

SUBSTITUTE FOR
SENATE BILL NO. 970

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 7a, 18b, 25, 67a, 212, 217c, 217f, 248c,
252a, 259, 306, 307, 309, 312e, 312f, 319, 319b, 324, 803b, and
904 (MCL 257.7a, 257.18b, 257.25, 257.67a, 257.212, 257.217c,
257.217f, 257.248c, 257.252a, 257.259, 257.306, 257.307, 257.309,
257.312e, 257.312f, 257.319, 257.319b, 257.324, 257.803b, and
257.904), sections 7a and 212 as amended by 2002 PA 534, section
18b as added and section 67a as amended by 1988 PA 346, section
217c as amended by 2002 PA 642, sections 217f and 248c as amended
by 1993 PA 300, section 252a as amended by 2008 PA 539, section
306 as amended by 2014 PA 120, section 307 as amended by 2012 PA
55, section 309 as amended by 2012 PA 355, sections 312e and 803b
as amended by 2011 PA 159, section 312f as amended by 2012 PA

473, section 319 as amended by 2012 PA 306, section 319b as amended by 2012 PA 498, section 324 as amended by 2006 PA 298, 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, WITHOUT HAVING OBTAINED THE SURRENDER OF
5 THE TITLE OR OTHER DOCUMENT OTHERWISE NECESSARY FOR THE TRANSFER
6 OF OWNERSHIP FOR THE VEHICLE FROM THE OWNER OR LIENHOLDER OF
7 RECORD AS KEPT BY THE SECRETARY OF STATE, OR BOTH, IF APPLICABLE,
8 MAY APPLY TO THE SECRETARY OF STATE FOR A TITLE AS PROVIDED UNDER
9 THIS SECTION. THE INSURANCE COMPANY SHALL, AT THE TIME OF
10 APPLICATION, PROVIDE PROOF OF THE PAYMENT AND THAT THE INSURANCE
11 COMPANY HAS REQUESTED IN WRITING, BY CERTIFIED MAIL OR BY ANOTHER
12 COMMERCIALY AVAILABLE DELIVERY SERVICE PROVIDING PROOF OF
13 DELIVERY, ON AT LEAST 2 SEPARATE OCCASIONS THAT THE OWNER OR
14 LIENHOLDER OF RECORD AS KEPT BY THE SECRETARY OF STATE SURRENDER
15 TO THE INSURANCE COMPANY THE CERTIFICATE OF TITLE OR OTHER
16 DOCUMENT NECESSARY FOR THE TRANSFER OF OWNERSHIP TO THE INSURANCE
17 COMPANY. THE APPLICATION SHALL BE SIGNED UNDER THE PENALTY OF
18 PERJURY. SUBJECT TO SUBSECTION (2) (A) (ii) , UPON MEETING THE
19 REQUIREMENTS OF THIS SUBSECTION, THE SECRETARY OF STATE SHALL
20 ISSUE TO THE INSURANCE COMPANY THE APPROPRIATE 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

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

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

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

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

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

(14) ~~(13)~~—The certification required by subsection ~~(12)~~—(13) shall be made on a form prescribed and furnished by the secretary of state in conjunction with the department of state police and shall accompany the application that is submitted to the secretary of state for a certificate of title. An application for a certificate of title shall contain a description of each salvageable part used to repair the vehicle and any identification number affixed to or inscribed upon the part as required by state or federal law. Upon satisfactory completion of the inspection as required by the secretary of state and other requirements for application, the secretary of state shall issue 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 SALVAGE OR SCRAP CERTIFICATE OF TITLE.

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

17 (2) As used in this section and sections ~~252a-252B~~ through
 18 252l, "abandoned vehicle" means ~~either~~ **ANY** of the following:

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

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

25 (i) If a valid registration plate is affixed to the vehicle,
 26 for a period of not less than 18 hours.

27 (ii) If a valid registration plate is not affixed to the

1 vehicle.

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

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

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

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

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

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

19 (b) The name and address of the police agency taking the
20 action.

21 (c) The name and badge number of the police officer affixing
22 the notice.

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

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

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

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

6 (a) Recheck to determine if the vehicle has been reported
7 stolen.

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

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

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

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

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

21 (v) The name and business address of the custodian of the
22 vehicle.

23 (vi) The name of the court that has jurisdiction over the
24 case.

25 (c) Within 7 days after receiving notice under subdivision
26 (b) that the vehicle has been taken into custody, the secretary
27 of state shall do both of the following:

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

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

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

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

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

14 (E) The name and business address of the custodian of the
15 vehicle.

16 (F) The procedure to redeem the vehicle.

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

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

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

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

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

22 (7) If the owner does not request a hearing under subsection
23 (6), he or she may obtain the release of the vehicle by paying a
24 fee of \$40.00 and the accrued towing and storage fees to the
25 custodian of the vehicle. The custodian of the vehicle shall
26 forward \$25.00 of the fee to the secretary of state within 30
27 days after receipt in a manner prescribed by the secretary of

1 state, who shall deposit the fee into the abandoned vehicle fund
2 created in section 252h.

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

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

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

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

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

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

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

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

13 (e) The name and business address of the custodian of the
14 vehicle.

15 (f) The name of the court that has jurisdiction over the
16 case.

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

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

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

27 (ii) The location from which the vehicle was taken into

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

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

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

21 (15) If the owner does not redeem the vehicle or request a
22 hearing within 20 days after the date of the notice, the secured
23 party may obtain the release of the vehicle by paying a fee of
24 \$40.00 and the accrued towing and storage fees to the custodian
25 of the vehicle. The custodian shall forward \$25.00 of the fee
26 collected under this subsection to the secretary of state within
27 30 days after receipt in a manner prescribed by the secretary of

1 state, who shall deposit the fee into the abandoned vehicle fund
2 created in section 252h.

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

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

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

22 Sec. 259. (1) ~~(a) All license~~ **REGISTRATION** plates,
23 certificates of title, registration certificates or the license
24 of any dealer or wrecker, ~~shall be deemed to be~~ **ARE** the property
25 of ~~the~~ **THIS** state, ~~of Michigan and whenever~~ **SHALL CONTAIN**
26 **INFORMATION REQUIRED BY THIS ACT, AND SHALL BE MADE IN A MANNER**
27 **AND BEAR INFORMATION AND BE IN A CONFIGURATION AS PRESCRIBED BY**

Senate Bill No. 970 as amended September 9, 2014

1 **THE DEPARTMENT. WHEN** the department ~~as authorized hereunder~~
 2 cancels or suspends the registration of a vehicle or a
 3 certificate of title ~~—~~or the license of any dealer or wrecker **AS**
 4 **AUTHORIZED BY THIS ACT**, the owner or person in possession of the
 5 same shall immediately return the evidence of **THE CANCELED OR**
 6 **SUSPENDED** registration, title, or license ~~so cancelled or~~
 7 ~~suspended~~ to the department.

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

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

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

26 (3) A student enrolled in a driver education course as ~~that~~
 27 ~~term is~~ defined in section 3 of the driver education provider and

1 instructor act, 2006 PA 384, MCL 256.623, or a motorcycle safety
2 course approved by the department of state may operate a motor
3 vehicle **THAT DOES NOT REQUIRE A GROUP DESIGNATION UNDER SECTION**
4 **312E** without holding an operator's license or permit while under
5 the direct supervision of the program instructor.

