

# HOUSE BILL No. 6067

September 19, 1990, Introduced by Rep. Dolan and referred to the Committee on Judiciary.

A bill to amend sections 303, 319, 625, and 625b of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code,"

section 303 as amended by Act No. 346 of the Public Acts of 1988, section 319 as amended by Act No. 406 of the Public Acts of 1988, and sections 625 and 625b as amended by Act No. 109 of the Public Acts of 1987, being sections 257.303, 257.319, 257.625, and 257.625b of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 303, 319, 625, and 625b of Act No. 300  
2 of the Public Acts of 1949, section 303 as amended by Act No. 346  
3 of the Public Acts of 1988, section 319 as amended by Act No. 406  
4 of the Public Acts of 1988, and sections 625 and 625b as amended  
5 by Act No. 109 of the Public Acts of 1987, being sections

1 257.303, 257.319, 257.625, and 257.625b of the Michigan Compiled  
2 Laws, are amended to read as follows:

3       Sec. 303. (1) The secretary of state shall not issue a  
4 license under this act:

5       (a) To a person, as an operator, who is ~~+17~~ LESS THAN 18  
6 years of age or less, except that the secretary of state may  
7 issue a license to a person who is not less than 16 years of age  
8 and who has satisfactorily passed a driver education course and  
9 examination given by a public school or nonpublic school of this  
10 or another state offering a course approved by the department of  
11 education, or an equivalent examination as prescribed in section  
12 811. The secretary of state may issue to a person not less than  
13 14 years of age a restricted license as provided in this act.

14 This subdivision ~~shall~~ DOES not apply to a person who has been  
15 the holder of a valid driver's license issued by another state,  
16 territory, or possession of the United States or another sover-  
17 eignty for at least 1 year immediately before application for a  
18 driver's license under this act.

19       (b) To a person, as a chauffeur, who is ~~+17~~ LESS THAN 18  
20 years of age or less, except that the secretary of state may  
21 issue a license to a person who is not less than 16 years of age  
22 and who has satisfactorily passed a driver education course and  
23 examination given by a public school or nonpublic school of this  
24 or another state offering a course approved by the department of  
25 education, or an equivalent examination as prescribed in section  
26 811.

1 (c) To a person whose license has been suspended during the  
2 period for which the license was suspended.

3 (d) To a person whose license has been revoked under this  
4 act until the later of the following:

5 (i) The expiration of not less than 1 year after the license  
6 was revoked.

7 (ii) The expiration of not less than 5 years after the date  
8 of a subsequent revocation occurring within 7 years after the  
9 date of any prior revocation.

10 (e) To a person who is an habitual violator of the criminal  
11 laws relating to operating a vehicle while impaired by or under  
12 the influence of intoxicating liquor or a controlled substance or  
13 a combination of intoxicating liquor and a controlled substance,  
14 or with a blood alcohol content of 0.10% or more by weight of  
15 alcohol. Convictions of any of the following, whether under a  
16 law of this state, a local ordinance substantially corresponding  
17 to a law of this state, or a law of another state substantially  
18 corresponding to a law of this state, ~~shall be~~ ARE prima facie  
19 evidence that the person is an habitual violator as described in  
20 this subdivision:

21 (i) Two convictions under section 625(1) or (2); ~~or~~ 1  
22 conviction under section 625(1) and 1 conviction under section  
23 625(2); OR 1 CONVICTION UNDER SECTION 625B FOLLOWED BY 1 CONVIC-  
24 TION UNDER SECTION 625(1) OR (2), within ~~7~~ 10 years.

25 (ii) Three convictions under section 625b, OR 1 CONVICTION  
26 UNDER SECTION 625(1) OR (2) FOLLOWED BY 2 CONVICTIONS UNDER  
27 SECTION 625B, within 10 years.

1 (f) To a person who in the opinion of the secretary of state  
2 is afflicted with or suffering from a physical or mental disabil-  
3 ity or disease ~~which~~ THAT prevents that person from exercising  
4 reasonable and ordinary control over a motor vehicle while oper-  
5 ating the motor vehicle upon the highways.

6 (g) To a person who is unable to understand highway warning  
7 or direction signs in the English language.

