

HOUSE BILL No. 4160

February 7, 1991, Introduced by Reps. Nye, Hoffman, Bartnik, Stopczynski, Dalman, Ouwinga, DeBeaussaert, Kosteva, Hoekman, Middleton, Fitzgerald, Muxlow, DeLange, Strand, Jaye, Hertel, Clack, Law, Dolan, Robertson, Shugars, Walberg, O'Connor, Hillegonds, Horton and Oxender and referred to the Committee on Transportation.

A bill to amend sections 7a, 302, 312e, 312f, 319b, 319d, 320a, 323, 323c, 625, 625a, 625b, 625c, 625d, 625f, 625h, 732, and 904 of Act No. 300 of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

section 7a as amended by Act No. 280 of the Public Acts of 1989, sections 312e and 312f as amended by Act No. 181 of the Public Acts of 1990, section 320a as amended by Act No. 154 of the Public Acts of 1987, sections 323, 732, and 904 as amended and sections 319b and 319d as added by Act No. 346 of the Public Acts of 1988, sections 323c, 625a, 625c, 625d, and 625f as amended and section 625h as added by Act No. 310 of the Public Acts of 1982, and sections 625 and 625b as amended by Act No. 109 of the Public Acts of 1987, being sections 257.7a, 257.302, 257.312e, 257.312f, 257.319b, 257.319d, 257.320a, 257.323, 257.323c, 257.625,

257.625a, 257.625b, 257.625c, 257.625d, 257.625f, 257.625h, 257.732, and 257.904 of the Michigan Compiled Laws; and to add section 625m.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 7a, 302, 312e, 312f, 319b, 319d, 320a,
2 323, 323c, 625, 625a, 625b, 625c, 625d, 625f, 625h, 732, and 904
3 of Act No. 300 of the Public Acts of 1949, section 7a as amended
4 by Act No. 280 of the Public Acts of 1989, sections 312e and 312f
5 as amended by Act No. 181 of the Public Acts of 1990, section
6 320a as amended by Act No. 154 of the Public Acts of 1987, sec-
7 tions 323, 732, and 904 as amended and sections 319b and 319d as
8 added by Act No. 346 of the Public Acts of 1988, sections 323c,
9 625a, 625c, 625d, and 625f as amended and section 625h as added
10 by Act No. 310 of the Public Acts of 1982, and sections 625 and
11 625b as amended by Act No. 109 of the Public Acts of 1987, being
12 sections 257.7a, 257.302, 257.312e, 257.312f, 257.319b, 257.319d,
13 257.320a, 257.323, 257.323c, 257.625, 257.625a, 257.625b,
14 257.625c, 257.625d, 257.625f, 257.625h, 257.732, and 257.904 of
15 the Michigan Compiled Laws, are amended and section 625m is added
16 to read as follows:

17 Sec. 7a. "Commercial motor vehicle" means a bus; ~~—~~ A
18 school bus; ~~—~~ A school transportation vehicle; ~~— or —~~ a motor
19 vehicle, except a motor home, having a gross vehicle weight
20 rating OR GROSS COMBINATION WEIGHT RATING of 26,001 or more
21 pounds; a motor vehicle towing a vehicle with a gross vehicle
22 weight rating of more than 10,000 pounds; or a motor vehicle
23 carrying hazardous material and on which is required to be posted

1 a placard as defined and required under 49 C.F.R. parts 100 to
2 199. A commercial motor vehicle does not include a vehicle used
3 exclusively to transport personal possessions or family members
4 for nonbusiness purposes.

5 Sec. 302. The following persons are exempt from OBTAINING A
6 license ~~hereunder~~ UNDER THIS CHAPTER:

7 (A) ~~1. Every~~ A person SERVING in the ~~service of the~~
8 ~~army, navy or marine corps~~ ARMED FORCES of the United States
9 ~~and when~~ IF furnished with a driver's permit and ~~when~~ operat-
10 ing an official motor vehicle in ~~such~~ THAT service. A person
11 who is a civilian and in the employ of the ~~army, navy or marine~~
12 ~~corps~~ ARMED FORCES of the United States ~~shall~~ IS not ~~be~~
13 exempt from OBTAINING A license under this chapter.

14 (B) ~~2. Any~~ A person while driving or operating a road
15 roller, A snow motor, road machinery, or ~~any~~ A farm tractor or
16 implement of husbandry temporarily drawn, moved, or propelled on
17 ~~the highways~~ A HIGHWAY.

18 (C) ~~3. A~~ nonresident who is ~~at least~~ NOT LESS THAN 16
19 years of age and who has been ~~duly~~ licensed either as an opera-
20 tor or A chauffeur under a law requiring the licensing of opera-
21 tors or chauffeurs in his OR HER home state and who has in his OR
22 HER immediate possession either a valid operator's or A VALID
23 chauffeur's license issued to him OR HER in his OR HER home
24 state.

25 (D) ~~4. Any~~ A nonresident who is over the age of 17 years,
26 whose home state does not require the licensing of operators, may
27 operate a motor vehicle as an operator only, for a period of not

1 more than 90 days in any calendar year, if the motor vehicle ~~so~~
2 ~~operated~~ is ~~duly~~ registered in the home state OR COUNTRY of
3 ~~such~~ THE nonresident ~~,~~ and ~~that~~ the nonresident ~~owner,~~
4 ~~chauffeur or driver~~ has in his OR HER immediate possession a
5 registration card evidencing ~~such~~ ownership and registration OF
6 THE MOTOR VEHICLE in his OR HER home state or country, or is able
7 at any time or place required to prove lawful possession or the
8 right to operate ~~such~~ THE motor vehicle and TO establish his OR
9 HER proper identity.

