

**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, 306, 307, 309, 312e, 312f, 319, 319b, 324, and 904 (MCL
257.7a, 257.18b, 257.25, 257.67a, 257.212, 257.217c, 257.217f,
257.248c, 257.252a, 257.306, 257.307, 257.309, 257.312e,
257.312f, 257.319, 257.319b, 257.324, 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 312e 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, 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. ~~7 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 7 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. ~~7 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.

21 Sec. 18b. (1) "Gross combination weight rating" or "GCWR"
22 means ~~the~~ **A** value specified by the manufacturer ~~as the loaded~~

~~weight of a combination vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load on that unit.~~ **OF THE POWER UNIT IF THAT VALUE IS DISPLAYED ON THE FEDERAL MOTOR VEHICLE SAFETY STANDARD (FMVSS) CERTIFICATION LABEL REQUIRED BY THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION.**

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

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

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

(2) "Tank vehicle" means any commercial motor vehicle that

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

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

24 Sec. 217c. (1) The secretary of state may conduct periodic
25 reviews of the records of a dealer to determine whether adequate
26 notice is given to a transferee or lessee of a rebuilt salvage
27 vehicle of that vehicle's prior designation as a salvage vehicle.

1 The secretary of state may request an insurance company to
2 provide copies of salvage title documents and claims reports
3 involving major component parts to assist the secretary of state
4 in monitoring compliance with this act.

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

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

15 (i) Surrender a properly assigned certificate of title to the
16 secretary of state.

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

1 foreign salvage vehicle dealer, or vehicle scrap metal processor.

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

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

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

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

24 (3) IF AN INSURANCE COMPANY PAYS A CLAIM FOR TOTAL LOSS TO
25 THE OWNER OR LIENHOLDER OF RECORD AS KEPT BY THE SECRETARY OF
26 STATE, OR BOTH, IF APPLICABLE, OF A VEHICLE BUT THE OWNER OR
27 LIENHOLDER OF RECORD AS KEPT BY THE SECRETARY OF STATE FAILS TO

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

25 (A) IN THE CASE OF PAYMENT BY CHECK, EITHER OF THE
26 FOLLOWING:

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

1 (ii) EVIDENCE THAT THE CHECK HAS CLEARED THE ACCOUNT OF THE
2 PAYER.

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

5 (4) ~~(3) If~~ EXCEPT AS PROVIDED IN SUBSECTION (3), IF an
6 insurance company acquires ownership of a vehicle other than a
7 late model vehicle through payment of damages due to an accident,
8 the company shall surrender a properly assigned title to the
9 buyer upon delivery.

10 (5) ~~(4) If~~ a dealer acquires ownership of a late model
11 vehicle that is a distressed vehicle from an owner, the dealer
12 shall receive an assigned certificate of title. If the assigned
13 certificate of title is not a salvage or scrap certificate of
14 title, the dealer, other than a vehicle scrap metal processor,
15 shall surrender the assigned certificate of title to the
16 secretary of state, and if the estimated cost of repair,
17 including parts and labor, is equal to or greater than 75% but
18 less than 91% of the predamaged actual cash value of the vehicle,
19 apply for a salvage certificate of title, or if the estimated
20 cost of repair, including parts and labor, is equal to or greater
21 than 91% of the predamaged actual cash value of the vehicle,
22 apply for a scrap certificate of title within 5 days after the
23 dealer receives the assigned certificate of title. The dealer may
24 sell a salvage vehicle to another automotive recycler, used or
25 secondhand vehicle parts dealer, foreign salvage vehicle dealer,
26 or vehicle scrap metal processor by assigning the salvage
27 certificate of title to the buyer. Unless the vehicle is rebuilt,

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

14 (6) ~~(5)~~—An application for a scrap certificate of title
15 shall be made on a form prescribed by the secretary of state
16 accompanied by a fee of \$15.00. The application shall contain all
17 of the following:

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

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

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

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

26 (7) ~~(6)~~—The scrap certificate of title shall authorize the
27 holder of the document to transport but not drive upon a highway

1 the vehicle or parts of a vehicle, and assign ownership to a
2 vehicle scrap metal processor, automotive recycler, used or
3 secondhand vehicle parts dealer, or foreign salvage vehicle
4 dealer. A certificate of title shall not again be issued for this
5 vehicle. A person shall not rebuild or repair a scrap vehicle and
6 allow it to retain the original vehicle identification number.

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

19 (9) ~~(8)~~—An owner of a vehicle may determine that a vehicle
20 is a scrap vehicle or a salvage vehicle without making any
21 determination as to the actual cash value of the vehicle.

22 (10) ~~(9)~~—If a leasing company, vehicle manufacturer,
23 insurance company not licensed to do business in this state,
24 association, repossession company, self-insured owner, financial
25 institution, governmental entity, or other company, institution,
26 or entity, owns a distressed, late model vehicle, the titleholder
27 shall surrender the title or assigned certificate of title to the

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

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

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

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

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

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

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

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

25 (12) ~~(11)~~—The secretary of state shall issue and mail the
26 salvage certificate within 5 business days after the time the
27 application is received at the secretary of state's office in

1 Lansing. Each salvage certificate of title shall include a
2 listing of each major component part that was not salvageable.

3 (13) ~~(12)~~—A salvage certificate of title authorizes the
4 holder of the title to possess, transport, but not drive upon a
5 highway, and transfer ownership in, a vehicle. The secretary of
6 state shall not issue a certificate of title or registration
7 plates for a vehicle for which a salvage certificate of title was
8 issued unless a specially trained officer described in subsection
9 ~~(14)~~—(15) certifies all of the following:

10 (a) That the vehicle identification numbers and parts
11 identification numbers are correct.

12 (b) That the applicant has proof of ownership of repair
13 parts used.

14 (c) That the vehicle complies with the equipment standards
15 of this act.

16 (14) ~~(13)~~—The certification required by subsection ~~(12)~~—(13)
17 shall be made on a form prescribed and furnished by the secretary
18 of state in conjunction with the department of state police and
19 shall accompany the application that is submitted to the
20 secretary of state for a certificate of title. An application for
21 a certificate of title shall contain a description of each
22 salvageable part used to repair the vehicle and any
23 identification number affixed to or inscribed upon the part as
24 required by state or federal law. Upon satisfactory completion of
25 the inspection as required by the secretary of state and other
26 requirements for application, the secretary of state shall issue
27 a certificate of title for the vehicle bearing the legend

1 "rebuilt salvage".

2 (15) ~~(14)~~—An officer specially trained as provided by the
3 secretary of state and authorized by the secretary of state to
4 conduct a salvage vehicle inspection is either of the following:

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

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

15 (16) ~~(15)~~—The secretary of state shall issue a certificate
16 to an officer who is specially trained as provided by the
17 secretary of state to conduct salvage vehicle inspections. Only a
18 person who has a valid certification from the secretary of state
19 may perform salvage inspections. The secretary of state on his or
20 her own initiative or in response to complaints shall make
21 reasonable and necessary public or private investigations within
22 or outside of this state and gather evidence against an officer
23 who was issued a certificate and who violated or is about to
24 violate this act or a rule promulgated under this act. The
25 secretary of state may suspend, revoke, or deny a certificate
26 after an investigation if the secretary of state determines that
27 the officer committed 1 or more of the following:

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

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

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

7 (d) Performed improper, careless, or negligent salvage
8 vehicle inspections.

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

12 (f) Was convicted of a violation or attempted violation of
13 1986 PA 119, MCL 257.1351 to 257.1355.

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

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

26 (18) ~~(17)~~—If a dealer acquires ownership of an older model
27 vehicle from an owner, the dealer shall receive an assigned

1 certificate of title and shall retain it as long as he or she
 2 retains the vehicle. A vehicle scrap metal processor shall
 3 surrender an assigned certificate of title to the secretary of
 4 state within 30 days after the vehicle is destroyed or scrapped.