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

19 (5) Beginning January 1, 2015, the secretary of state, upon
20 receiving proper application from a person 16 or 17 years of age
21 who is enrolled in or has successfully completed an approved
22 motorcycle safety course under section 811a, or a person who is
23 18 years of age or older and who holds a valid operator's or
24 chauffeur's license, may issue a motorcycle temporary instruction
25 permit entitling the applicant, while carrying the permit, to
26 operate a motorcycle upon the public streets and highways for a
27 period of 180 days under the following conditions:

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

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

5 (c) The applicant shall not operate the motorcycle with a
6 passenger.

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

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

~~vehicle group designation or vehicle group indorsement under section 312e, which program is conducted by a college, a university, a school licensed by the department under the driver education provider and instructor act, 2006 PA 384, MCL 256.621 to 256.705, or a local or intermediate school district, the permittee may drive a vehicle requiring a vehicle group designation or vehicle group indorsement on the streets and highways of this state for a period of 180 days when accompanied by an instructor licensed with the appropriate vehicle group designation and indorsement for the vehicle being driven who is either occupying the seat beside the driver or in direct visual and audio communication with the permittee. A person issued a temporary instruction permit under this section shall not operate a vehicle designed to carry 16 or more passengers that is 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

1 VEHICLE GROUP DESIGNATION OR INDORSEMENT, AS REQUIRED BY 49 CFR
2 PART 383.

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

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

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

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

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

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

27 (iii) THE INSTRUCTOR OR LICENSED ADULT HAS THE OPERATOR UNDER

1 OBSERVATION AND DIRECT SUPERVISION.

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

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

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

14 (i) THE INSTRUCTOR OR LICENSED ADULT DESCRIBED IN THIS
15 SECTION.

16 (ii) FEDERAL OR STATE AUDITORS OR INSPECTORS.

17 (iii) TEST EXAMINERS.

18 (iv) OTHER TRAINEES.

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

25 Sec. 307. (1) If an applicant for an operator's license or
26 chauffeur's license TO OPERATE A NONCOMMERCIAL MOTOR VEHICLE is a
27 citizen of the United States, the applicant shall supply a

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

1 make an anatomical gift, other information required or permitted
2 on the license under this chapter, and, only to the extent
3 required to comply with federal law, the applicant's social
4 security number. The applicant may provide a mailing address if
5 the applicant receives mail at an address different from his or
6 her residence address.

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

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

25 "NOTICE: Michigan law requires that the same address
26 be used for voter registration and driver license
27 purposes. Therefore, if the residence address

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

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

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

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

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

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

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

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

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

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

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

1 (c) By the secretary of state for forwarding to the
2 department of state police the images of persons required to be
3 registered under the sex offenders registration act, 1994 PA 295,
4 MCL 28.721 to 28.736, upon the department of state police
5 providing the secretary of state an updated list of the names of
6 those persons.

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

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

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

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

22 (i) Information explaining the applicant's right to make an
23 anatomical gift in the event of death in accordance with section
24 310.

25 (ii) Information describing the anatomical gift donor
26 registry program under part 101 of the public health code, 1978
27 PA 368, MCL 333.10101 to 333.10123. The information required

1 under this subparagraph includes the address and telephone number
2 of Michigan's federally designated organ procurement organization
3 or its successor organization as defined in section 10102 of the
4 public health code, 1978 PA 368, MCL 333.10102.

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

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

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

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

18 (a) Providing printed material enclosed with a mailed notice
19 for an operator's or chauffeur's license renewal or the issuance
20 of an operator's or chauffeur's license.

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

23 (c) Through electronic information transmittals for
24 operator's and chauffeur's licenses processed by electronic
25 means.

26 (6) The secretary of state shall maintain a record of an
27 individual who indicates a willingness to have his or her name

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

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

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

1 LAWFUL PERMANENT RESIDENCY UNDER 49 CFR 383.71 AND 383.73, IF
2 THAT INFORMATION IS NOT ON THE PERSON'S MICHIGAN DRIVING RECORD.
3 IF A PERSON APPLIES FOR AN UPGRADE OF A VEHICLE GROUP DESIGNATION
4 OR INDORSEMENT, THE SECRETARY OF STATE MAY VERIFY THE PERSON'S
5 IDENTITY, MAY REQUIRE PROOF OF MICHIGAN DOMICILE UNDER 49 CFR
6 383.5, AND MAY VERIFY THE PERSON'S PROOF OF CITIZENSHIP OR LAWFUL
7 PERMANENT RESIDENCY UNDER 49 CFR 383.71 AND 383.73, IF THAT
8 INFORMATION IS NOT ON THE PERSON'S MICHIGAN DRIVING RECORD. THE
9 secretary of state shall request the person's complete driving
10 record from all states where the applicant was previously
11 licensed to drive any type of motor vehicle over the last 10
12 years before issuing a vehicle group designation or indorsement
13 to the applicant. If the applicant does not hold a valid
14 commercial motor vehicle driver license from a state where he or
15 she was licensed in the last 10 years, this complete driving
16 record request must be made not earlier than 24 hours before the
17 secretary of state issues the applicant a vehicle group
18 designation or indorsement. For all other drivers, this request
19 must be made not earlier than 10 days before the secretary of
20 state issues the applicant a vehicle group designation or
21 indorsement. IF THE APPLICATION IS FOR THE RENEWAL OF A VEHICLE
22 GROUP DESIGNATION OR INDORSEMENT, AND IF THE SECRETARY OF STATE
23 ENTERS ON THE PERSON'S DRIVING RECORD MAINTAINED UNDER SECTION
24 204A A NOTATION THAT THE REQUEST WAS MADE AND THE DATE OF THE
25 REQUEST, THE SECRETARY OF STATE IS REQUIRED TO REQUEST THE
26 APPLICANT'S COMPLETE DRIVING RECORD FROM OTHER STATES ONLY ONCE
27 UNDER THIS SECTION. The secretary of state shall also check the

1 applicant's driving record with the national driver register and
2 the federal commercial driver license information system before
3 issuing that group designation or indorsement. ~~If the application~~
4 ~~is for the renewal of a vehicle group designation or indorsement,~~
5 ~~and if the secretary of state enters on the person's historical~~
6 ~~driving record maintained under section 204a a notation that the~~
7 ~~request was made and the date of the request, the secretary of~~
8 ~~state is required to request the applicant's complete driving~~
9 ~~record from other states only once under this section.~~

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

1 section 5a of the sex offenders registration act, 1994 PA 295,
2 MCL 28.725a, to maintain a valid operator's or chauffeur's
3 license or official state personal identification card.

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

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

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

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

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

19 (d) With the department of community health, for comparison
20 with vital records maintained by the department of community
21 health under part 28 of the public health code, 1978 PA 368, MCL
22 333.2801 to 333.2899.

23 (e) As otherwise required by law.

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

27 (13) A requirement under this section to include a social

1 security number on an application does not apply to an applicant
2 who demonstrates he or she is exempt under law from obtaining a
3 social security number.

4 (14) As required in section 10120 of the public health code,
5 1978 PA 368, MCL 333.10120, the secretary of state shall maintain
6 the donor registry in a manner that provides electronic access,
7 including, but not limited to, the transfer of data to this
8 state's federally designated organ procurement organization or
9 its successor organization, tissue banks, and eye banks, in a
10 manner that complies with that section.

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

18 (16) The secretary of state shall not issue an operator's
19 license or a chauffeur's license to a person holding an
20 operator's license or chauffeur's license issued by another state
21 without confirmation that the person is terminating or has
22 terminated the operator's license or chauffeur's license issued
23 by the other state.

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

25 (a) Ensure the physical security of locations where
26 operator's licenses and chauffeur's licenses are produced and the
27 security of document materials and papers from which operator's

1 licenses and chauffeur's licenses are produced.