10 (E) ~~5.~~ A person who is a member of the armed forces of the
11 United States on official leave, who on the date of his OR HER
12 orders granting leave ~~,~~ possessed an operator's OR CHAUFFEUR'S
13 license, valid except for the expiration date of the license.
14 This section ~~shall apply~~ APPLIES only to the person's first
15 leave of absence following the expiration of his OR HER license
16 ~~,~~ and ~~shall exempt him~~ EXEMPTS THE PERSON from the provisions
17 of this act for a period ~~of~~ not to exceed 30 days.

18 (F) ~~6.~~ A person who is a discharged member of the armed
19 forces of the United States, who on the date of his OR HER dis-
20 charge possesses an operator's or chauffeur's license, valid
21 except for the expiration date, for a period not to exceed 30
22 days from date of discharge.

23 (G) ~~7.~~ A person who is a member of the armed forces of the
24 United States, stationed in this state, who is a resident of
25 another state and has a valid license issued by his OR HER state
26 of residence.

1 (H) A PERSON WHILE OPERATING A COMMERCIAL MOTOR VEHICLE IN
2 THE COURSE OF A DRIVING TEST ADMINISTERED BY A CERTIFIED EXAMINER
3 APPOINTED BY THE SECRETARY OF STATE AND WHILE ACCOMPANIED BY THE
4 EXAMINER.

5 Sec. 312e. (1) Except as provided in subsections (4), (5),
6 (6), (7), and (8), a person, before operating a vehicle towing a
7 vehicle having a gross vehicle weight rating over 10,000 pounds,
8 shall procure a group A vehicle designation on his or her
9 operator's or chauffeur's license. Unless an indorsement is
10 required, a person licensed to operate a group A ~~designated~~
11 vehicle may operate a group B or C ~~designated~~ vehicle without
12 taking another test. A person, before operating a single vehicle
13 having a gross vehicle weight rating of 26,001 pounds or more, or
14 any combination of vehicles having a gross combination weight
15 rating of 26,001 pounds or more if the vehicle being towed does
16 not have a gross vehicle weight rating over 10,000 pounds, shall
17 procure a group B vehicle designation on his or her operator's or
18 chauffeur's license. Unless an indorsement is required, a person
19 licensed to operate a group B vehicle may operate a group C vehi-
20 cle without taking another test. A person, before operating a
21 school transportation vehicle or a single vehicle having a gross
22 vehicle weight rating under 26,001 pounds or a combination of
23 vehicles having a gross combination weight rating under 26,001
24 pounds if the vehicle being towed does not have a gross vehicle
25 weight rating over 10,000 pounds and carrying hazardous materials
26 on which a placard is required under 49 C.F.R. parts 100 to 199,
27 or designed to transport 16 or more passengers including the

1 driver, shall procure a group C vehicle designation and a
2 hazardous material or passenger vehicle indorsement on his or her
3 operator's or chauffeur's license. An applicant for a vehicle
4 group designation shall take knowledge and driving skills tests
5 that comply with minimum federal standards prescribed in 49
6 C.F.R. part 383 as required under this act. The license shall be
7 issued, suspended, revoked, canceled, or renewed in accordance
8 with this act. EXCEPT AS PROVIDED IN THIS SUBSECTION, ALL OF THE
9 FOLLOWING APPLY:

10 (A) A PERSON WHO TAKES THE DRIVING TEST REQUIRED UNDER
11 SECTION 312F FOR A GROUP A VEHICLE DESIGNATION IN A COMBINATION
12 OF VEHICLES HAVING A GROSS COMBINATION WEIGHT RATING UNDER 26,001
13 POUNDS SHALL NOT OPERATE A SINGLE VEHICLE HAVING A GROSS VEHICLE
14 WEIGHT RATING OF 26,001 POUNDS OR MORE, OR ANY COMBINATION OF
15 VEHICLES HAVING A GROSS COMBINATION WEIGHT RATING OF 26,001
16 POUNDS OR MORE IF THE VEHICLE BEING TOWED HAS A GROSS VEHICLE
17 WEIGHT RATING OF 10,001 POUNDS OR MORE OR THE TOWING VEHICLE HAS
18 A GROSS VEHICLE WEIGHT RATING OF 26,001 POUNDS OR MORE.

19 (B) A PERSON WHO HAS A GROUP B VEHICLE DESIGNATION THAT IS
20 NOT RESTRICTED UNDER THIS SUBSECTION AND WHO TAKES THE DRIVING
21 TEST REQUIRED UNDER SECTION 312F FOR A GROUP A VEHICLE DESIGNA-
22 TION IN A COMBINATION OF VEHICLES HAVING A GROSS COMBINATION
23 WEIGHT RATING UNDER 26,001 POUNDS SHALL NOT OPERATE ANY COMBINA-
24 TION OF VEHICLES HAVING A GROSS COMBINATION WEIGHT RATING OF
25 26,001 POUNDS OR MORE IF THE VEHICLE BEING TOWED HAS A GROSS
26 VEHICLE WEIGHT RATING OF 10,001 POUNDS OR MORE.