5 (19) ~~(18)~~—A dealer selling or assigning a vehicle to a
 6 vehicle scrap metal processor shall make a record in triplicate
 7 on a form to be provided by the secretary of state in
 8 substantially the following form:

9 Scrap Vehicle Inventory:

10 SELLER: Dealer name _____
 11 Dealer address _____
 12 Dealer license number _____
 13 PURCHASER: Conveyed to: _____ Date _____
 14 (Vehicle scrap metal processor)
 15 Dealer address _____
 16 Dealer license number _____

17

18 Vehicles

19	Dealer's					
20	Stock					
21	Model Year	Vehicle Make	VIN	Title Number	Number	Color
22	1. _____	_____	_____	_____	_____	_____
23	2. _____	_____	_____	_____	_____	_____
24	3. _____	_____	_____	_____	_____	_____
25	etc.					

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

5 (20) ~~(19)~~—A person, other than an automotive recycler, used
6 or secondhand vehicle parts dealer, or a foreign salvage dealer,
7 receiving a salvage certificate of title shall not sell the
8 vehicle to anyone other than 1 of the following:

9 (a) The vehicle's former owner.

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

11 (c) A vehicle scrap metal processor.

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

14 (e) An automotive recycler.

15 (21) ~~(20)~~—A person receiving a scrap certificate of title
16 shall not sell the vehicle to anyone other than 1 of the
17 following:

18 (a) An automotive recycler.

19 (b) A vehicle scrap metal processor.

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

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

23 (22) ~~(21)~~—The secretary of state may conduct periodic
24 reviews of the records of a dealer to determine whether adequate
25 notice is given to a transferee or lessee of a rebuilt salvage
26 vehicle of that vehicle's prior designation as a salvage vehicle.

1 The secretary of state may request an insurance company to
2 provide copies of salvage title documents and claims reports
3 involving major component parts to assist the secretary of state
4 in monitoring compliance with this act.

5 (23) ~~(22)~~—A licensed automotive recycler, used or secondhand
6 vehicle parts dealer, vehicle scrap metal processor, vehicle
7 salvage pool operator, distressed vehicle transporter, foreign
8 salvage vehicle dealer, or broker who has removed a scrap vehicle
9 from this state for the purpose of rebuilding the vehicle or
10 selling or leasing the vehicle to a person other than a vehicle
11 scrap metal processor, shall receive an automatic suspension of
12 its dealer license and of any salvage vehicle agent's license
13 assigned to that dealer for a period of 30 days. Upon receipt by
14 the secretary of state of a written request from the dealer, the
15 dealer shall have the right to an immediate hearing on the matter
16 within that 30-day period.

17 (24) ~~(23)~~—For the purpose of this section, the estimated
18 costs of the repair parts shall be determined by using the
19 current published retail cost of original manufacturer equipment
20 parts or an estimate of the actual cost of the repair parts. The
21 estimated labor costs shall be computed by using the hourly rate
22 and time allocations which are reasonable and commonly assessed
23 in the repair industry in the community where the repairs are
24 performed.

25 (25) ~~(24)~~—A police agency shall charge a fee for an
26 inspection of a vehicle ~~pursuant to~~ **UNDER** subsection ~~(12)~~. **(13)**.
27 Each local authority with a police agency shall determine the

amount of the fee for inspections by that police agency, which shall not exceed \$100.00. The police agency shall credit the fee to the budget of that police agency and use the fee for law enforcement purposes that affect stolen vehicles, stolen vehicle parts, and salvage vehicle inspections. A local police agency shall compensate an off-duty and limited enforcement police officer for a salvage vehicle inspection.

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

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

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

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

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

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

~~—— (d) A foreign salvage vehicle dealer licensed under this~~

~~act.~~

~~1 (c) A registered motor vehicle repair facility engaging in~~
~~2 body work.~~

~~3 (2) Subsection (1) applies until July 1, 1994.~~

4 (1) ~~(3)~~ A vehicle salvage pool, auction, or broker shall not
5 sell, transfer, or release a distressed, late model vehicle to
6 anyone other than 1 or more of the following:

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

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

10 (c) A licensed salvage agent of a foreign salvage vehicle
11 dealer.

~~12 (4) Subsection (3) applies beginning July 1, 1994.~~

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

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

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

26 (B) **THE NAME AND ADDRESS OF THE OWNER OF THE VEHICLE.**

27 (C) **THE VEHICLE IDENTIFICATION NUMBER AND DESCRIPTION OF THE**

1 VEHICLE.

2 (D) THE SIGNATURE OF AN AUTHORIZED REPRESENTATIVE OF THE
3 INSURANCE COMPANY.

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

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

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

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. 306. (1) The secretary of state, upon receiving an
25 application for a temporary instruction permit from a person who
26 is 18 years of age or older, may issue that permit entitling the
27 applicant, while carrying the permit, to drive a motor vehicle

1 other than a motor vehicle requiring an indorsement under section
2 312a or a vehicle group designation under section 312e upon the
3 highways for a period of 180 days when accompanied by a licensed
4 adult operator or chauffeur who is actually occupying a seat
5 beside the driver.

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

11 (3) A student enrolled in a driver education course as ~~that~~
12 ~~term is defined~~ in section 3 of the driver education provider and
13 instructor act, 2006 PA 384, MCL 256.623, or a motorcycle safety
14 course approved by the department of state may operate a motor
15 vehicle **THAT DOES NOT REQUIRE A GROUP DESIGNATION UNDER SECTION**
16 **312E** without holding an operator's license or permit while under
17 the direct supervision of the program instructor.

18 (4) A student enrolled in a driver education course as ~~that~~
19 ~~term is defined~~ in section 3 of the driver education provider and
20 instructor act, 2006 PA 384, MCL 256.623, and who has
21 successfully completed 10 hours of classroom instruction and the
22 equivalent of 2 hours of behind-the-wheel training may be issued
23 a temporary driver education certificate furnished by the
24 department of state that authorizes a student to drive a motor
25 vehicle, other than a motor vehicle requiring an indorsement
26 under section 312a or a vehicle group designation under section
27 312e, when accompanied by a licensed parent or guardian, or when

1 accompanied by a nonlicensed parent or guardian and a licensed
2 adult for the purpose of receiving additional instruction until
3 the end of the student's driver education course.

4 (5) Beginning January 1, 2015, the secretary of state, upon
5 receiving proper application from a person 16 or 17 years of age
6 who is enrolled in or has successfully completed an approved
7 motorcycle safety course under section 811a, or a person who is
8 18 years of age or older and who holds a valid operator's or
9 chauffeur's license, may issue a motorcycle temporary instruction
10 permit entitling the applicant, while carrying the permit, to
11 operate a motorcycle upon the public streets and highways for a
12 period of 180 days under the following conditions:

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

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

17 (c) The applicant shall not operate the motorcycle with a
18 passenger.