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

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

12 (18) The secretary of state shall have electronic access to
13 prisoner information maintained by the department of corrections
14 for the purpose of verifying the identity of a prisoner who
15 applies for an operator's or chauffeur's license under subsection
16 (1).

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

22 **BEFORE THE SECRETARY OF STATE AUTHORIZES A PERSON TO ADMINISTER**
23 **VEHICLE GROUP DESIGNATION OR ENDORSEMENT KNOWLEDGE TESTS, THAT**
24 **PERSON MUST SUCCESSFULLY COMPLETE BOTH A STATE AND FEDERAL BUREAU**
25 **OF INVESTIGATION FINGERPRINT-BASED CRIMINAL HISTORY CHECK OR THE**
26 **EQUIVALENT THROUGH THE DEPARTMENT OF STATE POLICE.** In all other
27 cases, the secretary of state may waive the examination, except

1 that an examination shall not be waived if it appears from the
2 application, from the apparent physical or mental condition of
3 the applicant, or from any other information that has come to the
4 secretary of state from another source, that the applicant does
5 not possess the physical, mental, or other qualifications
6 necessary to operate a motor vehicle in a manner as not to
7 jeopardize the safety of persons or property, or that the
8 applicant is not entitled to a license under section 303. A
9 licensee who applies for the renewal of his or her license by
10 mail pursuant to section 307 shall certify to his or her physical
11 capability to operate a motor vehicle. The secretary of state may
12 check the applicant's driving record through the national driver
13 register and the commercial driver license information system
14 before issuing a license under this section.

15 (2) The secretary of state may appoint sheriffs, their
16 deputies, the chiefs of police of cities and villages having
17 organized police departments within this state, their duly
18 authorized representatives, or employees of the secretary of
19 state as examining officers for the purpose of examining
20 applicants for operator's and chauffeur's licenses. An examining
21 officer shall conduct examinations of applicants for operator's
22 and chauffeur's licenses in accordance with this chapter and the
23 rules promulgated by the secretary of state under subsection (3).
24 After conducting an examination an examining officer shall make a
25 written report of his or her findings and recommendations to the
26 secretary of state.

27 (3) The secretary of state shall promulgate rules pursuant

1 to the administrative procedures act of 1969, 1969 PA 306, MCL
2 24.201 to 24.328, for the examination of the applicant's physical
3 and mental qualifications to operate a motor vehicle in a manner
4 as not to jeopardize the safety of persons or property, and shall
5 ascertain whether facts exist that would bar the issuance of a
6 license under section 303. The secretary of state may consider a
7 written medical report and recommendation submitted under section
8 5139 of the public health code, 1978 PA 368, MCL 333.5139, from
9 the personal physician or optometrist of an applicant, in making
10 the examination regarding the applicant's physical and mental
11 qualifications to operate a motor vehicle under this section and
12 R 257.851 to R 257.855 of the Michigan administrative code. A
13 report received by the secretary of state from a physician or an
14 optometrist under this section is confidential. The secretary of
15 state shall also ascertain whether the applicant has sufficient
16 knowledge of the English language to understand highway warnings
17 or direction signs written in that language. The examination
18 shall not include investigation of facts other than those facts
19 directly pertaining to the ability of the applicant to operate a
20 motor vehicle with safety or facts declared to be prerequisite to
21 the issuance of a license under this act.

22 (4) The secretary of state shall not issue an original
23 operator's or chauffeur's license without a vehicle group
24 designation or indorsement without an examination that includes a
25 driving skills test conducted by the secretary of state or by a
26 designated examining officer under subsection (2) or section
27 310e. The secretary of state may enter into an agreement with

1 another public or private corporation or agency to conduct a
2 driving skills test conducted under this section. Before the
3 secretary of state authorizes a person to administer a
4 corporation's or agency's driver skills testing operations or
5 authorizes an examiner to conduct a driving skills test, that
6 person or examiner must **SUCCESSFULLY** complete both a state and
7 federal bureau of investigation fingerprint based criminal
8 history check through the department of state police **AS REQUIRED**
9 **BY LAW AND AS PROVIDED UNDER 49 CFR 384.228**. In an agreement with
10 another public or private corporation or agency to conduct a
11 driving skills test, the secretary of state shall prescribe the
12 method and examination criteria to be followed by the
13 corporation, agency, or examiner when conducting the driving
14 skills test and the form of the certification to be issued to a
15 person who satisfactorily completes a driving skills test. An
16 original vehicle group designation or indorsement shall not be
17 issued by the secretary of state without a knowledge test
18 conducted by the secretary of state. Except as provided in
19 section 312f(1), an original vehicle group designation or
20 passenger or school bus indorsement shall not be issued by the
21 secretary of state without a driving skills test conducted by an
22 examiner appointed or authorized by the secretary of state **OR AN**
23 **EQUIVALENT DRIVING SKILLS TEST MEETING THE REQUIREMENTS OF 49 CFR**
24 **PART 383 CONDUCTED IN ANOTHER JURISDICTION**.

25 (5) Except as otherwise provided in this act, the secretary
26 of state may waive the requirement of a driving skills test,
27 knowledge test, or road sign test of an applicant for an original

1 operator's or chauffeur's license without a vehicle group
2 designation or indorsement who at the time of the application is
3 the holder of a valid, unrevoked operator's or chauffeur's
4 license issued by another state or country.

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

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

23 (8) A designated examining officer appointed or designated
24 by the secretary of state who conducts a driving skills test
25 under an agreement entered into under this section or section
26 310e and who varies from, shortens, or in any other way changes
27 the method or examination criteria prescribed in that agreement

1 in conducting a driving skills test is guilty of a felony.

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

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

10 (a) A person, before operating a combination of **MOTOR**
11 vehicles with a gross combination weight rating **OR GROSS**
12 **COMBINATION WEIGHT** of 26,001 pounds or more, ~~including a towed~~
13 ~~vehicle~~ **WHICHEVER IS GREATER, INCLUSIVE OF TOWED UNITS** with a
14 gross vehicle weight rating **OR GROSS VEHICLE WEIGHT** of more than
15 10,000 pounds, shall procure a group A vehicle designation on his
16 or her operator's or chauffeur's license. Unless an indorsement
17 or the removal of restrictions is required, a person licensed to
18 operate a group A vehicle may operate a group B or C vehicle
19 without taking another test.

20 (b) A person, before operating a **SINGLE** vehicle having a
21 gross vehicle weight rating **OR GROSS VEHICLE WEIGHT** of 26,001
22 pounds or more, **WHICHEVER IS GREATER, INCLUDING WHILE TOWING A**
23 **VEHICLE HAVING A GROSS VEHICLE WEIGHT RATING OR GROSS VEHICLE**
24 **WEIGHT OF NOT MORE THAN 10,000 POUNDS**, shall procure a group B
25 vehicle designation on his or her operator's or chauffeur's
26 license. Unless an indorsement or the removal of restrictions is
27 required, a person licensed to operate a group B vehicle may

1 operate a group C vehicle without taking another test.

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

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

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

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

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

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

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

25 (D) **EXCEPT AS PROVIDED IN THIS SECTION, BEGINNING ON THE**
26 **EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION,**
27 **THE SECRETARY OF STATE SHALL PLACE ON A COMMERCIAL LEARNER'S**

1 PERMIT OR COMMERCIAL DRIVER LICENSE THE FOLLOWING RESTRICTION
 2 CODES AS PROVIDED UNDER 49 CFR 383.95 AND 383.153:

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

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

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

6 (C) COMMERCIAL MOTOR VEHICLE OPERATION WITH MEDICAL
 7 VARIANCE.