1 (C) A PERSON WHO TAKES THE DRIVING TEST REQUIRED UNDER
2 SECTION 312F FOR A GROUP B VEHICLE DESIGNATION IN A COMBINATION
3 OF VEHICLES IN WHICH THE TOWING VEHICLE HAS A GROSS VEHICLE
4 WEIGHT RATING UNDER 26,001 POUNDS SHALL NOT OPERATE A SINGLE
5 VEHICLE HAVING A GROSS VEHICLE WEIGHT RATING OF 26,001 POUNDS OR
6 MORE, OR ANY COMBINATION OF VEHICLES IF THE TOWING VEHICLE HAS A
7 GROSS VEHICLE WEIGHT RATING OF 26,001 POUNDS OR MORE.

8 (2) A person, before operating a commercial motor vehicle
9 pulling double ~~or triple~~ trailers, shall procure the appropri-
10 ate vehicle group designation and a T vehicle indorsement under
11 this act. A person, before operating a commercial motor vehicle
12 that is a tank vehicle, shall procure the appropriate vehicle
13 group designation and an N vehicle indorsement under this act. A
14 person, before operating a commercial motor vehicle carrying haz-
15 ardous materials ON WHICH A PLACARD IS REQUIRED UNDER 49
16 C.F.R. PARTS 100 TO 199, shall procure the appropriate vehicle
17 group designation and an H vehicle indorsement under this act. A
18 person, before operating a commercial motor vehicle that is a
19 tank vehicle carrying hazardous material, shall procure the
20 appropriate vehicle group designation and ~~an X vehicle indorse-~~
21 ~~ment under this act~~ BOTH AN N AND H VEHICLE INDORSEMENT, WHICH
22 COMBINATION VEHICLE INDORSEMENT SHALL BE DESIGNATED BY THE CODE
23 LETTER X ON THE PERSON'S OPERATOR'S OR CHAUFFEUR'S LICENSE. A
24 person, before operating a bus, school bus, or school transporta-
25 tion vehicle, shall procure the appropriate vehicle group desig-
26 nation and a P vehicle indorsement under this act. A person who
27 fails the air brake portion of the written or driving tests

1 provided under section 312f or who takes the driving test
2 provided under that section in a commercial motor vehicle that is
3 not equipped with air brakes shall not operate a commercial motor
4 vehicle equipped with air brakes. One or more indorsements may
5 be necessary to operate a commercial motor vehicle. An applicant
6 for an indorsement shall take the knowledge and driving skills
7 tests described and required pursuant to 49 C.F.R. part 383.
8 Knowledge tests shall be limited to that which a driver must have
9 for the safe operation of a commercial motor vehicle. The driver
10 is not expected to have knowledge of subjects, such as vehicle
11 mechanics, ~~which~~ THAT go beyond the scope of the information
12 necessary for safe operation of ~~his/her~~ HIS OR HER commercial
13 motor vehicle. An applicant for a P vehicle indorsement shall
14 take the driving skills test in a bus or school bus.

15 (3) The holder of an unexpired operator's or chauffeur's
16 license may be issued a vehicle group designation and indorsement
17 valid for the remainder of the license upon meeting the qualifi-
18 cations of section 312f and payment of the original vehicle group
19 designation fee of \$20.00 and an indorsement fee of \$5.00 per
20 indorsement for a 4-year operator's or chauffeur's license, pay-
21 ment of a vehicle group designation fee of \$20.00 for a 2-year
22 operator's or chauffeur's license under section 314b and an
23 indorsement fee of \$5.00 per indorsement, and a corrected license
24 fee of \$6.00. A person required to procure an F vehicle indorse-
25 ment pursuant to subsection (5) shall pay an indorsement fee of
26 \$5.00.

1 (4) Except as otherwise provided in subsections (5) and (6),
2 this section does not apply to a driver or operator of a vehicle
3 under ALL OF the following conditions:

4 (a) The vehicle is controlled and operated by a farmer. AS
5 USED IN THIS SUBSECTION, "FARMER" INCLUDES AN EMPLOYEE OR FAMILY
6 MEMBER OF THE FARMER IF THE VEHICLE IS CONTROLLED BY THE FARMER
7 AND THE REQUIREMENTS OF SUBDIVISIONS (A) TO (D) ARE MET.

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

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

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

14 ~~For the purpose of this subsection, "farmer" includes an~~
15 ~~employee or family member of the farmer if the vehicle is con-~~
16 ~~trolled by the farmer and the requirements of subdivisions (a) to~~
17 ~~(d) are met.~~

18 (5) A person, before driving or operating a combination of
19 vehicles having a gross vehicle weight rating of 26,001 pounds or
20 more on the power unit that ~~are~~ IS used as described in
21 subsection (4)(a) to (d), shall obtain an F vehicle indorsement.
22 The F vehicle indorsement shall be issued upon successful comple-
23 tion of a knowledge test only.

24 (6) A person, before driving or operating a single vehicle
25 truck having a gross vehicle weight rating of 26,001 pounds or
26 more or a combination of vehicles having a gross vehicle weight
27 rating of 26,001 pounds or more on the power unit that ~~are~~ IS

1 used as described in subsection (4)(a) to (d) for carrying
2 hazardous materials on which a placard is required under 49
3 C.F.R. parts 100 to 199, shall successfully complete both a
4 knowledge test and a driving skills test. Upon successful com-
5 pletion of the knowledge test and driving skills test, the person
6 shall be issued the appropriate vehicle group designation and any
7 vehicle indorsement necessary under this act.