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

21 ~~—— (6) Except as prohibited under federal law, the secretary of~~
22 ~~state, upon receiving proper application from a person who is 18~~
23 ~~years of age or older, who holds a valid operator's or~~
24 ~~chauffeur's license other than a restricted license, and who has~~
25 ~~passed the knowledge test for an original vehicle group~~
26 ~~designation or indorsement, and, if the person is applying for a~~
27 ~~hazardous material indorsement, the person has been approved for~~

~~1 the hazardous materials indorsement by the transportation
2 security administration, may issue a temporary instruction permit
3 entitling the person, while carrying the permit, to drive a
4 vehicle requiring a vehicle group designation or vehicle group
5 indorsement under section 312e upon the streets and highways for
6 a period of 180 days, but only when accompanied by a licensed
7 adult operator or chauffeur who is licensed with the appropriate
8 vehicle group designation and indorsement for the vehicle group
9 being driven and who is actually occupying a seat beside the
10 driver, or behind the driver if the permittee is driving a bus or
11 school bus. In addition, if a permittee is enrolled in a driver
12 training program for drivers of motor vehicles requiring a
13 vehicle group designation or vehicle group indorsement under
14 section 312e, which program is conducted by a college, a
15 university, a school licensed by the department under the driver
16 education provider and instructor act, 2006 PA 384, MCL 256.621
17 to 256.705, or a local or intermediate school district, the
18 permittee may drive a vehicle requiring a vehicle group
19 designation or vehicle group indorsement on the streets and
20 highways of this state for a period of 180 days when accompanied
21 by an instructor licensed with the appropriate vehicle group
22 designation and indorsement for the vehicle being driven who is
23 either occupying the seat beside the driver or in direct visual
24 and audio communication with the permittee. A person issued a
25 temporary instruction permit under this section shall not operate
26 a vehicle designed to carry 16 or more passengers that is
27 transporting passengers except with an instructor licensed with~~

~~the appropriate vehicle group designation and indorsement for the
vehicle being driven or a driver skills test examiner.~~

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

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

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

(C) THE PERSON HOLDS A VALID OPERATOR'S OR CHAUFFEUR'S
LICENSE THAT IS NOT A RESTRICTED LICENSE.

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

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

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

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

(B) THE PERSON IS ACCOMPANIED BY AN INSTRUCTOR CERTIFIED

1 UNDER THE DRIVER EDUCATION PROVIDER AND INSTRUCTOR ACT, 2006 PA
2 384, MCL 256.621 TO 256.705, OR AN ADULT WITH A VALID OPERATOR'S
3 OR CHAUFFEUR'S LICENSE, AND ALL OF THE FOLLOWING APPLY:

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

8 (ii) THE INSTRUCTOR OR LICENSED ADULT IS AT ALL TIMES
9 PHYSICALLY PRESENT IN THE FRONT SEAT OF THE VEHICLE NEXT TO THE
10 OPERATOR OR, IN THE CASE OF A PASSENGER VEHICLE, DIRECTLY BEHIND
11 THE OPERATOR OR IN THE FIRST ROW BEHIND THE OPERATOR.

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

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

16 (D) IF THE PERSON HAS A PERMIT TO OPERATE A TANK VEHICLE,
17 THE PERSON MAY ONLY OPERATE AN EMPTY TANK VEHICLE AND SHALL NOT
18 OPERATE ANY TANK VEHICLE THAT PREVIOUSLY CONTAINED HAZARDOUS
19 MATERIALS UNLESS THE TANK HAS BEEN PURGED OF ALL HAZARDOUS
20 MATERIAL RESIDUE.

21 (E) IF THE PERSON HAS A PERMIT TO OPERATE A VEHICLE DESIGNED
22 TO CARRY 16 OR MORE PASSENGERS OR A SCHOOL BUS, THE PERSON SHALL
23 NOT OPERATE A VEHICLE DESIGNED TO CARRY 16 OR MORE PASSENGERS OR
24 A SCHOOL BUS WITH ANY PASSENGERS OTHER THAN THE FOLLOWING
25 INDIVIDUALS:

26 (i) THE INSTRUCTOR OR LICENSED ADULT DESCRIBED IN THIS
27 SECTION.

1 (ii) FEDERAL OR STATE AUDITORS OR INSPECTORS.

2 (iii) TEST EXAMINERS.

3 (iv) OTHER TRAINEES.

4 (3) A COMMERCIAL LEARNER'S PERMIT ISSUED UNDER THIS SECTION
5 IS VALID FOR 180 DAYS FROM THE DATE OF ISSUANCE. A PERSON MAY
6 APPLY 1 TIME TO RENEW THE PERMIT FOR AN ADDITIONAL 180 DAYS
7 WITHOUT TAKING THE KNOWLEDGE TESTS DESCRIBED IN SUBSECTION (1) IF
8 THE PERSON APPLIES FOR THE RENEWAL BEFORE THE EXPIRATION OF THE
9 ORIGINAL PERMIT.

10 Sec. 307. (1) If an applicant for an operator's license or
11 chauffeur's license **TO OPERATE A NONCOMMERCIAL MOTOR VEHICLE** is a
12 citizen of the United States, the applicant shall supply a
13 photographic identity document, a birth certificate, or other
14 sufficient documents as the secretary of state may require, to
15 verify the identity and citizenship of the applicant. If an
16 applicant for an operator's or chauffeur's license is not a
17 citizen of the United States, the applicant shall supply a
18 photographic identity document and other sufficient documents to
19 verify the identity of the applicant and the applicant's legal
20 presence in the United States under subdivision (b). The
21 documents required under this subsection shall include the
22 applicant's full legal name, date of birth, and address and
23 residency and demonstrate that the applicant is a citizen of the
24 United States or is legally present in the United States. If the
25 applicant's full legal name differs from the name of the
26 applicant that appears on a document presented under this
27 subsection, the applicant shall present documents to verify his

1 or her current full legal name. The secretary of state shall
2 accept as 1 of the required identification documents an
3 identification card issued by the department of corrections to
4 prisoners who are placed on parole or released from a
5 correctional facility, containing the prisoner's legal name,
6 photograph, and other information identifying the prisoner as
7 provided in section 37(4) of the corrections code of 1953, 1953
8 PA 232, MCL 791.237. An application for an operator's or
9 chauffeur's license shall be made in a manner prescribed by the
10 secretary of state and shall contain all of the following:

11 (a) The applicant's full legal name, date of birth,
12 residence address, height, sex, eye color, signature, intent to
13 make an anatomical gift, other information required or permitted
14 on the license under this chapter, and, only to the extent
15 required to comply with federal law, the applicant's social
16 security number. The applicant may provide a mailing address if
17 the applicant receives mail at an address different from his or
18 her residence address.

19 (b) If the applicant is not a citizen of the United States,
20 the applicant shall provide, and the department shall verify,
21 documents demonstrating his or her legal presence in the United
22 States. Nothing in this act shall obligate or be construed to
23 obligate this state to comply with title II of the real ID act of
24 2005, Public Law 109-13. The secretary of state may adopt rules
25 under the administrative procedures act of 1969, 1969 PA 306, MCL
26 24.201 to 24.328, as are necessary for the administration of this
27 subdivision. A determination by the secretary of state that an

1 applicant is not legally present in the United States may be
2 appealed under section 631 of the revised judicature act of 1961,
3 1961 PA 236, MCL 600.631.

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

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

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

28 (e) For an operator's or chauffeur's license with a vehicle

1 group designation or indorsement, the following certifications by
2 the applicant:

3 (i) The applicant meets the applicable federal driver
4 qualification requirements under 49 CFR parts 383 and 391 ~~if the~~
5 ~~applicant operates or intends to operate in interstate commerce~~
6 or meets the applicable qualifications of the department of state
7 police under the motor carrier safety act of 1963, 1963 PA 181,
8 MCL 480.11 to 480.25. ~~, if the applicant operates or intends to~~
9 ~~operate in intrastate commerce.~~

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

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

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

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

23 (2) An applicant for an operator's or chauffeur's license
24 may have his or her image and signature captured or reproduced
25 when the application for the license is made. The secretary of
26 state shall acquire equipment purchased or leased under this
27 section under standard purchasing procedures of the department of

1 technology, management, and budget based on standards and
2 specifications established by the secretary of state. The
3 secretary of state shall not purchase or lease equipment until an
4 appropriation for the equipment has been made by the legislature.
5 A digital photographic image and signature captured under this
6 section shall appear on the applicant's operator's license or
7 chauffeur's license. A person's digital photographic image and
8 signature shall be used as follows:

9 (a) By a federal, state, or local governmental agency for a
10 law enforcement purpose authorized by law.

