
4 collecting and utilizing the records. If the permitted abstract
5 of court record reporting a conviction, civil infraction
6 determination, or settlement originates as a part of the written
7 notice to appear, authorized in section 728(1) or 742(1), the
8 form of the written notice and report shall be as prescribed by
9 the secretary of state.

10 (21) Notwithstanding any other law of this state, a court
11 shall not take under advisement an offense committed by a person
12 while operating a ~~commercial motor vehicle or by a person~~
13 ~~licensed to drive a commercial motor vehicle while operating a~~
14 ~~noncommercial motor vehicle at the time of the offense,~~ for which
15 this act requires a conviction or civil infraction determination
16 to be reported to the secretary of state. A conviction or civil
17 infraction determination that is the subject of this subsection
18 shall not be masked, delayed, diverted, suspended, or suppressed
19 by a court. Upon a conviction or civil infraction determination,
20 the conviction or civil infraction determination shall
21 immediately be reported to the secretary of state in accordance
22 with this section.

23 (22) Except as provided in this act and notwithstanding any
24 other provision of law, a court shall not order expunction of any
25 violation reportable to the secretary of state under this
26 section.

27 Sec. 803b. (1) The secretary of state may issue 1

1 personalized vehicle registration plate that shall be used on the
2 passenger motor vehicle, pick-up truck, motorcycle, van, motor
3 home, hearse, bus, trailer coach, or trailer for which the plate
4 is issued instead of a standard plate. Personalized plates shall
5 bear letters and numbers as the secretary of state prescribes.

6 ~~The secretary of state shall not issue a letter combination that~~
7 ~~might carry a connotation offensive to good taste and decency.~~

8 The personalized plates shall be made of the same material as
9 standard plates. ~~Personalized plates~~ **A PERSONALIZED PLATE** shall
10 not be a duplication of another registration plate.

11 (2) An application for a personalized registration plate
12 shall be submitted to the secretary of state under section 217.
13 Application for an original personalized registration plate shall
14 be accompanied with payment of a service fee of \$8.00 for the
15 first month and of \$2.00 per month for each additional month of
16 the registration period in addition to the regular vehicle
17 registration fee. A second duplicate registration plate may be
18 obtained by requesting that option on the application and paying
19 an additional service fee of \$5.00. The original and duplicate
20 service fees shall be deposited in the transportation
21 administration collection fund created in section 810b through
22 October 1, 2015. Application for the renewal of a personalized
23 registration plate shall be accompanied with payment of a service
24 fee of \$15.00 in addition to the regular vehicle registration
25 fee. The service fee shall be credited to the Michigan
26 transportation fund established under, and shall be allocated as
27 prescribed under, section 10 of 1951 PA 51, MCL 247.660. The

1 amount allocated to the state trunk line fund established under
2 section 11 of 1951 PA 51, MCL 247.661, shall be used by the state
3 transportation department for litter pickup and cleanup on state
4 roads and rights of way.

5 (3) The expiration date for a personalized registration
6 plate shall be as prescribed under section 226. Upon the issuance
7 or renewal of a personalized registration plate, the secretary of
8 state may issue a tab or tabs designating the month and year of
9 expiration. Upon the renewal of a personalized registration
10 plate, the secretary of state shall issue a new tab or tabs for
11 the rear plate designating the next expiration date of the plate.
12 Upon renewal, the secretary of state shall not issue the owner a
13 new exact duplicate of the expired plate unless the plate is
14 illegible and the owner pays the service fee and registration fee
15 for an original personalized registration plate.

16 (4) The sequence of letters or numbers or combination of
17 letters and numbers on a personalized plate shall not be given to
18 a different person in a subsequent year unless the person to whom
19 the plate was issued does not reapply before the expiration date
20 of the plate.

21 (5) An applicant who applies for a registration plate under
22 section 217d, 803e, 803f, 803j, 803k, 803l, 803n, or 803o is
23 eligible to request, and the secretary of state may issue, the
24 registration plate with a sequence of letters and numbers
25 otherwise authorized under this section.

26 (6) The secretary of state may issue a temporary permit to a
27 person who has submitted an application and the proper fees for a

1 personalized registration plate if the applicant's vehicle
2 registration may expire prior to receipt of his or her
3 personalized registration plate. The temporary registration shall
4 be valid for not more than 60 days after the date of issuance.
5 The temporary permit shall be issued without a fee.