8 (7) This section does not apply to a fire fighter operating
9 an authorized emergency vehicle who has met the driver training
10 standards of the Michigan fire fighters' training council.

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

14 (9) A licensee who holds an operator's or chauffeur's
15 license with a class 1 indorsement issued before January 1, 1990,
16 may operate a single vehicle weighing over 24,000 pounds gross
17 vehicle weight without having been issued a group B vehicle des-
18 ignation on his or her license until the license expires as pro-
19 vided in subsection (10). A licensee who holds an operator's or
20 chauffeur's license with a class 2 indorsement issued before
21 January 1, 1990, may operate a combination of vehicles weighing
22 over 24,000 pounds gross vehicle weight or a vehicle towing a
23 vehicle weighing over 10,000 pounds gross vehicle weight or a
24 single vehicle weighing over 24,000 pounds gross vehicle weight
25 without having been issued a group A or B vehicle designation on
26 his or her license until the license expires as provided in
27 subsection (10). A licensee who holds an operator's or

1 chauffeur's license with a class 3 indorsement issued before
2 January 1, 1990, may operate a bus or school bus without having
3 been issued a vehicle group designation or passenger vehicle
4 indorsement on his or her license until the license expires as
5 provided in subsection (10). A licensee who holds a chauffeur's
6 license issued before January 1, 1990 may operate a school trans-
7 portation vehicle without having been issued a vehicle group des-
8 ignation or passenger vehicle indorsement on his or her license
9 until the license expires as provided in subsection (10).

10 (10) The class 1, class 2, or class 3 indorsement on a
11 person's operator's or chauffeur's license ~~which~~ THAT expires
12 after March 31, 1992 shall expire on the person's next birthday
13 after March 31, 1991.

14 (11) The money received and collected under subsection (3)
15 for a vehicle group designation or indorsement shall be deposited
16 in the state treasury to the credit of the general fund. The
17 secretary of state shall refund out of the fees collected to each
18 county or municipality acting as an examining officer or examin-
19 ing bureau ~~—~~ \$3.00 for each applicant examined for a first des-
20 ignation or indorsement to a 4-year operator's or chauffeur's
21 license, \$2.50 for each original designation or indorsement to a
22 2-year operator's or chauffeur's license, \$1.50 for each renewal
23 designation or indorsement to a 2- or 4-year operator's or
24 chauffeur's license, whose application is not denied, on the con-
25 dition ~~—, however,~~ that the money refunded shall be paid to the
26 county or local treasurer and is appropriated to the county,

1 municipality, or officer or bureau receiving that money for the
2 purpose of carrying out this act.

3 (12) Notwithstanding any other provision of this section, a
4 person operating a vehicle described in subsections (4) and (5)
5 ~~shall be~~ IS subject to the provisions of sections 303 and
6 319b.

7 Sec. 312f. (1) Except as otherwise provided in this sec-
8 tion, a person shall be ~~at least~~ NOT LESS THAN 18 years of age
9 before he or she is issued a vehicle group designation or
10 indorsement, other than a motorcycle indorsement, on an
11 operator's or chauffeur's license and, AS PROVIDED IN THIS
12 SECTION, the person shall pass ~~an examination as provided in~~
13 ~~this section and pursuant to~~ KNOWLEDGE AND DRIVING SKILLS TESTS
14 THAT COMPLY WITH MINIMUM FEDERAL STANDARDS PRESCRIBED IN
15 49 C.F.R. part 383. A person operating a vehicle to be used for
16 farming purposes only may obtain a group A, a group B, or an F
17 vehicle group designation if he or she is ~~at least~~ NOT LESS
18 THAN 16 years of age. Each written examination given an appli-
19 cant for a vehicle group designation or indorsement on an
20 operator's or chauffeur's license shall include subjects designed
21 to cover the type or general class of vehicle to be operated. A
22 person shall pass an examination ~~which shall include~~ THAT
23 INCLUDES a driving test designed to test competency of the appli-
24 cant for an original vehicle group designation and passenger
25 indorsement on an operator's or chauffeur's license to drive that
26 type or general class of vehicle upon the highways of this state
27 with safety to that person and other persons and property, except

1 that UNTIL APRIL 1, 1992, the secretary of state may waive the
2 requirement for a driving test for a vehicle group designation
3 and passenger indorsement upon receipt of adequate evidence of
4 experience, testing, and driving record as prescribed under
5 49 C.F.R. part 383 and section 307 in operating the vehicle group
6 ~~which~~ THAT the applicant intends to drive. The secretary of
7 state shall waive the driving skills test for a person operating
8 a vehicle that is used under the conditions described in
9 subsection (4)(a) to (d) ~~except if~~ UNLESS the vehicle has a
10 gross vehicle weight rating of 26,001 pounds or more on the power
11 unit and is to be used to carry hazardous materials on which a
12 placard is required under 49 C.F.R. parts 100 to 199. The driv-
13 ing test may be waived ~~when~~ IF the applicant has a valid
14 license, indorsement, or vehicle group designation to operate
15 that type or group of vehicle in another state, except that the
16 driving test for a vehicle group designation or passenger vehicle
17 indorsement may not be waived unless the applicant has a valid
18 license with the appropriate vehicle group designation or passen-
19 ger vehicle indorsement in another state issued in compliance
20 with the commercial motor vehicle safety act of 1986, TITLE XII
21 OF Public Law 99-570, 100 Stat. ~~-3207-~~ 3207-170.