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

13 (c) By the secretary of state for forwarding to the
14 department of state police the images of persons required to be
15 registered under the sex offenders registration act, 1994 PA 295,
16 MCL 28.721 to 28.736, upon the department of state police
17 providing the secretary of state an updated list of the names of
18 those persons.

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

21 (3) An application shall contain a signature or verification
22 and certification by the applicant, as determined by the
23 secretary of state, and shall be accompanied by the proper fee.
24 The secretary of state shall collect the application fee with the
25 application. The secretary of state shall refund the application
26 fee to the applicant if the license applied for is denied, but
27 shall not refund the fee to an applicant who fails to complete

1 the examination requirements of the secretary of state within 90
2 days after the date of application for a license.

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

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

7 (i) Information explaining the applicant's right to make an
8 anatomical gift in the event of death in accordance with section
9 310.

10 (ii) Information describing the anatomical gift donor
11 registry program under part 101 of the public health code, 1978
12 PA 368, MCL 333.10101 to 333.10123. The information required
13 under this subparagraph includes the address and telephone number
14 of Michigan's federally designated organ procurement organization
15 or its successor organization as defined in section 10102 of the
16 public health code, 1978 PA 368, MCL 333.10102.

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

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

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

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

3 (a) Providing printed material enclosed with a mailed notice
4 for an operator's or chauffeur's license renewal or the issuance
5 of an operator's or chauffeur's license.

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

8 (c) Through electronic information transmittals for
9 operator's and chauffeur's licenses processed by electronic
10 means.

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

20 (7) If an application is received from a person previously
21 licensed in another jurisdiction, the secretary of state shall
22 request a copy of the applicant's driving record and other
23 available information from the national driver register. When
24 received, the driving record and other available information
25 become a part of the driver's record in this state.

26 ~~(8) If an application is received for an original, renewal,~~
27 ~~or upgrade of a vehicle group designation or indorsement, the IF~~

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

1 record request must be made not earlier than 24 hours before the
2 secretary of state issues the applicant a vehicle group
3 designation or indorsement. For all other drivers, this request
4 must be made not earlier than 10 days before the secretary of
5 state issues the applicant a vehicle group designation or
6 indorsement. **IF THE APPLICATION IS FOR THE RENEWAL OF A VEHICLE**
7 **GROUP DESIGNATION OR INDORSEMENT, AND IF THE SECRETARY OF STATE**
8 **ENTERS ON THE PERSON'S DRIVING RECORD MAINTAINED UNDER SECTION**
9 **204A A NOTATION THAT THE REQUEST WAS MADE AND THE DATE OF THE**
10 **REQUEST, THE SECRETARY OF STATE IS REQUIRED TO REQUEST THE**
11 **APPLICANT'S COMPLETE DRIVING RECORD FROM OTHER STATES ONLY ONCE**
12 **UNDER THIS SECTION.** The secretary of state shall also check the
13 applicant's driving record with the national driver register and
14 the federal commercial driver license information system before
15 issuing that group designation or indorsement. ~~If the application~~
16 ~~is for the renewal of a vehicle group designation or indorsement,~~
17 ~~and if the secretary of state enters on the person's historical~~
18 ~~driving record maintained under section 204a a notation that the~~
19 ~~request was made and the date of the request, the secretary of~~
20 ~~state is required to request the applicant's complete driving~~
21 ~~record from other states only once under this section.~~

22 (9) Except for a vehicle group designation or indorsement or
23 as provided in this subsection or section 314(5), the secretary
24 of state may issue a renewal operator's or chauffeur's license
25 for 1 additional 4-year period or until the person is no longer
26 determined to be legally present under this section by mail or by
27 other methods prescribed by the secretary of state. The secretary

1 of state may check the applicant's driving record through the
2 national driver register and the commercial driver license
3 information system before issuing a license under this section.
4 The secretary of state shall issue a renewal license only in
5 person if the person is a person required under section 5a of the
6 sex offenders registration act, 1994 PA 295, MCL 28.725a, to
7 maintain a valid operator's or chauffeur's license or official
8 state personal identification card. If a license is renewed by
9 mail or by other method, the secretary of state shall issue
10 evidence of renewal to indicate the date the license expires in
11 the future. The department of state police shall provide to the
12 secretary of state updated lists of persons required under
13 section 5a of the sex offenders registration act, 1994 PA 295,
14 MCL 28.725a, to maintain a valid operator's or chauffeur's
15 license or official state personal identification card.

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

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

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

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

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

4 (d) With the department of community health, for comparison
5 with vital records maintained by the department of community
6 health under part 28 of the public health code, 1978 PA 368, MCL
7 333.2801 to 333.2899.

8 (e) As otherwise required by law.

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

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

16 (14) As required in section 10120 of the public health code,
17 1978 PA 368, MCL 333.10120, the secretary of state shall maintain
18 the donor registry in a manner that provides electronic access,
19 including, but not limited to, the transfer of data to this
20 state's federally designated organ procurement organization or
21 its successor organization, tissue banks, and eye banks, in a
22 manner that complies with that section.

23 (15) The secretary of state, with the approval of the state
24 administrative board created under 1921 PA 2, MCL 17.1 to 17.3,
25 may enter into agreements with the United States government to
26 verify whether an applicant for an operator's license or a
27 chauffeur's license under this section who is not a citizen of

1 the United States is authorized under federal law to be present
2 in the United States.

3 (16) The secretary of state shall not issue an operator's
4 license or a chauffeur's license to a person holding an
5 operator's license or chauffeur's license issued by another state
6 without confirmation that the person is terminating or has
7 terminated the operator's license or chauffeur's license issued
8 by the other state.

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

10 (a) Ensure the physical security of locations where
11 operator's licenses and chauffeur's licenses are produced and the
12 security of document materials and papers from which operator's
13 licenses and chauffeur's licenses are produced.

14 (b) Subject all persons authorized to manufacture or produce
15 operator's licenses or chauffeur's licenses and all persons who
16 have the ability to affect the identity information that appears
17 on operator's licenses or chauffeur's licenses to appropriate
18 security clearance requirements. The security requirements of
19 this subdivision and subdivision (a) may require that licenses be
20 manufactured or produced in this state.

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

24 (18) The secretary of state shall have electronic access to
25 prisoner information maintained by the department of corrections
26 for the purpose of verifying the identity of a prisoner who
27 applies for an operator's or chauffeur's license under subsection

1 (1).

2 Sec. 309. (1) Before issuing a license, the secretary of
3 state shall examine each applicant for an operator's or
4 chauffeur's license who at the time of the application is not the
5 holder of a valid, unrevoked operator's or chauffeur's license
6 under a law of this state providing for the licensing of drivers.
7 **BEFORE THE SECRETARY OF STATE AUTHORIZES A PERSON TO ADMINISTER**
8 **VEHICLE GROUP DESIGNATION OR ENDORSEMENT KNOWLEDGE TESTS, THAT**
9 **PERSON MUST SUCCESSFULLY COMPLETE BOTH A STATE AND FEDERAL BUREAU**
10 **OF INVESTIGATION FINGERPRINT-BASED CRIMINAL HISTORY CHECK OR THE**
11 **EQUIVALENT THROUGH THE DEPARTMENT OF STATE POLICE.** In all other
12 cases, the secretary of state may waive the examination, except
13 that an examination shall not be waived if it appears from the
14 application, from the apparent physical or mental condition of
15 the applicant, or from any other information that has come to the
16 secretary of state from another source, that the applicant does
17 not possess the physical, mental, or other qualifications
18 necessary to operate a motor vehicle in a manner as not to
19 jeopardize the safety of persons or property, or that the
20 applicant is not entitled to a license under section 303. A
21 licensee who applies for the renewal of his or her license by
22 mail pursuant to section 307 shall certify to his or her physical
23 capability to operate a motor vehicle. The secretary of state may
24 check the applicant's driving record through the national driver
25 register and the commercial driver license information system
26 before issuing a license under this section.