6 Sec. 904. (1) A person whose operator's or chauffeur's
7 license or registration certificate has been suspended or
8 ~~revoked, and who has been notified as provided in section 212 of~~
9 ~~that suspension or revocation,~~ whose application for license has
10 been denied, or who has never applied for a license, shall not
11 operate a motor vehicle upon a highway or other place open to the
12 general public or generally accessible to motor vehicles,
13 including an area designated for the parking of motor vehicles,
14 within this state.

15 (2) A person shall not knowingly permit a motor vehicle
16 owned by the person to be operated upon a highway or other place
17 open to the general public or generally accessible to motor
18 vehicles, including an area designated for the parking of
19 vehicles, within this state by a person whose license or
20 registration certificate is suspended or revoked, whose
21 application for license has been denied, or who has never applied
22 for a license, except as permitted under this act.

23 (3) Except as otherwise provided in this section, a person
24 who violates subsection (1) or (2) is guilty of a misdemeanor
25 punishable as follows:

26 (a) For a first violation, by imprisonment for not more than
27 93 days or a fine of not more than \$500.00, or both. Unless the

1 vehicle was stolen or used with the permission of a person who
2 did not knowingly permit an unlicensed driver to operate the
3 vehicle, the registration plates of the vehicle shall be canceled
4 by the secretary of state upon notification by a peace officer.

5 (b) For a violation that occurs after a prior conviction, by
6 imprisonment for not more than 1 year or a fine of not more than
7 \$1,000.00, or both. Unless the vehicle was stolen, the
8 registration plates of the vehicle shall be canceled by the
9 secretary of state upon notification by a peace officer.

10 (4) A person who operates a motor vehicle in violation of
11 subsection (1) and who, by operation of that motor vehicle,
12 causes the death of another person is guilty of a felony
13 punishable by imprisonment for not more than 15 years or a fine
14 of not less than \$2,500.00 or more than \$10,000.00, or both. This
15 subsection does not apply to a person whose operator's or
16 chauffeur's license was suspended because that person failed to
17 answer a citation or comply with an order or judgment ~~pursuant to~~
18 **UNDER** section 321a.

19 (5) A person who operates a motor vehicle in violation of
20 subsection (1) and who, by operation of that motor vehicle,
21 causes the serious impairment of a body function of another
22 person is guilty of a felony punishable by imprisonment for not
23 more than 5 years or a fine of not less than \$1,000.00 or more
24 than \$5,000.00, or both. This subsection does not apply to a
25 person whose operator's or chauffeur's license was suspended
26 because that person failed to answer a citation or comply with an
27 order or judgment ~~pursuant to~~ **UNDER** section 321a.

1 (6) In addition to being subject to any other penalty
2 provided for in this act, if a person is convicted under
3 subsection (4) or (5), the court may impose the sanction
4 permitted under section 625n. If the vehicle is not ordered
5 forfeited under section 625n, the court shall order vehicle
6 immobilization under section 904d in the judgment of sentence.

7 (7) A person shall not knowingly permit a motor vehicle
8 owned by the person to be operated upon a highway or other place
9 open to the general public or generally accessible to motor
10 vehicles, including an area designated for the parking of
11 vehicles, within this state, by a person whose license or
12 registration certificate is suspended or revoked, whose
13 application for license has been denied, or who has never been
14 licensed except as permitted by this act. If a person permitted
15 to operate a motor vehicle in violation of this subsection causes
16 the serious impairment of a body function of another person by
17 operation of that motor vehicle, the person knowingly permitting
18 the operation of that motor vehicle is guilty of a felony
19 punishable by imprisonment for not more than 2 years, or a fine
20 of not less than \$1,000.00 or more than \$5,000.00, or both. If a
21 person permitted to operate a motor vehicle in violation of this
22 subsection causes the death of another person by operation of
23 that motor vehicle, the person knowingly permitting the operation
24 of that motor vehicle is guilty of a felony punishable by
25 imprisonment for not more than 5 years, or a fine of not less
26 than \$1,000.00 or more than \$5,000.00, or both.