8 (h) To a person who is an habitually reckless driver. Four  
9 convictions of reckless driving under this act or any other law  
10 of this state relating to reckless driving or under a local ordi-  
11 nance of this state or a law of another state ~~which~~ THAT  
12 defines the term "reckless driving" substantially similar to the  
13 law of this state ~~shall be~~ ARE prima facie evidence that the  
14 person is an habitually reckless driver.

15 (i) To a person who is an habitual criminal. Two convic-  
16 tions of a felony involving the use of a motor vehicle in this or  
17 another state ~~shall be~~ ARE prima facie evidence that the person  
18 is an habitual criminal.

19 (j) To a person who is unable to pass a knowledge, skill, or  
20 ability test administered by the secretary of state in connection  
21 with the issuance of an original operator's or chauffeur's  
22 license, original motorcycle indorsement, or an original or  
23 renewal of a vehicle group designation or vehicle indorsement.

24 (k) To a person who has been convicted, received a probate  
25 court finding, or been determined responsible for 2 or more  
26 moving violations under a law of this state, a local ordinance  
27 substantially corresponding to a law of this state, or a law of

1 another state substantially corresponding to a law of this state,  
2 within the preceding 3 years, if the violations occurred ~~prior~~  
3 ~~to~~ BEFORE the issuance of an original license to the person in  
4 this or another state.

5 (1) To a nonresident.

6 (2) Upon receipt of the appropriate records of conviction,  
7 the secretary of state shall revoke the operator's or chauffeur's  
8 license of a person having any of the following convictions,  
9 whether under a law of this state, a local ordinance substan-  
10 tially corresponding to a law of this state, or a law of another  
11 state substantially corresponding to a law of this state:

12 (a) Four convictions of reckless driving within 7 years.

13 (b) Two convictions of a felony involving the use of a motor  
14 vehicle within 7 years.

15 (c) Two convictions under section 625(1) or (2); ~~or~~ 1  
16 conviction under section 625(1) and 1 conviction under section  
17 625(2); OR 1 CONVICTION UNDER SECTION 625B FOLLOWED BY 1 CONVIC-  
18 TION UNDER SECTION 625(1) OR (2), within ~~7~~ 10 years.

19 (d) Three convictions under section 625b, OR 1 CONVICTION  
20 UNDER SECTION 625(1) OR (2) FOLLOWED BY 2 CONVICTIONS UNDER SEC-  
21 TION 625B, within 10 years.

22 (3) The secretary of state shall revoke a license under sub-  
23 section (2) notwithstanding a court order issued under section  
24 625 or 625b, or a local ordinance substantially corresponding to  
25 section 625(1) or (2) or 625b.

26 Sec. 319. (1) The secretary of state shall immediately  
27 suspend for a period of not less than 90 days, ~~nor~~ OR more than

1 2 years, the license of a person upon receiving a record of the  
2 conviction of the person or the entry of a probate court order of  
3 disposition for a child found to be within the provisions of  
4 chapter XIIA of Act No. 288 of the Public Acts of 1939, being  
5 sections 712A.1 to 712A.28 of the Michigan Compiled Laws, for any  
6 of the following crimes or attempts to commit any of the follow-  
7 ing crimes, whether the conviction or probate court disposition  
8 is under a law of this state, a local ordinance substantially  
9 corresponding to a law of this state, or a law of another state  
10 substantially corresponding to a law of this state:

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

13 (b) Perjury or the making of a false certification to the  
14 secretary of state under any law requiring the registration of a  
15 motor vehicle or regulating the operation of a motor vehicle on a  
16 highway.

17 (c) A violation of section 324, 413, or 414 of the Michigan  
18 penal code, Act No. 328 of the Public Acts of 1931, being sec-  
19 tions 750.324, 750.413, and 750.414 of the Michigan Compiled  
20 Laws; or a violation of section 1 of Act No. 214 of the Public  
21 Acts of 1931, being section 752.191 of the Michigan Compiled  
22 Laws.

23 (d) Conviction upon 3 charges of reckless driving within the  
24 preceding 12 months.

25 (e) Failing to stop and disclose identity at the scene of an  
26 accident resulting in death or injury to another person, in  
27 violation of section 617.

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

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

8 (ii) The vehicle was used to transport a victim of the  
9 felony.

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

11 (iv) The vehicle was necessary for the commission of the  
12 felony.