22 (2) The secretary of state may enter into an agreement with
23 another public or private person or agency to conduct a skills
24 test required under this section, section 312e, or 49 C.F.R. part
25 383.

26 (3) The secretary of state shall not issue a vehicle group
27 designation ~~or indorsement~~ to an applicant for an original

1 VEHICLE group designation ~~or indorsement who comes under~~ TO
2 WHOM 1 or more of the following ~~conditions~~ APPLY:

3 (a) ~~Has~~ THE APPLICANT HAS had his or her license suspended
4 or revoked for a reason other than as provided in section 321a,
5 515, or 801c in the 36 months immediately preceding application,
6 except that a VEHICLE GROUP designation may be issued if the sus-
7 pension or revocation was due to a temporary medical condition or
8 failure to appear at a reexamination as provided in section 320.

9 (b) ~~Was~~ THE APPLICANT WAS convicted of or incurred a bond
10 forfeiture in relation to a 6-point violation as provided in sec-
11 tion 320a ~~or a violation of section 625b~~ in the 24 months imme-
12 diately preceding application. ~~, if the violation of section~~
13 ~~625b occurred while the applicant was operating a type of vehicle~~
14 ~~that is operated under a vehicle group designation.~~

15 (c) ~~Is~~ THE APPLICANT IS listed on the national driver
16 register, ~~or on a~~ THE commercial driver license information
17 system, ~~in the United States department of transportation~~ OR
18 THE DRIVING RECORDS OF THE STATE IN WHICH THE APPLICANT WAS PRE-
19 VIOUSLY LICENSED as being disqualified from operating a
20 COMMERCIAL motor vehicle OR AS HAVING A LICENSE SUSPENDED,
21 REVOKED, CANCELED, OR DENIED.

22 (d) ~~Is~~ THE APPLICANT IS listed on the national driver
23 register, ~~or on a~~ THE commercial driver license information
24 system, ~~in the United States department of transportation~~ OR
25 THE DRIVING RECORDS OF THE STATE IN WHICH THE APPLICANT WAS PRE-
26 VIOUSLY LICENSED as having had a license suspended, revoked, or
27 canceled in the 36 months immediately preceding application IF A

1 SUSPENSION OR REVOCATION WOULD HAVE BEEN IMPOSED UNDER THIS ACT
 2 HAD THE APPLICANT BEEN LICENSED IN THIS STATE IN THE ORIGINAL
 3 INSTANCE. THIS SUBDIVISION DOES NOT APPLY TO A SUSPENSION OR
 4 REVOCATION THAT WOULD HAVE BEEN IMPOSED DUE TO A TEMPORARY MEDI-
 5 CAL CONDITION OR PURSUANT TO SECTION 321A, 515, OR 801C.

6 ~~(e) Is listed on the national driver register or on a com-~~
 7 ~~mercial driver license information system in the United States~~
 8 ~~department of transportation as having been convicted of or~~
 9 ~~incurred a bond forfeiture in relation to any of the offenses~~
 10 ~~specified in section 205(a)(3) of the national driver register~~
 11 ~~act of 1982, as set forth in section 401 note of title 23 of the~~
 12 ~~United States Code, 23 U.S.C. 401 note.~~

13 (E) ~~(f) Is~~ THE APPLICANT IS subject to a suspension OR
 14 REVOCATION under section 319b OR WOULD HAVE BEEN SUBJECT TO A
 15 SUSPENSION OR REVOCATION UNDER SECTION 319B IF THE APPLICANT HAD
 16 BEEN ISSUED A VEHICLE GROUP DESIGNATION.

17 (F) ~~(g) Has~~ THE APPLICANT HAS been disqualified FROM OPER-
 18 ATING A COMMERCIAL MOTOR VEHICLE under THE COMMERCIAL MOTOR VEHI-
 19 CLE SAFETY ACT OF 1986, title XII of Public Law 99-570,
 20 100 Stat. ~~-3207,~~ 3207-170 OR THE APPLICANT'S LICENSE TO OPERATE
 21 A COMMERCIAL MOTOR VEHICLE HAS BEEN SUSPENDED, REVOKED, OR
 22 CANCELED within 36 months immediately preceding the date of
 23 application.

24 (4) The secretary of state shall only consider ~~violations~~
 25 ~~listed under subsection (3)(e) and~~ bond forfeitures under
 26 subsection (3)(b) for violations ~~which~~ THAT occurred on or

1 after ~~October 1, 1989~~ JANUARY 1, 1990 when determining the
2 applicability of subsection (3).

3 (5) IF AN APPLICANT FOR AN ORIGINAL VEHICLE GROUP DESIGNA-
4 TION WAS PREVIOUSLY LICENSED IN ANOTHER JURISDICTION, THE SECRE-
5 TARY OF STATE SHALL REQUEST A COPY OF THE APPLICANT'S DRIVING
6 RECORD FROM THAT JURISDICTION. IF 1 OR MORE OF THE CONDITIONS
7 DESCRIBED IN SUBSECTION (3) EXIST IN THAT JURISDICTION WHEN THE
8 SECRETARY OF STATE RECEIVES THE COPY, THE SECRETARY OF STATE
9 SHALL CANCEL ALL VEHICLE GROUP DESIGNATIONS ON THE PERSON'S
10 OPERATOR'S OR CHAUFFEUR'S LICENSE.