8 (D) COMMERCIAL MOTOR VEHICLE OPERATION INTRASTATE ONLY.

9 (ii) FOR A COMMERCIAL DRIVER LICENSE:

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

12 (B) NOT VALID TO OPERATE COMMERCIAL MOTOR VEHICLE EQUIPPED
 13 WITH MANUAL TRANSMISSION.

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

16 (D) COMMERCIAL MOTOR VEHICLE OPERATION INTRASTATE ONLY.

17 (E) COMMERCIAL MOTOR VEHICLE OPERATION WITH MEDICAL
 18 VARIANCE.

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

22 (a) A person, before operating a commercial motor vehicle
 23 pulling double trailers, shall ~~procure~~ **OBTAIN** the appropriate
 24 vehicle group designation and a T vehicle indorsement under this
 25 act.

26 (b) **A PERSON APPLYING FOR A COMMERCIAL LEARNER'S PERMIT TO**
 27 **OPERATE AN EMPTY TANK MOTOR VEHICLE SHALL OBTAIN THE APPROPRIATE**

1 **VEHICLE GROUP DESIGNATION AND AN N INDORSEMENT.** A person, before
 2 operating a ~~commercial-TANK~~ motor vehicle, ~~that is a tank~~
 3 ~~vehicle,~~ shall ~~procure~~ **HAVE ON A COMMERCIAL DRIVER LICENSE** the
 4 appropriate vehicle group designation and an N vehicle
 5 indorsement under this act.

6 (c) A person, before operating a commercial motor vehicle
 7 carrying hazardous materials on which a placard is required under
 8 49 CFR parts 100 to 199, shall procure the appropriate vehicle
 9 group designation and an H vehicle indorsement under this act.

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

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

27 (f) **A PERSON APPLYING FOR A COMMERCIAL LEARNER'S PERMIT TO**

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

16 (g) **A PERSON WHO CURRENTLY POSSESSES A P INDORSEMENT AND IS**
 17 **APPLYING FOR A COMMERCIAL LEARNER'S PERMIT TO OPERATE A SCHOOL**
 18 **BUS DESIGNED TO TRANSPORT 16 OR MORE PASSENGERS, INCLUDING THE**
 19 **DRIVER, AS SET FORTH IN SECTION 306(A)(2)(E), SHALL OBTAIN THE**
 20 **APPROPRIATE VEHICLE GROUP DESIGNATION AND PASS THE KNOWLEDGE TEST**
 21 **FOR THE S INDORSEMENT.** A person who currently possesses a P
 22 indorsement, before operating a school bus designed to transport
 23 16 or more passengers, including the driver, shall ~~procure~~ **OBTAIN**
 24 the appropriate vehicle group designation, pass the knowledge
 25 test for an S indorsement, and ~~procure~~ **OBTAIN** an S vehicle
 26 indorsement **FOR HIS OR HER COMMERCIAL DRIVER LICENSE** under this
 27 act. An applicant for an S vehicle indorsement shall take a

1 driving skills test in a school bus designed to transport 16 or
2 more passengers, including the driver, that represents the same
3 type of vehicle that the applicant intends to operate as a school
4 bus.

5 (6) An applicant for an indorsement shall take the knowledge
6 and driving skills tests described and required under 49 CFR part
7 383.

8 (7) The holder of an unexpired operator's or chauffeur's
9 license may be issued a vehicle group designation and indorsement
10 valid for the remainder of the license upon meeting the
11 qualifications of section 312f and payment of the original
12 vehicle group designation fee of \$25.00 and an indorsement fee of
13 \$5.00 per indorsement, and a corrected license fee of \$18.00. A
14 person required to procure an F vehicle indorsement under
15 subsection (9) shall pay an indorsement fee of \$5.00.

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

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

21 (b) The vehicle is used to transport agricultural products,
22 farm machinery, farm supplies, or a combination of these items,
23 to or from a farm.

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

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

27 (9) A person, before driving or operating a combination of

1 vehicles having a gross vehicle weight rating of 26,001 pounds or
2 more on the power unit that is used as described in subsection
3 (8)(a) to (d), shall obtain an F vehicle indorsement. The F
4 vehicle indorsement shall be issued upon successful completion of
5 a knowledge test only.

6 (10) A person, before driving or operating a single vehicle
7 truck having a gross vehicle weight rating of 26,001 pounds or
8 more or a combination of vehicles having a gross vehicle weight
9 rating of 26,001 pounds or more on the power unit that is used as
10 described in subsection (8)(a) to (d) for carrying hazardous
11 materials on which a placard is required under 49 CFR parts 100
12 to 199, shall successfully complete both a knowledge test and a
13 driving skills test. Upon successful completion of the knowledge
14 test and driving skills test, the person shall be issued the
15 appropriate vehicle group designation and any vehicle indorsement
16 necessary under this act.

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

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

25 (13) The money collected under subsection (7) for a vehicle
26 group designation or indorsement shall be deposited in the state
27 treasury to the credit of the general fund. The secretary of

1 state shall refund out of the fees collected to each county or
2 municipality acting as an examining officer or examining bureau
3 \$3.00 for each applicant examined for a first designation or
4 indorsement to an operator's or chauffeur's license and \$1.50 for
5 each renewal designation or indorsement to an operator's or
6 chauffeur's license, whose application is not denied, on the
7 condition that the money refunded shall be paid to the county or
8 local treasurer and is appropriated to the county, municipality,
9 or officer or bureau receiving that money for the purpose of
10 carrying out this act.

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

14 (15) This state shall comply with the requirements of the
15 American association of motor vehicle administrators' AAMVAnet,
16 incorporated's "Commercial Driver License Information System
17 (CDLIS) State Procedures Manual" that the secretary of state
18 determines are required for implementing and enforcing federal
19 law.

20 Sec. 312f. (1) Except as otherwise provided in this section,
21 a person shall be not less than 18 years of age before he or she
22 is issued a vehicle group designation or indorsement, other than
23 a motorcycle indorsement, or not less than 21 years of age and
24 has been approved by the transportation security administration
25 for a hazardous material endorsement before he or she is issued a
26 hazardous material indorsement on an operator's or chauffeur's
27 license and, as provided in this section, the person shall pass

1 knowledge and driving skills tests that comply with minimum
2 federal standards prescribed in 49 CFR part 383. **THE KNOWLEDGE**
3 **AND SKILLS TEST SCORES SHALL BE RETAINED BY THE SECRETARY OF**
4 **STATE AS PROVIDED UNDER 49 CFR 383.135.** A person who is 18 years
5 of age or older operating a vehicle to be used for farming
6 purposes only may obtain an A or B vehicle group designation or
7 an F vehicle indorsement. Each written examination given an
8 applicant for a vehicle group designation or indorsement shall
9 include subjects designed to cover the type or general class of
10 vehicle to be operated. Except as follows, a person shall pass an
11 examination that includes a driving skills test designed to test
12 competency of the applicant for an original vehicle group
13 designation and passenger indorsement on an operator's or
14 chauffeur's license to drive that type or general class of
15 vehicle upon the highways of this state with safety to persons
16 and property:

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

24 (b) The driving skills test may be waived if the applicant
25 has a valid license with the appropriate vehicle group
26 designation, passenger vehicle indorsement, or school bus
27 indorsement in another state issued in compliance with 49 USC

1 31301 to 31317, OR IF THE PERSON SUCCESSFULLY PASSES A DRIVING
2 SKILLS TEST ADMINISTERED IN ANOTHER STATE THAT MEETS THE
3 REQUIREMENTS OF FEDERAL LAW AND THE LAW OF THIS STATE.