13 (2) The secretary of state shall suspend ~~—~~ for ~~the~~ A  
14 period ~~described in subsection (1)~~ OF NOT LESS THAN 6 MONTHS,  
15 OR MORE THAN 2 YEARS, the license of a person upon receiving the  
16 record of conviction of the person for a violation of SECTION  
17 625(1) OR (2), A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO  
18 SECTION 625(1) OR (2), OR a law of another state substantially  
19 corresponding to section 625(1) or (2).

20 (3) The secretary of state shall suspend the license of a  
21 person convicted of malicious destruction resulting from the  
22 operation of a motor vehicle under section 382 of the Michigan  
23 penal code, Act No. 328 of the Public Acts of 1931, as amended,  
24 being section 750.382 of the Michigan Compiled Laws, for a period  
25 of not more than 1 year as ordered by the court as part of the  
26 sentence.

1       (4) The secretary of state shall immediately suspend the  
2 license of a person for the period specified in the certificate  
3 of conviction upon receipt of the person's license and certifi-  
4 cate of conviction forwarded to the secretary of state pursuant  
5 to section 367c of the Michigan penal code, Act No. 328 of the  
6 Public Acts of 1931, being section 750.367c of the Michigan  
7 Compiled Laws.

8       (5) The secretary of state shall suspend, for a period of  
9 not less than 6 months ~~nor~~ OR more than 18 months, the license  
10 of a person having the following convictions within a ~~7-year~~  
11 10-YEAR period, whether under the law of this state, a local  
12 ordinance substantially corresponding to a law of this state, or  
13 a law of another state substantially corresponding to a law of  
14 this state:

15       (a) Two convictions under section 625b.

16       (b) One conviction under section 625(1) or (2) followed by 1  
17 conviction under section 625b.

18       (6) Upon receipt of a certificate of conviction pursuant to  
19 section 33b(3) of the Michigan liquor control act, Act No. 8 of  
20 the Public Acts of the Extra Session of 1933, being section  
21 436.33b of the Michigan Compiled Laws, or a local ordinance or  
22 law of another state substantially corresponding to section  
23 33b(3) of Act No. 8 of the Public Acts of the Extra Session of  
24 1933, the secretary of state shall suspend the person's  
25 operator's or chauffeur's license for a period of 90 days. A  
26 suspension under this subsection ~~shall be~~ IS in addition to any  
27 other suspension of the person's license.



1       (7) Upon receipt of the record of the conviction of a  
2 person, or the entry of a probate court order of disposition for  
3 a child found to be within the provisions of chapter XIIIA of Act  
4 No. 288 of the Public Acts of 1939, for a violation of section  
5 602a of this act or section 479a(1), (4), or (5) of Act No. 328  
6 of the Public Acts of 1931, being section 750.479a of the  
7 Michigan Compiled Laws, the secretary of state immediately shall  
8 suspend the license of the person for the period ordered by the  
9 court as part of the sentence or disposition.

10       (8) For purposes of this section, the secretary of state  
11 shall treat a conviction or probate court disposition for a child  
12 found to be within the provisions of chapter XIIIA of Act No. 288  
13 of the Public Acts of 1939 for an attempted offense as if the  
14 offense had been completed.

15       Sec. 625. (1) A person, whether licensed or not, who is  
16 under the influence of intoxicating liquor or a controlled sub-  
17 stance, or a combination of intoxicating liquor and a controlled  
18 substance, shall not operate a vehicle upon a highway or other  
19 place open to the general public, including an area designated  
20 for the parking of vehicles, within the state. A peace officer  
21 may, without a warrant, arrest a person when the peace officer  
22 has reasonable cause to believe that the person was, at the time  
23 of an accident, the driver of a vehicle involved in the accident  
24 and was operating the vehicle upon a public highway or other  
25 place open to the general public, including an area designated  
26 for the parking of vehicles, ~~in~~ WITHIN the state while in  
27 violation of this subsection or of subsection (2), or of a local

1 ordinance substantially corresponding to this subsection or  
2 subsection (2).

3       (2) A person, whether licensed or not, whose blood contains  
4 0.10% or more by weight of alcohol, shall not operate a vehicle  
5 upon a highway or other place open to the general public, includ-  
6 ing an area designated for the parking of vehicles, within the  
7 state.