27 (2) The secretary of state may appoint sheriffs, their

1 deputies, the chiefs of police of cities and villages having
2 organized police departments within this state, their duly
3 authorized representatives, or employees of the secretary of
4 state as examining officers for the purpose of examining
5 applicants for operator's and chauffeur's licenses. An examining
6 officer shall conduct examinations of applicants for operator's
7 and chauffeur's licenses in accordance with this chapter and the
8 rules promulgated by the secretary of state under subsection (3).
9 After conducting an examination an examining officer shall make a
10 written report of his or her findings and recommendations to the
11 secretary of state.

12 (3) The secretary of state shall promulgate rules pursuant
13 to the administrative procedures act of 1969, 1969 PA 306, MCL
14 24.201 to 24.328, for the examination of the applicant's physical
15 and mental qualifications to operate a motor vehicle in a manner
16 as not to jeopardize the safety of persons or property, and shall
17 ascertain whether facts exist that would bar the issuance of a
18 license under section 303. The secretary of state may consider a
19 written medical report and recommendation submitted under section
20 5139 of the public health code, 1978 PA 368, MCL 333.5139, from
21 the personal physician or optometrist of an applicant, in making
22 the examination regarding the applicant's physical and mental
23 qualifications to operate a motor vehicle under this section and
24 R 257.851 to R 257.855 of the Michigan administrative code. A
25 report received by the secretary of state from a physician or an
26 optometrist under this section is confidential. The secretary of
27 state shall also ascertain whether the applicant has sufficient

1 knowledge of the English language to understand highway warnings
2 or direction signs written in that language. The examination
3 shall not include investigation of facts other than those facts
4 directly pertaining to the ability of the applicant to operate a
5 motor vehicle with safety or facts declared to be prerequisite to
6 the issuance of a license under this act.

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

1 original vehicle group designation or indorsement shall not be
2 issued by the secretary of state without a knowledge test
3 conducted by the secretary of state. Except as provided in
4 section 312f(1), an original vehicle group designation or
5 passenger or school bus indorsement shall not be issued by the
6 secretary of state without a driving skills test conducted by an
7 examiner appointed or authorized by the secretary of state **OR AN**
8 **EQUIVALENT DRIVING SKILLS TEST MEETING THE REQUIREMENTS OF 49 CFR**
9 **PART 383 CONDUCTED IN ANOTHER JURISDICTION.**

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

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

1 **HAS THAT PERMIT IN HIS OR HER POSSESSION.**

2 (7) A person who corrupts or attempts to corrupt a
3 designated examining officer appointed or designated by the
4 secretary of state under this section or section 310e by giving,
5 offering, or promising any gift or gratuity with the intent to
6 influence the opinion or decision of the examining officer
7 conducting the test is guilty of a felony.

8 (8) A designated examining officer appointed or designated
9 by the secretary of state who conducts a driving skills test
10 under an agreement entered into under this section or section
11 310e and who varies from, shortens, or in any other way changes
12 the method or examination criteria prescribed in that agreement
13 in conducting a driving skills test is guilty of a felony.

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

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

22 (a) A person, before operating a combination of **MOTOR**
23 vehicles with a gross combination weight rating **OR GROSS**
24 **COMBINATION WEIGHT** of 26,001 pounds or more, ~~including a towed~~
25 ~~vehicle~~ **WHICHEVER IS GREATER, INCLUSIVE OF TOWED UNITS** with a
26 gross vehicle weight rating **OR GROSS VEHICLE WEIGHT** of more than
27 10,000 pounds, shall procure a group A vehicle designation on his

1 or her operator's or chauffeur's license. Unless an indorsement
2 or the removal of restrictions is required, a person licensed to
3 operate a group A vehicle may operate a group B or C vehicle
4 without taking another test.

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

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

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

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

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

27 (a) If a person operates a group B passenger vehicle while

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

13 (b) If a person operates a group C passenger vehicle while
14 taking his or her driving skills test for a P indorsement, he or
15 she is restricted to operating only group C passenger vehicles
16 under that P indorsement. If a person operates a group C school
17 bus while taking his or her driving skills test for an S
18 indorsement, he or she is restricted to operating only group C
19 school buses under that S indorsement. **EXCEPT AS PROVIDED IN THIS**
20 **SECTION, BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT**
21 **THAT ADDED THIS SENTENCE, THE SECRETARY OF STATE SHALL PLACE ON**
22 **THE COMMERCIAL LEARNER'S PERMIT OR COMMERCIAL DRIVER LICENSE THE**
23 **FOLLOWING RESTRICTION CODE AS PROVIDED UNDER 49 CFR 383.95 AND**
24 **383.153: NOT VALID TO OPERATE A GROUP A OR GROUP B PASSENGER**
25 **COMMERCIAL MOTOR VEHICLE.**

26 (c) A person who fails the air brake portion of the written
27 or driving skills test provided under section 312f or who takes

1 the driving skills test provided under that section in a
2 commercial motor vehicle that is not equipped with air brakes
3 shall not operate a commercial motor vehicle equipped with air
4 brakes. EXCEPT AS PROVIDED IN THIS SECTION, BEGINNING ON THE
5 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SENTENCE,
6 THE SECRETARY OF STATE SHALL PLACE ON THE COMMERCIAL LEARNER'S
7 PERMIT OR COMMERCIAL DRIVER LICENSE THE FOLLOWING RESTRICTION
8 CODE AS PROVIDED UNDER 49 CFR 383.95 AND 383.153: CDL NOT VALID
9 FOR VEHICLE WITH AIR BRAKES.

10 (D) EXCEPT AS PROVIDED IN THIS SECTION, BEGINNING ON THE
11 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION,
12 THE SECRETARY OF STATE SHALL PLACE ON A COMMERCIAL LEARNER'S
13 PERMIT OR COMMERCIAL DRIVER LICENSE THE FOLLOWING RESTRICTION
14 CODES AS PROVIDED UNDER 49 CFR 383.95 AND 383.153:

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

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

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

18 (C) COMMERCIAL MOTOR VEHICLE OPERATION WITH MEDICAL
19 VARIANCE.

20 (D) COMMERCIAL MOTOR VEHICLE OPERATION INTRASTATE ONLY.

21 (ii) FOR A COMMERCIAL DRIVER LICENSE:

22 (A) NOT VALID TO OPERATE COMMERCIAL MOTOR VEHICLE EQUIPPED
23 WITH FULL AIR BRAKES.

24 (B) NOT VALID TO OPERATE COMMERCIAL MOTOR VEHICLE EQUIPPED
25 WITH MANUAL TRANSMISSION.

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

1 (D) COMMERCIAL MOTOR VEHICLE OPERATION INTRASTATE ONLY.

2 (E) COMMERCIAL MOTOR VEHICLE OPERATION WITH MEDICAL
3 VARIANCE.

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

7 (a) A person, before operating a commercial motor vehicle
8 pulling double trailers, shall ~~procure~~**OBTAIN** the appropriate
9 vehicle group designation and a T vehicle indorsement under this
10 act.

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

18 (c) A person, before operating a commercial motor vehicle
19 carrying hazardous materials on which a placard is required under
20 49 CFR parts 100 to 199, shall procure the appropriate vehicle
21 group designation and an H vehicle indorsement under this act.

22 (d) A person, before operating a ~~commercial-TANK~~ motor
23 vehicle ~~that is a tank vehicle~~ carrying hazardous ~~material,~~
24 **MATERIALS,** shall ~~procure~~**OBTAIN** the appropriate vehicle group
25 designation and both an N and H vehicle indorsement, which shall
26 be designated by the code letter X on the person's operator's or
27 chauffeur's license.