4 (c) The secretary of state may waive the driving skills test
5 required under this section for a person with military commercial
6 motor vehicle experience if the person, at the time of
7 application, certifies and provides evidence satisfactory to the
8 secretary of state that he or she continuously met all of the
9 requirements under 49 CFR 383 during the 2-year period
10 immediately preceding the date of application for the commercial
11 driver license.

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

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

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

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

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

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

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

9 (B) Liquid fertilizers in quantities of 3,000 gallons or
10 less.

11 (C) Solid fertilizers that are not transported with any
12 organic substance.

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

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

18 (4) The secretary of state may enter into an agreement with
19 another public or private corporation or agency to conduct a
20 driving skills test required under this section, section 312e, or
21 49 CFR part 383. Before the secretary of state authorizes a
22 person to administer a corporation's or agency's driver skills
23 testing operations or authorizes an examiner to conduct a driving
24 skills test, that person or examiner must complete both a state
25 and federal bureau of investigation fingerprint based criminal
26 history check through the department of state police.

27 (5) The secretary of state shall not issue a commercial

1 learner's permit, a vehicle group designation, or a vehicle
2 indorsement to an applicant for an original vehicle group
3 designation or vehicle indorsement under section 312e or may
4 cancel a commercial learner's permit or all vehicle group
5 designations or endorsements on a person's operator's or
6 chauffeur's license to whom 1 or more of the following apply:

7 (a) The applicant has had his or her license suspended or
8 revoked for a reason other than as provided in section 321a, 515,
9 732a, or 801c or section 30 of the support and parenting time
10 enforcement act, 1982 PA 295, MCL 552.630, in the 36 months
11 immediately preceding application. However, a vehicle group
12 designation may be issued if the suspension or revocation was due
13 to a temporary medical condition or failure to appear at a
14 reexamination as provided in section 320.

15 (b) The applicant was convicted of or incurred a bond
16 forfeiture in relation to a 6-point violation as provided in
17 section 320a in the 24 months immediately preceding application
18 if the violation occurred while the applicant was operating a
19 commercial motor vehicle, or a violation of section 625(3) or
20 former section 625b, or a local ordinance substantially
21 corresponding to section 625(3) or former section 625b in the 24
22 months immediately preceding application, if the applicant was
23 operating any type of motor vehicle.

24 (c) The applicant is listed on the national driver register,
25 the commercial driver license information system, or the driving
26 records of the state in which the applicant was previously
27 licensed as being disqualified from operating a commercial motor

1 vehicle or as having a license or driving privilege suspended,
2 revoked, canceled, or denied.

3 (d) The applicant is listed on the national driver register,
4 the commercial driver license information system, or the driving
5 records of the state in which the applicant was previously
6 licensed as having had a license suspended, revoked, or canceled
7 in the 36 months immediately preceding application if a
8 suspension or revocation would have been imposed under this act
9 had the applicant been licensed in this state in the original
10 instance. This subdivision does not apply to a suspension or
11 revocation that would have been imposed due to a temporary
12 medical condition or under section 321a, 515, 732a, or 801c or
13 section 30 of the support and parenting time enforcement act,
14 1982 PA 295, MCL 552.630.

15 (e) The applicant is subject to a suspension or revocation
16 under section 319b or would have been subject to a suspension or
17 revocation under section 319b if the applicant had been issued a
18 vehicle group designation or vehicle indorsement.

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

24 (g) The United States secretary of transportation has
25 disqualified the applicant from operating a commercial motor
26 vehicle.

27 (h) The applicant fails to satisfy the federal regulations

1 promulgated under 49 CFR parts 383 and 391 by refusing to certify
2 the type of commercial motor vehicle operation the applicant
3 intends to perform and fails to present valid medical
4 certification to the secretary of state if required to do so.

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

7 (j) If the secretary of state determines through a
8 governmental investigation that there is reason to believe that a
9 commercial driver license or endorsement was issued as a result
10 of fraudulent or improper conduct in taking a knowledge test or
11 driving skills test required under 49 CFR 383, the secretary of
12 state shall require the applicant to retake and successfully pass
13 that test. The secretary of state shall cancel any commercial
14 driver license or endorsement issued as a result of the suspect
15 test unless the applicant retakes and passes that test.

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

19 (a) The United States secretary of transportation has
20 disqualified the applicant from operating a commercial motor
21 vehicle.

22 (b) The applicant is listed on the national driver register
23 or the commercial driver license information system as being
24 disqualified from operating a commercial motor vehicle or as
25 having a driver license or driving privilege suspended, revoked,
26 canceled, or denied.

27 (c) On or after January 30, 2012, the applicant fails to

1 meet the requirements of 49 CFR parts 383 and 391 by refusing to
2 certify the type of commercial motor vehicle operation the
3 applicant intends to perform and fails to present medical
4 certification to the secretary of state if required to do so.

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

9 (8) If an applicant for an original vehicle group
10 designation was previously licensed in another jurisdiction, the
11 secretary of state shall request a copy of the applicant's
12 driving record from that jurisdiction. If 1 or more of the
13 conditions described in subsection (5) exist in that jurisdiction
14 when the secretary of state receives the copy, the secretary of
15 state shall cancel all vehicle group designations on the person's
16 operator's or chauffeur's license.

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

24 (10) The secretary of state shall cancel all vehicle group
25 designations on the person's operator's or chauffeur's license
26 upon receiving proper notice that the person no longer meets the
27 federal driver qualification requirements under 49 CFR parts 383

1 and 391 to operate a commercial motor vehicle in interstate or
2 intrastate commerce, or the person no longer meets the driver
3 qualification requirements to operate a commercial motor vehicle
4 in intrastate commerce under the motor carrier safety act of
5 1963, 1963 PA 181, MCL 480.11 to 480.25.

6 (11) Subsection (5)(a), (b), (d), and (f) ~~do~~**DOES** not apply
7 to an applicant for an original vehicle group designation who at
8 the time of application has a valid license to operate a
9 commercial motor vehicle issued by any state in compliance with
10 49 USC 31301 to 31317.

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

14 Sec. 319. (1) The secretary of state shall immediately
15 suspend a person's license as provided in this section upon
16 receiving a record of the person's conviction for a crime
17 described in this section, whether the conviction is under a law
18 of this state, a local ordinance substantially corresponding to a
19 law of this state, a law of another state substantially
20 corresponding to a law of this state, or, beginning October 31,
21 2010, a law of the United States substantially corresponding to a
22 law of this state.

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

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

27 (b) A violation of section 413 of the Michigan penal code,

1 1931 PA 328, MCL 750.413.

2 (c) A violation of section 1 of former 1931 PA 214, MCL
3 752.191, or **FORMER** section 626c.

4 (d) A felony in which a motor vehicle was used. As used in
5 this section, "felony in which a motor vehicle was used" means a
6 felony during the commission of which the person convicted
7 operated a motor vehicle and while operating the vehicle
8 presented real or potential harm to persons or property and 1 or
9 more of the following circumstances existed:

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

11 (ii) The vehicle was used to transport a victim of the
12 felony.

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

14 (iv) The vehicle was necessary for the commission of the
15 felony.

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

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

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

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

24 (b) A violation of section 601b(2), section 601c(1), section
25 653a(3), section 626 before October 31, 2010, or, beginning
26 October 31, 2010, section 626(2).

27 (c) Malicious destruction resulting from the operation of a

1 vehicle under section 382(1)(b), (c), or (d) of the Michigan
2 penal code, 1931 PA 328, MCL 750.382.