8       (3) The owner of a vehicle or a person in charge or in con-  
9 trol of a vehicle shall not authorize or knowingly permit the  
10 vehicle to be operated upon a highway or other place open to the  
11 general public, including an area designated for the parking of  
12 motor vehicles, within the state by a person who is under the  
13 influence of intoxicating liquor or a controlled substance, or a  
14 combination of intoxicating liquor and a controlled substance.

15       (4) Except as otherwise provided in this section, a person  
16 who is convicted of a violation of subsection (1), (2), or (3) is  
17 guilty of a misdemeanor, punishable by imprisonment for not more  
18 than 90 days, or a fine of not less than \$100.00 ~~nor~~ OR more  
19 than \$500.00, or both, together with costs of the prosecution.  
20 As part of the sentence for a violation of subsection (1) or (2),  
21 the court shall order the secretary of state to suspend the  
22 operator's or chauffeur's license of the person for a period of  
23 not less than 6 months ~~nor~~ OR more than 2 years. The court may  
24 order the secretary of state to issue to the person a restricted  
25 license permitting the person during all or a specified portion  
26 of the period of suspension to drive only to and from the  
27 person's residence and work location; in the course of the

1 person's employment or occupation; to and from an alcohol or drug  
2 education program or treatment program as ordered by the court;  
3 to and from the person's residence and an educational institution  
4 at which the person is enrolled as a student; or pursuant to a  
5 combination of these restrictions. The court may also order that  
6 the restricted license include the requirement that a person  
7 shall not operate a motor vehicle unless the vehicle is equipped  
8 with a functioning certified ignition interlock device. The  
9 device shall be set to render the motor vehicle inoperable if the  
10 device detects 0.02% or more by weight of alcohol in the blood of  
11 the person who offers a breath sample. The court may order  
12 installation of a certified ignition interlock device on any  
13 motor vehicle that the person owns or operates, the costs of  
14 which shall be borne by the person whose license is restricted.  
15 The court shall not order the secretary of state to issue a  
16 restricted chauffeur's license ~~which~~ THAT would permit a person  
17 to operate a truck or truck tractor, including a trailer, ~~which~~  
18 THAT hauls hazardous material. The court shall not order the  
19 secretary of state to issue a restricted license unless the  
20 person states under oath and the court finds that the person is  
21 unable to take public transportation to and from his or her work  
22 location, place of alcohol or drug education or treatment, or  
23 educational institution, and does not have ~~any~~ family members  
24 or others able to provide transportation. The court order and  
25 license shall indicate the person's work location and the  
26 approved route or routes and permitted times of travel. ~~For~~

1 ~~purposes of~~ AS USED IN this subsection, "work location"  
2 includes, as applicable, either or both of the following:

3       (i) The specific place or places of employment.

4       (ii) The territory or territories regularly visited by the  
5 person in pursuance of the person's occupation.

6       (5) A person who violates subsection (1) or (2) or a local  
7 ordinance substantially corresponding to subsection (1) or (2)  
8 within ~~7~~ 10 years of a prior conviction may be sentenced to  
9 imprisonment for not more than 1 year, or a fine of not more than  
10 \$1,000.00, or both. As part of the sentence, the court shall  
11 order the secretary of state to revoke the operator's or  
12 chauffeur's license of the person. ~~For purposes of~~ AS USED IN  
13 this section, "prior conviction" means a conviction under subsec-  
14 tion (1) or (2) OR SECTION 625B, a local ordinance substantially  
15 corresponding to subsection (1) or (2) OR SECTION 625B, or a law  
16 of another state substantially corresponding to subsection (1) or  
17 (2) OR SECTION 625B.

18       (6) A person who violates subsection (1) or (2) or a local  
19 ordinance substantially corresponding to subsection (1) or (2)  
20 within 10 years of 2 or more prior convictions, as defined in  
21 subsection (5), is guilty of a felony. As part of the sentence,  
22 the court shall order the secretary of state to revoke the  
23 operator's or chauffeur's license of the person.

24       (7) As part of the sentence for a violation of subsection  
25 (1) or (2), or a local ordinance substantially corresponding to  
26 subsection (1) or (2), the court may order the person to perform  
27 service to the community, as designated by the court, without

1 compensation, for a period not to exceed 12 days. The person  
2 shall reimburse the state or appropriate local unit of government  
3 for the cost of insurance incurred by the state or local unit of  
4 government as a result of the person's activities under this  
5 subsection.