11 (6) SUBSECTION (3)(A), (B), (D), AND (F) DO NOT APPLY TO AN
12 APPLICANT FOR AN ORIGINAL VEHICLE GROUP DESIGNATION WHO AT THE
13 TIME OF APPLICATION HAS A VALID CLASS 1, CLASS 2, OR CLASS 3
14 INDORSEMENT UNDER THIS ACT OR A VALID LICENSE TO OPERATE A COM-
15 MERCIAL MOTOR VEHICLE ISSUED BY ANY STATE IN COMPLIANCE WITH THE
16 COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986, TITLE XII OF PUBLIC
17 LAW 99-570.

18 Sec. 319b. (1) The secretary of state shall immediately
19 suspend OR REVOKE, AS APPLICABLE, all vehicle group designations
20 on ~~an~~ THE operator's or chauffeur's license ~~when the secretary~~
21 ~~of state receives~~ OF A PERSON UPON RECEIVING notice of a convic-
22 tion, bond forfeiture, or civil infraction determination OF THE
23 PERSON, OR NOTICE THAT A COURT OR ADMINISTRATIVE TRIBUNAL HAS
24 FOUND THE PERSON RESPONSIBLE, for a violation described in this
25 section ~~committed within this state or another state,~~ OF A LAW
26 OF THIS STATE, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO A
27 LAW OF THIS STATE, OR A LAW OR LOCAL ORDINANCE OF ANOTHER STATE

1 SUBSTANTIALLY CORRESPONDING TO A LAW OF THIS STATE, OR NOTICE
2 THAT THE PERSON HAS REFUSED TO SUBMIT TO A CHEMICAL TEST OF HIS
3 OR HER BLOOD, BREATH, OR URINE FOR THE PURPOSE OF DETERMINING THE
4 AMOUNT OF ALCOHOL OR PRESENCE OF A CONTROLLED SUBSTANCE OR BOTH
5 IN THE PERSON'S BLOOD WHILE THE PERSON WAS OPERATING A COMMERCIAL
6 MOTOR VEHICLE AS REQUIRED BY A LAW OR LOCAL ORDINANCE OF THIS OR
7 ANOTHER STATE. The period of suspension ~~shall be~~ OR REVOCATION
8 IS as follows:

9 (a) ~~For~~ SUSPENSION FOR 60 days ~~when~~ IF the licensee is
10 convicted of or found responsible for 2 serious traffic viola-
11 tions while operating a commercial motor vehicle ARISING FROM
12 SEPARATE INCIDENTS within 36 months.

13 (b) ~~For~~ SUSPENSION FOR 120 days ~~when~~ IF the licensee is
14 convicted of or found responsible for 3 serious traffic viola-
15 tions while operating a commercial motor vehicle ARISING FROM
16 SEPARATE INCIDENTS within 36 months.

17 (c) ~~For~~ SUSPENSION FOR 1 year ~~when~~ IF the licensee is
18 convicted of OR FOUND RESPONSIBLE FOR 1 of the following:

19 (i) A violation of section 625(1) or (2), ~~or section~~ 625b,
20 or 625M; a local ordinance SUBSTANTIALLY CORRESPONDING TO SECTION
21 625(1) OR (2), 625B, OR 625M; or A law OR LOCAL ORDINANCE of
22 another state substantially corresponding to section 625(1) or
23 (2), ~~or section~~ 625b, OR 625M while operating a commercial
24 motor vehicle.

25 (ii) Leaving the scene of an accident involving a commercial
26 motor vehicle ~~, which commercial motor vehicle is~~ operated by
27 the licensee.

1 (iii) A felony in which a commercial motor vehicle was
2 used.

3 (iv) A REFUSAL TO SUBMIT TO A CHEMICAL TEST OF HIS OR HER
4 BLOOD, BREATH, OR URINE FOR THE PURPOSE OF DETERMINING THE AMOUNT
5 OF ALCOHOL OR PRESENCE OF A CONTROLLED SUBSTANCE OR BOTH IN HIS
6 OR HER BLOOD WHILE HE OR SHE WAS OPERATING A COMMERCIAL MOTOR
7 VEHICLE AS REQUIRED BY A LAW OR LOCAL ORDINANCE OF THIS STATE OR
8 ANOTHER STATE.

9 (v) ~~(iv)~~ A 6-point violation as provided in section 320a
10 WHILE OPERATING A COMMERCIAL MOTOR VEHICLE.

11 (d) ~~For~~ SUSPENSION FOR 3 years ~~when~~ IF the licensee is
12 convicted of ~~a felony~~ OR FOUND RESPONSIBLE FOR AN OFFENSE ENU-
13 MERATED IN SUBDIVISION (C)(i) TO (iv) in which a commercial motor
14 vehicle was used if the vehicle was carrying hazardous material
15 required to have a placard pursuant to 49 C.F.R. parts 100 to
16 199.