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

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

9 (5) For perjury or making a false certification to the
10 secretary of state under any law requiring the registration of a
11 motor vehicle or regulating the operation of a vehicle on a
12 highway, or for conduct prohibited under section 324(1) or a
13 local ordinance substantially corresponding to section 324(1),
14 the secretary shall suspend the person's license as follows:

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

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

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

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

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

26 (7) For a violation of section 624a or 624b of this act or
27 section 703(1) of the Michigan liquor control code of 1998, 1998

1 PA 58, MCL 436.1703, the secretary of state shall suspend the
2 person's license as follows:

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

8 (b) If the person has 2 or more prior convictions for an
9 offense described in this subsection or section 33b(1) of former
10 1933 (Ex Sess) PA 8, for 1 year. The secretary of state may issue
11 the person a restricted license after the first 60 days of
12 suspension.

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

15 (a) For 180 days for a violation of section 625(1) or (8)
16 before October 31, 2010 or, beginning October 31, 2010, section
17 625(1)(a) or (b) or (8) if the person has no prior convictions
18 within 7 years. The secretary of state may issue the person a
19 restricted license during a specified portion of the suspension,
20 except that the secretary of state shall not issue a restricted
21 license during the first 30 days of suspension.

22 (b) For 90 days for a violation of section 625(3) if the
23 person has no prior convictions within 7 years. However, if the
24 person is convicted of a violation of section 625(3), for
25 operating a vehicle when, due to the consumption of a controlled
26 substance or a combination of alcoholic liquor and a controlled
27 substance, the person's ability to operate the vehicle was

1 visibly impaired, the secretary of state shall suspend the
2 person's license under this subdivision for 180 days. The
3 secretary of state may issue the person a restricted license
4 during all or a specified portion of the suspension.

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

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

12 (e) For 180 days for a violation of section 625(7) if the
13 person has no prior convictions within 7 years. The secretary of
14 state may issue the person a restricted license after the first
15 90 days of suspension.

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

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

26 (h) Beginning October 31, 2010, the department shall order a
27 person convicted of violating section 625(1)(c) not to operate a

1 motor vehicle under a restricted license issued under subdivision
2 (g) unless the vehicle is equipped with an ignition interlock
3 device approved, certified, and installed as required under
4 sections 625k and 625l. The ignition interlock device may be
5 removed after the interlock device provider provides the
6 department with verification that the person has operated the
7 vehicle with no instances of reaching or exceeding a blood
8 alcohol level of 0.025 grams per 210 liters of breath. This
9 subdivision does not prohibit the removal of the ignition
10 interlock device for any of the following:

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

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

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

1 of breath.

2 (i) Beginning October 31, 2010, if an individual violates
3 the conditions of the restricted license issued under subdivision
4 (g) or operates or attempts to operate a motor vehicle with a
5 blood alcohol level of 0.025 grams per 210 liters of breath, the
6 secretary of state shall impose an additional like period of
7 suspension and restriction as prescribed under subdivision (g).
8 This subdivision does not require an additional like period of
9 suspension and restriction for any of the following:

10 (i) A start-up test failure within the first 2 months after
11 installation of the ignition interlock device. As used in this
12 subdivision, "start-up test failure" means that the ignition
13 interlock device has prevented the motor vehicle from being
14 started. Multiple unsuccessful attempts at 1 time to start the
15 vehicle shall be treated as 1 start-up test failure only under
16 this subparagraph.

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

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

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

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

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

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

10 (11) For a violation or attempted violation of section
11 411a(2) of the Michigan penal code, 1931 PA 328, MCL 750.411a,
12 involving a school, the secretary of state shall suspend the
13 license of a person 14 years of age or over but less than 21
14 years of age until 3 years after the date of the conviction or
15 juvenile disposition for the violation. The secretary of state
16 may issue the person a restricted license after the first 365
17 days of suspension.

18 (12) For a second or subsequent violation of section 701(1)
19 of the Michigan liquor control code of 1998, 1998 PA 58, MCL
20 436.1701, by an individual who is not a retail licensee or a
21 retail licensee's clerk, agent, or employee, the secretary of
22 state shall suspend the person's license for 180 days. The
23 secretary of state may issue a person a restricted license during
24 all or a specified portion of the suspension.

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

1 (14) If the secretary of state receives records of more than
2 1 conviction of a person resulting from the same incident, a
3 suspension shall be imposed only for the violation to which the
4 longest period of suspension applies under this section.

5 (15) The secretary of state may waive a restriction,
6 suspension, or revocation of a person's license imposed under
7 this act if the person submits proof that a court in another
8 state revoked, suspended, or restricted his or her license for a
9 period equal to or greater than the period of a restriction,
10 suspension, or revocation prescribed under this act for the
11 violation and that the revocation, suspension, or restriction was
12 served for the violation, or may grant a restricted license.

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

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

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

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

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

27 (i) The person's residence.

(ii) The person's work location.

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

(iv) The court probation department.

(v) A court-ordered community service program.

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

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

(viii) AN IGNITION INTERLOCK SERVICE PROVIDER AS REQUIRED.

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

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

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

(i) Section 625, except a violation of section 625(2), or a violation of any prior enactment of section 625 in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled

1 substance, or while visibly impaired, or with an unlawful bodily
2 alcohol content.

3 (ii) Section 625m.

4 (iii) Former section 625b.

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

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

10 (21) Except for purposes of the suspensions described in
11 subsection (8)(c) and (d), only 1 violation or attempted
12 violation of section 625(6), a local ordinance substantially
13 corresponding to section 625(6), or a law of another state
14 substantially corresponding to section 625(6) may be used as a
15 prior conviction.

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

20 Sec. 319b. (1) The secretary of state shall immediately
21 suspend or revoke, as applicable, all commercial learners permits
22 or vehicle group designations on the operator's or chauffeur's
23 license of a person upon receiving notice of a conviction, bond
24 forfeiture, or civil infraction determination of the person, or
25 notice that a court or administrative tribunal has found the
26 person responsible, for a violation described in this subsection
27 of a law of this state, a local ordinance substantially

1 corresponding to a law of this state while the person was
2 operating a commercial motor vehicle, or a law of another state
3 substantially corresponding to a law of this state, or notice
4 that the person has refused to submit to a chemical test of his
5 or her blood, breath, or urine for the purpose of determining the
6 amount of alcohol or presence of a controlled substance or both
7 in the person's blood, breath, or urine while the person was
8 operating a commercial motor vehicle as required by a law or
9 local ordinance of this or another state. The period of
10 suspension or revocation is as follows:

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

15 (i) Two serious traffic violations arising from separate
16 incidents within 36 months.

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

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

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

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

26 (vi) A violation of motor carrier safety regulations 49 CFR
27 392.10 or 392.11 while operating a commercial motor vehicle other

1 than a vehicle covered under subparagraph (iii), (iv), or (v).

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

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

9 (i) Three serious traffic violations.

10 (ii) Any combination of 2 violations described in subdivision
11 (a)(ii).

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

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

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

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

25 (iv) A refusal of a peace officer's request to submit to a
26 chemical test of his or her blood, breath, or urine to determine
27 the amount of alcohol or presence of a controlled substance or

1 both in his or her blood, breath, or urine while he or she was
2 operating a commercial or noncommercial motor vehicle as required
3 by a law or local ordinance of this state or another state.

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

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

12 (vii) A violation of commercial motor vehicle fraudulent
13 testing law.

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

17 (d) Suspension for 3 years, to run consecutively with any
18 commercial driver license action imposed under this section, if
19 the person is convicted of or found responsible for an offense
20 enumerated in subdivision (c) (i) to ~~(vii)~~ (vi) in which a commercial
21 motor vehicle was used if the vehicle was carrying hazardous
22 material required to have a placard under 49 CFR parts 100 to
23 199.