6       (8) Before imposing sentence for a violation of subsection  
7 (1) or (2) or a local ordinance substantially corresponding to  
8 subsection (1) or (2), the court shall order the person to  
9 undergo screening and assessment by a person or agency designated  
10 by the office of substance abuse services, to determine whether  
11 the person is likely to benefit from rehabilitative services,  
12 including alcohol or drug education and alcohol or drug treatment  
13 programs. As part of the sentence, the court may order the  
14 person to participate in and successfully complete 1 or more  
15 appropriate rehabilitative programs. The person shall pay for  
16 the costs of the screening, assessment, and rehabilitative  
17 services.

18       (9) Before accepting a plea of guilty under this section,  
19 the court shall advise the accused of the statutory consequences  
20 possible as the result of a plea of guilty in respect to suspen-  
21 sion or revocation of an operator's or chauffeur's license, the  
22 penalty imposed for violation of this section, and the limitation  
23 on the right of appeal.

24       (10) The operator's or chauffeur's license of a person found  
25 guilty of violating subsection (1) or (2), or a local ordinance  
26 substantially corresponding to subsection (1) or (2), shall be  
27 surrendered to the court in which the person was convicted, and

1 the court shall immediately forward the surrendered license and  
2 an abstract of conviction to the secretary of state. The  
3 abstract of conviction shall indicate the sentence imposed. Upon  
4 receipt of, and pursuant to the abstract of conviction, the sec-  
5 retary of state shall suspend or revoke the person's license and,  
6 if ordered by the court and the person is otherwise eligible for  
7 a license, issue to the person a restricted license stating the  
8 limited driving privileges indicated on the abstract. If the  
9 license is not forwarded to the secretary of state, an explana-  
10 tion of the reason why the license is absent shall be attached.  
11 If the conviction is appealed to circuit court, that court may,  
12 ex parte, order the secretary of state to rescind the suspension,  
13 revocation, or restricted license issued pursuant to this  
14 section.

15       Sec. 625b. (1) A person shall not operate a vehicle upon a  
16 highway or other place open to the general public, including an  
17 area designated for the parking of vehicles, within the state  
18 when, due to the consumption of an intoxicating liquor, a con-  
19 trolled substance, or a combination of an intoxicating liquor and  
20 a controlled substance, the person has visibly impaired his or  
21 her ability to operate the vehicle. If a person is charged with  
22 violating section 625(1) or (2), a finding of guilty is permissi-  
23 ble under this section.

24       (2) Except as otherwise provided in this section, a person  
25 convicted of a violation of this section is guilty of a misde-  
26 meanor, punishable by imprisonment for not more than 90 days, or  
27 a fine of not more than \$300.00, or both, together with costs of

1 the prosecution. As part of the sentence, the court shall order  
2 the secretary of state to suspend the operator's or chauffeur's  
3 license of the person for a period of not less than 90 days nor  
4 more than 1 year. The court may order the secretary of state to  
5 issue to the person a restricted license permitting the person  
6 during all or a specified portion of the period of suspension to  
7 drive only to and from the person's residence and work location;  
8 in the course of the person's employment or occupation; to and  
9 from an alcohol or drug education program or treatment program as  
10 ordered by the court; to and from the person's residence and an  
11 educational institution at which the person is enrolled as a stu-  
12 dent; or pursuant to a combination of these restrictions. The  
13 court may also order that the restricted license include the  
14 requirement that a person shall not operate a motor vehicle  
15 unless the vehicle is equipped with a functioning certified igni-  
16 tion interlock device. The device shall be set to render the  
17 motor vehicle inoperable if the device detects 0.02% or more by  
18 weight of alcohol in the blood of the person who offers a breath  
19 sample. The court may order installation of a certified ignition  
20 interlock device on any motor vehicle that the person owns or  
21 operates, the costs of which shall be borne by the person whose  
22 license is restricted. The court shall not order the secretary  
23 of state to issue a restricted chauffeur's license ~~which~~ THAT  
24 would permit a person to operate a truck or truck tractor,  
25 including a trailer, ~~which~~ THAT hauls hazardous material. The  
26 court shall not order the secretary of state to issue a  
27 restricted license unless the person states under oath and the

1 court finds that the person is unable to take public  
2 transportation to and from his or her work location, place of  
3 alcohol or drug education or treatment, or educational institu-  
4 tion, and does not have ~~any~~ family members or others able to  
5 provide transportation. The court order and license shall indi-  
6 cate the person's work location and the approved route or routes  
7 and permitted times of travel. ~~For purposes of~~ AS USED IN this  
8 subsection, "work location" includes, as applicable, either or  
9 both of the following:

10 (i) The specific place or places of employment.