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

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

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

17 (6) An applicant for an indorsement shall take the knowledge
18 and driving skills tests described and required under 49 CFR part
19 383.

20 (7) The holder of an unexpired operator's or chauffeur's
21 license may be issued a vehicle group designation and indorsement
22 valid for the remainder of the license upon meeting the
23 qualifications of section 312f and payment of the original
24 vehicle group designation fee of \$25.00 and an indorsement fee of
25 \$5.00 per indorsement, and a corrected license fee of \$18.00. A
26 person required to procure an F vehicle indorsement under
27 subsection (9) shall pay an indorsement fee of \$5.00.

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

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

6 (b) The vehicle is used to transport agricultural products,
7 farm machinery, farm supplies, or a combination of these items,
8 to or from a farm.

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

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

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

18 (10) A person, before driving or operating a single vehicle
19 truck having a gross vehicle weight rating of 26,001 pounds or
20 more or a combination of vehicles having a gross vehicle weight
21 rating of 26,001 pounds or more on the power unit that is used as
22 described in subsection (8)(a) to (d) for carrying hazardous
23 materials on which a placard is required under 49 CFR parts 100
24 to 199, shall successfully complete both a knowledge test and a
25 driving skills test. Upon successful completion of the knowledge
26 test and driving skills test, the person shall be issued the
27 appropriate vehicle group designation and any vehicle indorsement

1 necessary under this act.

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

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

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

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

26 (15) This state shall comply with the requirements of the
27 American association of motor vehicle administrators' AAMVAnet,

1 incorporated's "Commercial Driver License Information System
2 (CDLIS) State Procedures Manual" that the secretary of state
3 determines are required for implementing and enforcing federal
4 law.

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

1 and property:

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

9 (b) The driving skills test may be waived if the applicant
10 has a valid license with the appropriate vehicle group
11 designation, passenger vehicle indorsement, or school bus
12 indorsement in another state issued in compliance with 49 USC
13 31301 to 31317, **OR IF THE PERSON SUCCESSFULLY PASSES A DRIVING**
14 **SKILLS TEST ADMINISTERED IN ANOTHER STATE THAT MEETS THE**
15 **REQUIREMENTS OF FEDERAL LAW AND THE LAW OF THIS STATE.**

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

24 (2) Except for a person who has held an operator's or
25 chauffeur's license for less than 1 year, the secretary of state
26 shall waive the knowledge test and the driving skills test and
27 issue a 1-year seasonal restricted vehicle group designation to

1 an otherwise qualified applicant to operate a group B or a group
2 C vehicle for a farm related service industry if all of the
3 following conditions are met:

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

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

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

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

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

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

21 (B) Liquid fertilizers in quantities of 3,000 gallons or
22 less.

23 (C) Solid fertilizers that are not transported with any
24 organic substance.

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

27 (3) A seasonal restricted vehicle group designation under

1 this section shall be issued, suspended, revoked, canceled,
2 denied, or renewed in accordance with this act.

3 (4) The secretary of state may enter into an agreement with
4 another public or private corporation or agency to conduct a
5 driving skills test required under this section, section 312e, or
6 49 CFR part 383. Before the secretary of state authorizes a
7 person to administer a corporation's or agency's driver skills
8 testing operations or authorizes an examiner to conduct a driving
9 skills test, that person or examiner must complete both a state
10 and federal bureau of investigation fingerprint based criminal
11 history check through the department of state police.

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

19 (a) The applicant has had his or her license suspended or
20 revoked for a reason other than as provided in section 321a, 515,
21 732a, or 801c or section 30 of the support and parenting time
22 enforcement act, 1982 PA 295, MCL 552.630, in the 36 months
23 immediately preceding application. However, a vehicle group
24 designation may be issued if the suspension or revocation was due
25 to a temporary medical condition or failure to appear at a
26 reexamination as provided in section 320.

27 (b) The applicant was convicted of or incurred a bond

1 forfeiture in relation to a 6-point violation as provided in
2 section 320a in the 24 months immediately preceding application
3 if the violation occurred while the applicant was operating a
4 commercial motor vehicle, or a violation of section 625(3) or
5 former section 625b, or a local ordinance substantially
6 corresponding to section 625(3) or former section 625b in the 24
7 months immediately preceding application, if the applicant was
8 operating any type of motor vehicle.

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

15 (d) The applicant is listed on the national driver register,
16 the commercial driver license information system, or the driving
17 records of the state in which the applicant was previously
18 licensed as having had a license suspended, revoked, or canceled
19 in the 36 months immediately preceding application if a
20 suspension or revocation would have been imposed under this act
21 had the applicant been licensed in this state in the original
22 instance. This subdivision does not apply to a suspension or
23 revocation that would have been imposed due to a temporary
24 medical condition or under section 321a, 515, 732a, or 801c or
25 section 30 of the support and parenting time enforcement act,
26 1982 PA 295, MCL 552.630.

27 (e) The applicant is subject to a suspension or revocation

1 under section 319b or would have been subject to a suspension or
2 revocation under section 319b if the applicant had been issued a
3 vehicle group designation or vehicle indorsement.

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

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

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

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

19 (j) If the secretary of state determines through a
20 governmental investigation that there is reason to believe that a
21 commercial driver license or endorsement was issued as a result
22 of fraudulent or improper conduct in taking a knowledge test or
23 driving skills test required under 49 CFR 383, the secretary of
24 state shall require the applicant to retake and successfully pass
25 that test. The secretary of state shall cancel any commercial
26 driver license or endorsement issued as a result of the suspect
27 test unless the applicant retakes and passes that test.

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

4 (a) The United States secretary of transportation has
5 disqualified the applicant from operating a commercial motor
6 vehicle.

7 (b) The applicant is listed on the national driver register
8 or the commercial driver license information system as being
9 disqualified from operating a commercial motor vehicle or as
10 having a driver license or driving privilege suspended, revoked,
11 canceled, or denied.

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

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

21 (8) If an applicant for an original vehicle group
22 designation was previously licensed in another jurisdiction, the
23 secretary of state shall request a copy of the applicant's
24 driving record from that jurisdiction. If 1 or more of the
25 conditions described in subsection (5) exist in that jurisdiction
26 when the secretary of state receives the copy, the secretary of
27 state shall cancel all vehicle group designations on the person's

1 operator's or chauffeur's license.

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

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

18 (11) Subsection (5)(a), (b), (d), and (f) ~~do~~**DOES** not apply
19 to an applicant for an original vehicle group designation who at
20 the time of application has a valid license to operate a
21 commercial motor vehicle issued by any state in compliance with
22 49 USC 31301 to 31317.

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

26 Sec. 319. (1) The secretary of state shall immediately
27 suspend a person's license as provided in this section upon

1 receiving a record of the person's conviction for a crime
2 described in this section, whether the conviction is under a law
3 of this state, a local ordinance substantially corresponding to a
4 law of this state, a law of another state substantially
5 corresponding to a law of this state, or, beginning October 31,
6 2010, a law of the United States substantially corresponding to a
7 law of this state.

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

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

12 (b) A violation of section 413 of the Michigan penal code,
13 1931 PA 328, MCL 750.413.

14 (c) A violation of section 1 of former 1931 PA 214, MCL
15 752.191, or **FORMER** section 626c.

16 (d) A felony in which a motor vehicle was used. As used in
17 this section, "felony in which a motor vehicle was used" means a
18 felony during the commission of which the person convicted
19 operated a motor vehicle and while operating the vehicle
20 presented real or potential harm to persons or property and 1 or
21 more of the following 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 (e) A violation of section 602a(2) or (3) of this act or
2 section 479a(2) or (3) of the Michigan penal code, 1931 PA 328,
3 MCL 750.479a.