24 (e) Revocation for life, to run consecutively with any
25 commercial driver license action imposed under this section, but
26 with eligibility for reissue of a group vehicle designation after
27 not less than 10 years and after approval by the secretary of

1 state, if the person is convicted of or found responsible for 2
2 violations or a combination of any 2 violations arising from 2 or
3 more separate incidents involving any of the following:

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

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

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

12 (iv) A refusal of a request of a police officer to submit to
13 a chemical test of his or her blood, breath, or urine for the
14 purpose of determining the amount of alcohol or presence of a
15 controlled substance or both in his or her blood while he or she
16 was operating a commercial or noncommercial motor vehicle in this
17 state or another state.

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

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

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

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

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

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

10 (2) The secretary of state shall immediately deny, cancel,
11 or revoke a hazardous material indorsement on the operator's or
12 chauffeur's license of a person with a vehicle group designation
13 upon receiving notice from a federal government agency that the
14 person poses a security risk warranting denial, cancellation, or
15 revocation under the uniting and strengthening America by
16 providing appropriate tools required to intercept and obstruct
17 terrorism (USA PATRIOT ACT) act of 2001, Public Law 107-56. The
18 denial, cancellation, or revocation cannot be appealed under
19 section 322 or 323 and remains in effect until the secretary of
20 state receives a federal government notice that the person does
21 not pose a security risk in the transportation of hazardous
22 materials.

23 (3) The secretary of state shall immediately suspend or
24 revoke, as applicable, all commercial learners permits or vehicle
25 group designations on a person's operator's or chauffeur's
26 license upon receiving notice of a conviction, bond forfeiture,
27 or civil infraction determination of the person, or notice that a

1 court or administrative tribunal has found the person
2 responsible, for a violation of section 319d(4) or 319f, a local
3 ordinance substantially corresponding to section 319d(4) or 319f,
4 or a law or local ordinance of another state, the United States,
5 Canada, the United Mexican States, or a local jurisdiction of
6 either of these countries substantially corresponding to section
7 319d(4) or 319f, while operating a commercial motor vehicle. The
8 period of suspension or revocation, which shall run consecutively
9 with any commercial driver license action imposed under this
10 section, is as follows:

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

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

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

25 (d) Suspension for 3 years if the person is convicted of or
26 found responsible for 3 or more violations, in any combination,
27 of section 319d(4) or 319f while operating a commercial motor

1 vehicle arising from 3 or more separate incidents during a 10-
2 year period.

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

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

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

17 (6) The secretary of state shall suspend or revoke a vehicle
18 group designation under subsection (1) or deny, cancel, or revoke
19 a hazardous material indorsement under subsection (2)
20 notwithstanding a suspension, restriction, revocation, or denial
21 of an operator's or chauffeur's license or vehicle group
22 designation under another section of this act or a court order
23 issued under another section of this act or a local ordinance
24 substantially corresponding to another section of this act.

25 (7) A conviction, bond forfeiture, or civil infraction
26 determination, or notice that a court or administrative tribunal
27 has found a person responsible for a violation described in this

1 subsection while the person was operating a noncommercial motor
2 vehicle counts against the person who holds a license to operate
3 a commercial motor vehicle the same as if the person had been
4 operating a commercial motor vehicle at the time of the
5 violation. For the purpose of this subsection, a noncommercial
6 motor vehicle does not include a recreational vehicle used off-
7 road. This subsection applies to the following state law
8 violations or a local ordinance substantially corresponding to
9 any of those violations or a law of another state or out-of-state
10 jurisdiction substantially corresponding to any of those
11 violations:

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

13 (b) Refusing to submit to a chemical test of his or her
14 blood, breath, or urine for the purpose of determining the amount
15 of alcohol or the presence of a controlled substance or both in
16 the person's blood, breath, or urine as required by a law or
17 local ordinance of this or another state.

18 (c) Leaving the scene of an accident.

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

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

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

26 (10) As used in this section:

27 (a) "Felony in which a commercial motor vehicle was used"

1 means a felony during the commission of which the person
2 convicted operated a commercial motor vehicle and while the
3 person was operating the vehicle 1 or more of the following
4 circumstances existed:

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

6 (ii) The vehicle was used to transport a victim of the
7 felony.

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

9 (iv) The vehicle was necessary for the commission of the
10 felony.

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

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

14 (ii) Reckless driving.

15 (iii) Excessive speeding as defined in regulations promulgated
16 under 49 USC 31301 to 31317.

17 (iv) Improper lane use.

18 (v) Following too closely.

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

21 (vii) Operating a commercial motor vehicle without either
22 having an operator's or chauffeur's license in the person's
23 possession or providing proof to the court, not later than the
24 date by which the person must appear in court or pay a fine for
25 the violation, that the person held a valid vehicle group
26 designation and indorsement on the date that the citation was
27 issued.

1 (viii) Operating a commercial motor vehicle while in
2 possession of an operator's or chauffeur's license that has a
3 vehicle group designation but does not have the appropriate
4 vehicle group designation or indorsement required for the
5 specific vehicle group being operated or the passengers or type
6 of cargo being transported.

7 (ix) Beginning October 28, 2013, a violation of section
8 602b(2) or (3).

9 (x) Any other serious traffic violation as defined in 49 CFR
10 383.5 or as prescribed under this act.

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

12 (a) Display, or cause or permit to be displayed, or have in
13 possession an operator's or chauffeur's license knowing the
14 operator's or chauffeur's license to be fictitious or to have
15 been canceled, revoked, suspended, or altered.

16 (b) Lend to or knowingly permit use of, by one not entitled
17 to its use, the operator's or chauffeur's license issued to the
18 person lending or permitting the use of the operator's or
19 chauffeur's license.

20 (c) Display or to represent as one's own any operator's or
21 chauffeur's license not issued to the person displaying the
22 operator's or chauffeur's license.

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

26 (e) Use a false or fictitious name or give a false or
27 fictitious address in an application for an operator's or

1 chauffeur's license, or any renewal or duplicate of an operator's
 2 or chauffeur's license, or knowingly make a false statement or
 3 knowingly conceal a material fact or otherwise commit a fraud in
 4 making an application.

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

9 (g) Use or have in possession in committing a crime an
 10 operator's or chauffeur's license that has been altered or that
 11 is used to knowingly make a false statement or to knowingly
 12 conceal a material fact in order to misrepresent as one's own the
 13 operator's or chauffeur's license.

14 (h) Furnish to a peace officer false, forged, fictitious, or
 15 misleading verbal or written information identifying the person
 16 as another person, if the person is detained for a violation of
 17 this act or of a local ordinance substantially corresponding to a
 18 provision of this act.

19 **(I) COMMIT FRAUD RELATED TO THE TESTING FOR OR ISSUANCE OF A**
 20 **COMMERCIAL DRIVER LICENSE OR PERMIT.**

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

23 ~~(2) A license for an operator or chauffeur~~ **AN OPERATOR'S OR**
 24 **CHAUFFEUR'S LICENSE** issued **TO A PERSON** under this chapter upon an
 25 application that is untrue, or that contains false statements as
 26 to any material matters, **OR THAT WAS OBTAINED BY FRAUD IN THE**
 27 **TESTING FOR OR ISSUANCE OF THE LICENSE**, is ~~absolutely~~ void from

1 the date of issuance. The operator or chauffeur who was issued
 2 the license is considered unlicensed and the license issued shall
 3 be returned upon request or order of the department. A person
 4 whose commercial driver license application is voided or canceled
 5 under this subsection, **INCLUDING AS REQUIRED UNDER 49 CFR PART**
 6 **383**, shall not reapply for a commercial driver license ~~for at~~
 7 ~~least~~ **EXCEPT AS FOLLOWS:**

8 **(A) NOT SOONER THAN** 60 days after an application is voided
 9 or canceled.