17 (e) ~~For life when~~ REVOCATION FOR NOT LESS THAN 10 YEARS
18 AND UNTIL THE PERSON IS APPROVED FOR THE ISSUANCE OF A VEHICLE
19 GROUP DESIGNATION IF a licensee is convicted of OR FOUND RESPON-
20 SIBLE FOR 1 of the following:

21 (i) Two violations ~~under~~ OF section 625(1) or (2), ~~or~~
22 ~~section~~ 625b, or 625M; a local ordinance SUBSTANTIALLY CORRE-
23 SPONDING TO SECTION 625(1) OR (2), 625B, OR 625M; or A law OR
24 LOCAL ORDINANCE of another state substantially corresponding to
25 section 625(1) or (2), ~~or section~~ 625b, OR 625M, while driving
26 a commercial motor vehicle.

1 (ii) Two violations of leaving the scene of an accident
 2 involving a commercial motor vehicle ~~, which commercial motor~~
 3 ~~vehicle is~~ operated by the licensee.

4 (iii) Two violations of a felony in which a commercial motor
 5 vehicle was used.

6 (iv) TWO REFUSALS OF A REQUEST OF A POLICE OFFICER TO SUBMIT
 7 TO A CHEMICAL TEST OF HIS OR HER BLOOD, BREATH, OR URINE FOR THE
 8 PURPOSE OF DETERMINING THE AMOUNT OF ALCOHOL OR PRESENCE OF A
 9 CONTROLLED SUBSTANCE OR BOTH IN HIS OR HER BLOOD WHILE HE OR SHE
 10 WAS OPERATING A COMMERCIAL MOTOR VEHICLE IN THIS STATE OR ANOTHER
 11 STATE, WHICH REFUSALS OCCURRED IN SEPARATE INCIDENTS.

12 (v) ~~(iv)~~ Two violations of any combination of the offenses
 13 under ~~subparagraphs~~ SUBPARAGRAPH (i), (ii), ~~or~~ (iii), OR (iv)
 14 ARISING FROM 2 OR MORE SEPARATE INCIDENTS.

15 (vi) ~~(v)~~ One violation of a felony in which a commercial
 16 motor vehicle was used and ~~which involves~~ THAT INVOLVED the
 17 manufacture, distribution, or dispensing of a controlled sub-
 18 stance or possession with intent to manufacture, distribute, or
 19 dispense a controlled substance.

20 (2) As used in this section:

21 (a) "Felony in which a commercial motor vehicle was used"
 22 means a felony during the commission of which the person con-
 23 victed operated a commercial motor vehicle and while THE PERSON
 24 WAS operating the vehicle 1 or more of the following circum-
 25 stances existed:

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

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

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

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

6 (b) "Serious traffic violation" means ~~reckless driving,~~ a
7 traffic violation ~~received~~ THAT OCCURS in connection with an
8 accident in which a person dies, careless driving, excessive
9 speeding as defined in the federal administrative regulations
10 promulgated to implement THE COMMERCIAL MOTOR VEHICLE SAFETY ACT
11 OF 1986, title XII of Public Law 99-570, 100 Stat. ~~3207-~~
12 3207-170, IMPROPER LANE USE, FOLLOWING TOO CLOSELY, or any other
13 serious traffic ~~offense~~ VIOLATION as ~~specified in the federal~~
14 ~~regulations implementing that act~~ DEFINED IN 49 C.F.R. 383.5 or
15 as prescribed under this act.

16 (3) For the purpose of this section only, a bond forfeiture
17 ~~shall be~~ OR A DETERMINATION THAT A PERSON HAS VIOLATED THE LAW
18 BY A COURT OF ORIGINAL JURISDICTION OR BY AN AUTHORIZED ADMINIS-
19 TRATIVE TRIBUNAL IS considered a conviction.

20 (4) The secretary of state ~~may~~ SHALL suspend OR REVOKE a
21 vehicle group designation UNDER SUBSECTION (1) notwithstanding a
22 suspension, restriction, revocation, or denial of an operator's
23 or chauffeur's license OR VEHICLE GROUP DESIGNATION under another
24 section of this act OR A COURT ORDER ISSUED UNDER SECTION 625(1)
25 OR (2), 625B, OR 625M OR A LOCAL ORDINANCE SUBSTANTIALLY CORRE-
26 SPONDING TO SECTION 625(1) OR (2), 625B, OR 625M.

1 (5) The secretary of state, when determining the
2 applicability of conditions listed in this section, shall only
3 consider violations ~~which~~ THAT occurred after ~~October 1, 1989~~
4 JANUARY 1, 1990.

5 Sec. 319d. (1) A person, WHETHER LICENSED OR NOT, WHOSE
6 BLOOD CONTAINS 0.015% OR MORE BY WEIGHT OF ALCOHOL shall not
7 operate a commercial motor vehicle ~~in this state while he or she~~
8 ~~is subject to an out of service order issued pursuant to 49~~
9 ~~C.F.R. part 392~~ WITHIN THE STATE.

10 (2) A POLICE OFFICER WHO HAS REASONABLE CAUSE TO BELIEVE
11 THAT A PERSON WAS OPERATING A COMMERCIAL MOTOR VEHICLE WITHIN THE
12 STATE WHILE THE PERSON'S BLOOD CONTAINED 0.015% OR MORE BY WEIGHT
13 OF ALCOHOL, AS MEASURED BY A PRELIMINARY CHEMICAL BREATH ANALYSIS
14 PROVIDED UNDER SECTION 625H OR A CHEMICAL TEST PROVIDED UNDER
15 SECTION 625A, SHALL ORDER THE PERSON OUT-OF-SERVICE IMMEDIATELY
16 FOR A PERIOD OF 24 HOURS, WHICH SHALL BEGIN UPON ISSUANCE OF THE
17 ORDER.