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

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

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

9 (b) A violation of section 601b(2), section 601c(1), section
10 653a(3), section 626 before October 31, 2010, or, beginning
11 October 31, 2010, section 626(2).

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

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

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

21 (5) For perjury or making a false certification to the
22 secretary of state under any law requiring the registration of a
23 motor vehicle or regulating the operation of a vehicle on a
24 highway, or for conduct prohibited under section 324(1) or a
25 local ordinance substantially corresponding to section 324(1),
26 the secretary shall suspend the person's license as follows:

27 (a) If the person has no prior conviction for an offense

1 described in this subsection within 7 years, for 90 days.

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

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

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

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

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

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

20 (b) If the person has 2 or more prior convictions for an
21 offense described in this subsection or section 33b(1) of former
22 1933 (Ex Sess) PA 8, for 1 year. The secretary of state may issue
23 the person a restricted license after the first 60 days of
24 suspension.

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

27 (a) For 180 days for a violation of section 625(1) or (8)

1 before October 31, 2010 or, beginning October 31, 2010, section
2 625(1)(a) or (b) or (8) if the person has no prior convictions
3 within 7 years. The secretary of state may issue the person a
4 restricted license during a specified portion of the suspension,
5 except that the secretary of state shall not issue a restricted
6 license during the first 30 days of suspension.

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

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

21 (d) For 90 days for a violation of section 625(6) if the
22 person has 1 or more prior convictions for that offense within 7
23 years.

24 (e) For 180 days for a violation of section 625(7) if the
25 person has no prior convictions within 7 years. The secretary of
26 state may issue the person a restricted license after the first
27 90 days of suspension.

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

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

11 (h) Beginning October 31, 2010, the department shall order a
12 person convicted of violating section 625(1)(c) not to operate a
13 motor vehicle under a restricted license issued under subdivision

14 (g) unless the vehicle is equipped with an ignition interlock
15 device approved, certified, and installed as required under
16 sections 625k and 625l. The ignition interlock device may be
17 removed after the interlock device provider provides the
18 department with verification that the person has operated the
19 vehicle with no instances of reaching or exceeding a blood
20 alcohol level of 0.025 grams per 210 liters of breath. This
21 subdivision does not prohibit the removal of the ignition
22 interlock device for any of the following:

23 (i) A start-up test failure that occurs within the first 2
24 months after installation of the device. As used in this
25 subdivision, "start-up test failure" means that the ignition
26 interlock device has prevented the motor vehicle from being
27 started. Multiple unsuccessful attempts at 1 time to start the

1 vehicle shall be treated as 1 start-up test failure only under
2 this subparagraph.

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

9 (iii) A retest prompted by the device, if not more than 5
10 minutes after detecting the retest 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 (i) Beginning October 31, 2010, if an individual violates
15 the conditions of the restricted license issued under subdivision
16 (g) or operates or attempts to operate a motor vehicle with a
17 blood alcohol level of 0.025 grams per 210 liters of breath, the
18 secretary of state shall impose an additional like period of
19 suspension and restriction as prescribed under subdivision (g).
20 This subdivision does not require an additional like period of
21 suspension and restriction for any of the following:

22 (i) A start-up test failure within the first 2 months after
23 installation of the ignition interlock device. As used in this
24 subdivision, "start-up test failure" means that the ignition
25 interlock device has prevented the motor vehicle from being
26 started. Multiple unsuccessful attempts at 1 time to start the
27 vehicle shall be treated as 1 start-up test failure only under

1 this subparagraph.

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

8 (iii) Any retest prompted by the device, if not more than 5
9 minutes after detecting the retest 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 (9) For a violation of section 367c of the Michigan penal
14 code, 1931 PA 328, MCL 750.367c, the secretary of state shall
15 suspend the person's license as follows:

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

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

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

22 (11) For a violation or attempted violation of section
23 411a(2) of the Michigan penal code, 1931 PA 328, MCL 750.411a,
24 involving a school, the secretary of state shall suspend the
25 license of a person 14 years of age or over but less than 21
26 years of age until 3 years after the date of the conviction or
27 juvenile disposition for the violation. The secretary of state

1 may issue the person a restricted license after the first 365
2 days of suspension.

3 (12) For a second or subsequent violation of section 701(1)
4 of the Michigan liquor control code of 1998, 1998 PA 58, MCL
5 436.1701, by an individual who is not a retail licensee or a
6 retail licensee's clerk, agent, or employee, the secretary of
7 state shall suspend the person's license for 180 days. The
8 secretary of state may issue a person a restricted license during
9 all or a specified portion of the suspension.

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

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

17 (15) The secretary of state may waive a restriction,
18 suspension, or revocation of a person's license imposed under
19 this act if the person submits proof that a court in another
20 state revoked, suspended, or restricted his or her license for a
21 period equal to or greater than the period of a restriction,
22 suspension, or revocation prescribed under this act for the
23 violation and that the revocation, suspension, or restriction was
24 served for the violation, or may grant a restricted license.

25 (16) The secretary of state shall not issue a restricted
26 license to a person whose license is suspended under this section
27 unless a restricted license is authorized under this section and

1 the person is otherwise eligible for a license.

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

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

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

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

12 (i) The person's residence.

13 (ii) The person's work location.

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

16 (iv) The court probation department.

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

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

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

23 **(viii) AN IGNITION INTERLOCK SERVICE PROVIDER AS REQUIRED.**

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

1 (20) Subject to subsection (22), as used in subsection (8),
2 "prior conviction" means a conviction for any of the following,
3 whether under a law of this state, a local ordinance
4 substantially corresponding to a law of this state, or a law of
5 another state substantially corresponding to a law of this state:

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

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

15 (ii) Section 625m.

16 (iii) Former section 625b.

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

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

22 (21) Except for purposes of the suspensions described in
23 subsection (8)(c) and (d), only 1 violation or attempted
24 violation of section 625(6), a local ordinance substantially
25 corresponding to section 625(6), or a law of another state
26 substantially corresponding to section 625(6) may be used as a
27 prior conviction.

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

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

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

27 (i) Two serious traffic violations arising from separate

1 incidents within 36 months.

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

3 (iii) A violation of motor carrier safety regulations 49 CFR
4 392.10 or 392.11, as adopted by section 1a of the motor carrier
5 safety act of 1963, 1963 PA 181, MCL 480.11a.

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

8 (v) A violation of motor carrier safety regulations 49 CFR
9 392.10 or 392.11, as adopted by section 31 of the motor bus
10 transportation act, 1982 PA 432, MCL 474.131.

11 (vi) A violation of motor carrier safety regulations 49 CFR
12 392.10 or 392.11 while operating a commercial motor vehicle other
13 than a vehicle covered under subparagraph (iii), (iv), or (v).

14 (vii) A violation of commercial motor vehicle fraudulent
15 testing law.

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

21 (i) Three serious traffic violations.

22 (ii) Any combination of 2 violations described in subdivision
23 (a)(ii).

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

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

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

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

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

16 (v) Operating a commercial motor vehicle in violation of a
17 suspension, revocation, denial, or cancellation that was imposed
18 for previous violations committed while operating a commercial
19 motor vehicle.

20 (vi) Causing a fatality through the negligent or criminal
21 operation of a commercial motor vehicle, including, but not
22 limited to, the crimes of motor vehicle manslaughter, motor
23 vehicle homicide, and negligent homicide.

24 (vii) A violation of commercial motor vehicle fraudulent
25 testing law.

26 (viii) Any combination of 3 violations described in
27 subdivision (a)(ii) arising from separate incidents within 36

1 months while operating a commercial motor vehicle.