11 (ii) The territory or territories regularly visited by the  
12 person in pursuance of the person's occupation.

13 (3) A person who violates this section or a local ordinance  
14 substantially corresponding to this section within ~~7~~ 10 years  
15 of a prior conviction may be sentenced to imprisonment for not  
16 more than 1 year, or a fine of not more than \$1,000.00, or both.  
17 As part of the sentence, the court shall order the secretary of  
18 state to suspend the operator's or chauffeur's license of the  
19 person for a period of not less than 6 months ~~nor~~ OR more than  
20 18 months. The court may order the secretary of state to issue  
21 to the person a restricted license as provided in subsection (2),  
22 except that a restricted license shall not be issued during the  
23 first 60 days of the suspension period. ~~For purposes of~~ AS  
24 USED IN this section, "prior conviction" means a conviction under  
25 this section ~~or~~ OR section 625(1) or (2), a local ordinance sub-  
26 stantially corresponding to this section or section 625(1) or



1 (2), or a law of another state substantially corresponding to  
2 this section or section 625(1) or (2).

3 (4) A person who violates this section, or a local ordinance  
4 substantially corresponding to this section, within 10 years of 2  
5 or more prior convictions, as defined in subsection (3), may be  
6 sentenced as provided in subsection (3), except that as part of  
7 the sentence the court shall order the secretary of state to  
8 revoke the operator's or chauffeur's license of the person.

9 (5) As part of the sentence for a violation of this section  
10 or a local ordinance substantially corresponding to this section,  
11 the court may order the person to perform service to the communi-  
12 ty, as designated by the court, without compensation, for a  
13 period not to exceed 12 days. The person shall reimburse the  
14 state or appropriate local unit of government for the cost of  
15 insurance incurred by the state or local unit of government as a  
16 result of the person's activities under this subsection.

17 (6) Before imposing sentence for a violation of this section  
18 or a local ordinance substantially corresponding to this section,  
19 the court shall order the person to undergo screening and assess-  
20 ment by a person or agency designated by the office of substance  
21 abuse services, to determine whether the person is likely to ben-  
22 efit from rehabilitative services, including alcohol or drug edu-  
23 cation and alcohol or drug treatment programs. As part of the  
24 sentence, the court may order the person to participate in and  
25 successfully complete 1 or more appropriate rehabilitative  
26 programs. The person shall pay for the costs of the screening,  
27 assessment, and rehabilitative services.

1       (7) Before accepting a plea of guilty under this section,  
2 the court shall advise the accused of the statutory consequences  
3 possible as a result of a plea of guilty in respect to suspension  
4 or revocation of an operator's or chauffeur's license, the pen-  
5 alty imposed for violation of this section, and the limitation on  
6 the right of appeal.

7       (8) The operator's or chauffeur's license of a person found  
8 guilty of violating this section, or a local ordinance substan-  
9 tially corresponding to this section, shall be surrendered to the  
10 court in which the person was convicted. The court shall immedi-  
11 ately forward the surrendered license and an abstract of convic-  
12 tion to the secretary of state. The abstract of conviction shall  
13 indicate the sentence imposed. Upon receipt of and pursuant to  
14 the abstract of conviction, the secretary of state shall suspend  
15 or revoke the person's license and, if ordered by the court and  
16 the person is otherwise eligible for a license, issue to the  
17 person a restricted license stating the limited driving privi-  
18 leges indicated on the abstract. If the license is not forwarded  
19 to the secretary of state, an explanation of the reason why the  
20 license is absent shall be attached. If the conviction is  
21 appealed to circuit court, that court may, ex parte, order the  
22 secretary of state to rescind the suspension, revocation, or  
23 restricted license issued pursuant to this section.