27 (8) If the prosecuting attorney intends to seek an enhanced

1 sentence under this section based upon the defendant having 1 or
2 more prior convictions, the prosecuting attorney shall include on
3 the complaint and information, or an amended complaint and
4 information, filed in district court, circuit court, municipal
5 court, or family division of circuit court, a statement listing
6 the defendant's prior convictions.

7 (9) A prior conviction under this section shall be
8 established at or before sentencing by 1 or more of the
9 following:

10 (a) A copy of a judgment of conviction.

11 (b) An abstract of conviction.

12 (c) A transcript of a prior trial, plea, or sentencing.

13 (d) A copy of a court register of action.

14 (e) A copy of the defendant's driving record.

15 (f) Information contained in a presentence report.

16 (g) An admission by the defendant.

17 (10) Upon receiving a record of a person's conviction or
18 civil infraction determination for the unlawful operation of a
19 motor vehicle or a moving violation reportable under section 732
20 while the person's operator's or chauffeur's license is suspended
21 or revoked, the secretary of state immediately shall impose an
22 additional like period of suspension or revocation. This
23 subsection applies only if the violation occurs during a
24 suspension of definite length or if the violation occurs before
25 the person is approved for a license following a revocation.

26 (11) Upon receiving a record of a person's conviction or
27 civil infraction determination for the unlawful operation of a

1 motor vehicle or a moving violation reportable under section 732
2 while the person's operator's or chauffeur's license is
3 indefinitely suspended or whose application for a license has
4 been denied, the secretary of state immediately shall impose a
5 30-day period of suspension or denial.

6 (12) Upon receiving a record of the conviction, bond
7 forfeiture, or a civil infraction determination of a person for
8 unlawful operation of a motor vehicle requiring a vehicle group
9 designation while the designation is suspended or revoked under
10 section 319b, or while the person is disqualified from operating
11 a commercial motor vehicle by the United States secretary of
12 transportation or under 49 USC 31301 to 31317, the secretary of
13 state immediately shall impose an additional like period of
14 suspension or revocation. This subsection applies only if the
15 violation occurs during a suspension of definite length or if the
16 violation occurs before the person is approved for a license
17 following a revocation.

18 (13) If the secretary of state receives records of more than
19 1 conviction or civil infraction determination resulting from the
20 same incident, all of the convictions or civil infraction
21 determinations shall be treated as a single violation for
22 purposes of imposing an additional period of suspension or
23 revocation under subsection (10), (11), or (12).

24 (14) Before a person is arraigned before a district court
25 magistrate or judge on a charge of violating this section, the
26 arresting officer shall obtain the person's driving record from
27 the secretary of state and shall furnish the record to the court.

1 The driving record of the person may be obtained from the
2 secretary of state's computer information network.

3 (15) This section does not apply to a person who operates a
4 vehicle solely for the purpose of protecting human life or
5 property if the life or property is endangered and summoning
6 prompt aid is essential.

7 (16) A person whose vehicle group designation is suspended
8 or revoked and who has been notified as provided in section 212
9 of that suspension or revocation, or whose application for a
10 vehicle group designation has been denied as provided in this
11 act, or who has never applied for a vehicle group designation and
12 who operates a commercial motor vehicle within this state, except
13 as permitted under this act, while any of those conditions exist
14 is guilty of a misdemeanor punishable, except as otherwise
15 provided in this section, by imprisonment for not less than 3
16 days or more than 93 days or a fine of not more than \$100.00, or
17 both.

18 (17) If a person has a second or subsequent suspension or
19 revocation under this section within 7 years as indicated on the
20 person's Michigan driving record, the court shall proceed as
21 provided in section 904d.

22 (18) Any period of suspension or revocation required under
23 subsection (10), (11), or (12) does not apply to a person who has
24 only 1 currently effective suspension or denial on his or her
25 Michigan driving record under section 321a and was convicted of
26 or received a civil infraction determination for a violation that
27 occurred during that suspension or denial. This subsection may

1 only be applied once during the person's lifetime.

2 (19) For purposes of this section, a person who never
3 applied for a license includes a person who applied for a
4 license, was denied, and never applied again.

5 Enacting section 1. (1) Subject to subsection (2), this
6 amendatory act takes effect July 8, 2015.

7 (2) Section 625a of the Michigan vehicle code, 1949 PA 300,
8 MCL 257.625a, as amended by this amendatory act, takes effect
9 January 13, 2015.