2 (d) Suspension for 3 years, 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 an offense
5 enumerated in subdivision (c) (i) to ~~(vii)~~ **(vi)** in which a commercial
6 motor vehicle was used if the vehicle was carrying hazardous
7 material required to have a placard under 49 CFR parts 100 to
8 199.

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

16 (i) Section 625(1), (3), (4), (5), (6), (7), or (8), section
17 625m, or former section 625(1) or (2), or former section 625b,
18 while operating a commercial or noncommercial motor vehicle.

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

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

24 (iv) A refusal of a request of a police officer to submit to
25 a chemical test of his or her blood, breath, or urine for the
26 purpose of determining the amount of alcohol or presence of a
27 controlled substance or both in his or her blood while he or she

1 was operating a commercial or noncommercial motor vehicle in this
2 state or another state.

3 (v) Operating a commercial motor vehicle in violation of a
4 suspension, revocation, denial, or cancellation that was imposed
5 for previous violations committed while operating a commercial
6 motor vehicle.

7 (vi) Causing a fatality through the negligent or criminal
8 operation of a commercial motor vehicle, including, but not
9 limited to, the crimes of motor vehicle manslaughter, motor
10 vehicle homicide, and negligent homicide.

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

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

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

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

22 (2) The secretary of state shall immediately deny, cancel,
23 or revoke a hazardous material indorsement on the operator's or
24 chauffeur's license of a person with a vehicle group designation
25 upon receiving notice from a federal government agency that the
26 person poses a security risk warranting denial, cancellation, or
27 revocation under the uniting and strengthening America by

1 providing appropriate tools required to intercept and obstruct
2 terrorism (USA PATRIOT ACT) act of 2001, Public Law 107-56. The
3 denial, cancellation, or revocation cannot be appealed under
4 section 322 or 323 and remains in effect until the secretary of
5 state receives a federal government notice that the person does
6 not pose a security risk in the transportation of hazardous
7 materials.

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

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

26 (b) Suspension for 180 days if the person is convicted of or
27 found responsible for a violation of section 319d(4) or 319f

1 while operating a commercial motor vehicle that is either
2 carrying hazardous material required to have a placard under 49
3 CFR parts 100 to 199 or designed to carry 16 or more passengers,
4 including the driver.

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

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

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

22 (4) The secretary of state shall suspend or revoke, as
23 applicable, any privilege to operate a commercial motor vehicle
24 as directed by the federal government or its designee.

25 (5) For the purpose of this section only, a bond forfeiture
26 or a determination by a court of original jurisdiction or an
27 authorized administrative tribunal that a person has violated the

1 law is considered a conviction.

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

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

24 (a) Operating a vehicle in violation of section 625.

25 (b) Refusing to submit to a chemical test of his or her
26 blood, breath, or urine for the purpose of determining the amount
27 of alcohol or the presence of a controlled substance or both in

1 the person's blood, breath, or urine as required by a law or
2 local ordinance of this or another state.

3 (c) Leaving the scene of an accident.

4 (d) Using a vehicle to commit a felony.

5 (8) When determining the applicability of conditions listed
6 in this section, the secretary of state shall consider only
7 violations that occurred after January 1, 1990.

8 (9) When determining the applicability of conditions listed
9 in subsection (1)(a) or (b), the secretary of state shall count
10 only from incident date to incident date.

11 (10) As used in this section:

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

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

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

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

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

23 (b) "Serious traffic violation" means any of the following:

24 (i) A traffic violation that occurs in connection with an
25 accident in which a person died.

26 (ii) Reckless driving.

27 (iii) Excessive speeding as defined in regulations promulgated

1 under 49 USC 31301 to 31317.

2 (iv) Improper lane use.

3 (v) Following too closely.

4 (vi) Operating a commercial motor vehicle without obtaining
5 any vehicle group designation on the person's license.

6 (vii) Operating a commercial motor vehicle without either
7 having an operator's or chauffeur's license in the person's
8 possession or providing proof to the court, not later than the
9 date by which the person must appear in court or pay a fine for
10 the violation, that the person held a valid vehicle group
11 designation and indorsement on the date that the citation was
12 issued.

13 (viii) Operating a commercial motor vehicle while in
14 possession of an operator's or chauffeur's license that has a
15 vehicle group designation but does not have the appropriate
16 vehicle group designation or indorsement required for the
17 specific vehicle group being operated or the passengers or type
18 of cargo being transported.

19 (ix) Beginning October 28, 2013, a violation of section
20 602b(2) or (3).

21 (x) Any other serious traffic violation as defined in 49 CFR
22 383.5 or as prescribed under this act.

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

24 (a) Display, or cause or permit to be displayed, or have in
25 possession an operator's or chauffeur's license knowing the
26 operator's or chauffeur's license to be fictitious or to have
27 been canceled, revoked, suspended, or altered.

1 (b) Lend to or knowingly permit use of, by one not entitled
2 to its use, the operator's or chauffeur's license issued to the
3 person lending or permitting the use of the operator's or
4 chauffeur's license.

5 (c) Display or to represent as one's own any operator's or
6 chauffeur's license not issued to the person displaying the
7 operator's or chauffeur's license.

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

11 (e) Use a false or fictitious name or give a false or
12 fictitious address in an application for an operator's or
13 chauffeur's license, or any renewal or duplicate of an operator's
14 or chauffeur's license, or knowingly make a false statement or
15 knowingly conceal a material fact or otherwise commit a fraud in
16 making an application.

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

21 (g) Use or have in possession in committing a crime an
22 operator's or chauffeur's license that has been altered or that
23 is used to knowingly make a false statement or to knowingly
24 conceal a material fact in order to misrepresent as one's own the
25 operator's or chauffeur's license.

26 (h) Furnish to a peace officer false, forged, fictitious, or
27 misleading verbal or written information identifying the person

1 as another person, if the person is detained for a violation of
 2 this act or of a local ordinance substantially corresponding to a
 3 provision of this act.

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

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

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

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

22 (B) IF THE PERSON OBTAINED THE LICENSE BY FRAUD IN THE
 23 TESTING FOR OR ISSUANCE OF THE COMMERCIAL DRIVER LICENSE OR
 24 COMMERCIAL LEARNER'S PERMIT, NOT SOONER THAN 365 DAYS AFTER THE
 25 PERMIT OR LICENSE IS CANCELED.

26 (C) IF THE PERSON FAILED TO SCHEDULE A RETESTING FOR A NEW
 27 COMMERCIAL LEARNER'S PERMIT OR COMMERCIAL DRIVER LICENSE WITHIN

1 30 DAYS AFTER RECEIVING THE NOTIFICATION BY THE SECRETARY OF
2 STATE FOR RETESTING, UNTIL THE DRIVER MEETS THE DEPARTMENT'S
3 REQUIREMENTS FOR APPLYING FOR A NEW COMMERCIAL LEARNER'S PERMIT
4 OR COMMERCIAL DRIVER LICENSE.

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

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

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

25 (a) For a first violation, by imprisonment for not more than
26 93 days or a fine of not more than \$500.00, or both. Unless the
27 vehicle was stolen or used with the permission of a person who

1 did not knowingly permit an unlicensed driver to operate the
2 vehicle, the registration plates of the vehicle shall be canceled
3 by the secretary of state upon notification by a peace officer.

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

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

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

27 (6) In addition to being subject to any other penalty

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

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

26 (8) If the prosecuting attorney intends to seek an enhanced
27 sentence under this section based upon the defendant having 1 or

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

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

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

10 (b) An abstract of conviction.

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

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

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

14 (f) Information contained in a presentence report.

15 (g) An admission by the defendant.

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

25 (11) Upon receiving a record of a person's conviction or
26 civil infraction determination for the unlawful operation of a
27 motor vehicle or a moving violation reportable under section 732

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

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

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

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

1 secretary of state's computer information network.

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

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

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

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

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