10 **(B) IF THE PERSON OBTAINED THE LICENSE BY FRAUD IN THE**
 11 **TESTING FOR OR ISSUANCE OF THE COMMERCIAL DRIVER LICENSE OR**
 12 **COMMERCIAL LEARNER'S PERMIT, NOT SOONER THAN 365 DAYS AFTER THE**
 13 **PERMIT OR LICENSE IS CANCELED.**

14 **(C) IF THE PERSON FAILED TO SCHEDULE A RETESTING FOR A NEW**
 15 **COMMERCIAL LEARNER'S PERMIT OR COMMERCIAL DRIVER LICENSE WITHIN**
 16 **30 DAYS AFTER RECEIVING THE NOTIFICATION BY THE SECRETARY OF**
 17 **STATE FOR RETESTING, UNTIL THE DRIVER MEETS THE DEPARTMENT'S**
 18 **REQUIREMENTS FOR APPLYING FOR A NEW COMMERCIAL LEARNER'S PERMIT**
 19 **OR COMMERCIAL DRIVER LICENSE.**

20 Sec. 803b. (1) The secretary of state may issue 1
 21 personalized vehicle registration plate that shall be used on the
 22 passenger motor vehicle, pick-up truck, motorcycle, van, motor
 23 home, hearse, bus, trailer coach, or trailer for which the plate
 24 is issued instead of a standard plate. Personalized plates shall
 25 bear letters and numbers as the secretary of state prescribes.
 26 ~~The secretary of state shall not issue a letter combination that~~
 27 ~~might carry a connotation offensive to good taste and decency.~~

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

4 (2) An application for a personalized registration plate
5 shall be submitted to the secretary of state under section 217.
6 Application for an original personalized registration plate shall
7 be accompanied with payment of a service fee of \$8.00 for the
8 first month and of \$2.00 per month for each additional month of
9 the registration period in addition to the regular vehicle
10 registration fee. A second duplicate registration plate may be
11 obtained by requesting that option on the application and paying
12 an additional service fee of \$5.00. The original and duplicate
13 service fees shall be deposited in the transportation
14 administration collection fund created in section 810b through
15 October 1, 2015. Application for the renewal of a personalized
16 registration plate shall be accompanied with payment of a service
17 fee of \$15.00 in addition to the regular vehicle registration
18 fee. The service fee shall be credited to the Michigan
19 transportation fund established under, and shall be allocated as
20 prescribed under, section 10 of 1951 PA 51, MCL 247.660. The
21 amount allocated to the state trunk line fund established under
22 section 11 of 1951 PA 51, MCL 247.661, shall be used by the state
23 transportation department for litter pickup and cleanup on state
24 roads and rights of way.

25 (3) The expiration date for a personalized registration
26 plate shall be as prescribed under section 226. Upon the issuance
27 or renewal of a personalized registration plate, the secretary of

1 state may issue a tab or tabs designating the month and year of
2 expiration. Upon the renewal of a personalized registration
3 plate, the secretary of state shall issue a new tab or tabs for
4 the rear plate designating the next expiration date of the plate.
5 Upon renewal, the secretary of state shall not issue the owner a
6 new exact duplicate of the expired plate unless the plate is
7 illegible and the owner pays the service fee and registration fee
8 for an original personalized registration plate.

9 (4) The sequence of letters or numbers or combination of
10 letters and numbers on a personalized plate shall not be given to
11 a different person in a subsequent year unless the person to whom
12 the plate was issued does not reapply before the expiration date
13 of the plate.

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

19 (6) The secretary of state may issue a temporary permit to a
20 person who has submitted an application and the proper fees for a
21 personalized registration plate if the applicant's vehicle
22 registration may expire prior to receipt of his or her
23 personalized registration plate. The temporary registration shall
24 be valid for not more than 60 days after the date of issuance.
25 The temporary permit shall be issued without a fee.

26 Sec. 904. (1) A person whose operator's or chauffeur's
27 license or registration certificate has been suspended or

1 ~~revoked, and who has been notified as provided in section 212 of~~
2 ~~that suspension or revocation,~~ whose application for license has
3 been denied, or who has never applied for a license, shall not
4 operate a motor vehicle upon a highway or other place open to the
5 general public or generally accessible to motor vehicles,
6 including an area designated for the parking of motor vehicles,
7 within this state.

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

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

19 (a) For a first violation, by imprisonment for not more than
20 93 days or a fine of not more than \$500.00, or both. Unless the
21 vehicle was stolen or used with the permission of a person who
22 did not knowingly permit an unlicensed driver to operate the
23 vehicle, the registration plates of the vehicle shall be canceled
24 by the secretary of state upon notification by a peace officer.

25 (b) For a violation that occurs after a prior conviction, by
26 imprisonment for not more than 1 year or a fine of not more than
27 \$1,000.00, or both. Unless the vehicle was stolen, the

1 registration plates of the vehicle shall be canceled by the
2 secretary of state upon notification by a peace officer.

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

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

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

27 (7) A person shall not knowingly permit a motor vehicle

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

20 (8) If the prosecuting attorney intends to seek an enhanced
21 sentence under this section based upon the defendant having 1 or
22 more prior convictions, the prosecuting attorney shall include on
23 the complaint and information, or an amended complaint and
24 information, filed in district court, circuit court, municipal
25 court, or family division of circuit court, a statement listing
26 the defendant's prior convictions.

27 (9) A prior conviction under this section shall be

1 established at or before sentencing by 1 or more of the
2 following:

- 3 (a) A copy of a judgment of conviction.
- 4 (b) An abstract of conviction.
- 5 (c) A transcript of a prior trial, plea, or sentencing.
- 6 (d) A copy of a court register of action.
- 7 (e) A copy of the defendant's driving record.
- 8 (f) Information contained in a presentence report.
- 9 (g) An admission by the defendant.

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

19 (11) Upon receiving a record of a person's conviction or
20 civil infraction determination for the unlawful operation of a
21 motor vehicle or a moving violation reportable under section 732
22 while the person's operator's or chauffeur's license is
23 indefinitely suspended or whose application for a license has
24 been denied, the secretary of state immediately shall impose a
25 30-day period of suspension or denial.

26 (12) Upon receiving a record of the conviction, bond
27 forfeiture, or a civil infraction determination of a person for

1 unlawful operation of a motor vehicle requiring a vehicle group
2 designation while the designation is suspended or revoked under
3 section 319b, or while the person is disqualified from operating
4 a commercial motor vehicle by the United States secretary of
5 transportation or under 49 USC 31301 to 31317, the secretary of
6 state immediately shall impose an additional like period of
7 suspension or revocation. This subsection applies only if the
8 violation occurs during a suspension of definite length or if the
9 violation occurs before the person is approved for a license
10 following a revocation.

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

17 (14) Before a person is arraigned before a district court
18 magistrate or judge on a charge of violating this section, the
19 arresting officer shall obtain the person's driving record from
20 the secretary of state and shall furnish the record to the court.
21 The driving record of the person may be obtained from the
22 secretary of state's computer information network.

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

27 (16) A person whose vehicle group designation is suspended

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

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

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

22 (19) For purposes of this section, a person who never
23 applied for a license includes a person who applied for a
24 license, was denied, and never applied again.