18 (3) A POLICE OFFICER SHALL ORDER OUT-OF-SERVICE IMMEDIATELY
19 FOR A PERIOD OF 24 HOURS, WHICH SHALL BEGIN UPON ISSUANCE OF THE
20 ORDER, A PERSON WHO REFUSES TO SUBMIT TO A PRELIMINARY CHEMICAL
21 BREATH ANALYSIS REQUESTED UNDER SECTION 625H(1)(B).

22 (4) A PERSON ORDERED OUT-OF-SERVICE UNDER THIS SECTION, A
23 LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO THIS SECTION, OR A
24 LAW OR LOCAL ORDINANCE OF ANOTHER STATE SUBSTANTIALLY CORRESPOND-
25 ING TO THIS SECTION, SHALL NOT DRIVE A COMMERCIAL MOTOR VEHICLE
26 DURING THE 24-HOUR OUT-OF-SERVICE PERIOD.

1 (5) A POLICE OFFICER WHO ISSUES AN OUT-OF-SERVICE ORDER
 2 UNDER THIS SECTION SHALL PROVIDE FOR THE SAFE AND EXPEDITIOUS
 3 DISPOSITION OF A PRODUCT CARRIED BY A COMMERCIAL MOTOR VEHICLE
 4 THAT IS HAZARDOUS OR WOULD RESULT IN DAMAGE TO THE VEHICLE, HUMAN
 5 HEALTH, OR THE ENVIRONMENT.

6 (6) FAILURE TO COMPLY WITH SUBSECTION (1) IS NOT A CIVIL
 7 INFRACTION OR CRIMINAL VIOLATION OF THIS ACT.

8 (7) A PERSON WHO VIOLATES SUBSECTION (4) IS GUILTY OF A
 9 MISDEMEANOR.

10 Sec. 320a. (1) The secretary of state, within 10 days after
 11 the receipt of a properly prepared abstract from this or another
 12 state, shall record the date of conviction, civil infraction
 13 determination, or probate court finding, and the number of points
 14 for each, based on the following formula, except as otherwise
 15 provided in this section and section 629c:

16 (a) Manslaughter, negligent homicide, or a felony
 17 resulting from the operation of a motor vehicle..... 6 points

18 (b) Operating a motor vehicle while under the
 19 influence of intoxicating liquor or a controlled sub-
 20 stance, or a combination of an intoxicating liquor and
 21 a controlled substance, or while having a blood alcohol
 22 content of 0.10% or more by weight of alcohol..... 6 points

23 .(c) Failing to stop and disclose identity at the
 24 scene of an accident when required by law..... 6 points

25 (d) Operating a motor vehicle in a reckless manner 6 points

- 1 (e) Violation of any law or ordinance pertaining
 2 to speed by exceeding the lawful maximum by more than
 3 15 miles per hour..... 4 points
- 4 (f) Violation of section 625b or a law or ordi-
 5 nance substantially corresponding to section 625b..... 4 points
- 6 (g) Fleeing or eluding an officer..... 6 points
- 7 (h) Violation of section 626a or a law or ordi-
 8 nance substantially corresponding to section 626a..... 4 points
- 9 (i) Violation of any law or ordinance pertaining
 10 to speed by exceeding the lawful maximum by more than
 11 10 but not more than 15 miles per hour or careless
 12 driving in violation of section 626b or a law or ordi-
 13 nance substantially corresponding to section 626b..... 3 points
- 14 (j) Violation of any law or ordinance pertaining
 15 to speed by exceeding the lawful maximum by 10 miles
 16 per hour or less..... 2 points
- 17 (k) Disobeying a traffic signal or stop sign, or
 18 improper passing..... 3 points
- 19 (l) All other moving violations pertaining to the
 20 operation of motor vehicles reported under this section 2 points
- 21 (2) Points shall not be entered for a violation of section
 22 311, 625M, 658, 717, 719, 719a, or 723.
- 23 (3) Points shall not be entered for bond forfeitures.
- 24 (4) Points shall not be entered for overweight loads or for
 25 defective equipment.
- 26 (5) If more than 1 conviction, civil infraction
 27 determination, or probate court finding results from the same

1 incident, points shall be entered only for the violation ~~which~~
 2 THAT receives the highest number of points under this section.

3 (6) If a person has accumulated 9 points as provided in this
 4 section, the secretary of state may call the person in for an
 5 interview as to the person's driving ability and record after due
 6 notice as to time and place of the interview. If the person
 7 fails to appear as provided in this subsection, the secretary of
 8 state shall add 3 points to the person's record.

9 (7) If a person is determined to be responsible for a civil
 10 infraction for a violation of a law or ordinance pertaining to
 11 speed by exceeding the lawful maximum on a street or highway
 12 which maximum was reduced by Act No. 28 of the Public Acts of
 13 1974, then points shall be entered only pursuant to the
 14 following:

15 (a) Sixty miles per hour to the lawful maximum in
 16 effect before being reduced by Act No. 28 of the Public
 17 Acts of 1974..... 1 point

18 (b) Exceeding the lawful maximum in effect before
 19 being reduced by Act No. 28 of the Public Acts of 1974,
 20 by 10 miles per hour or less..... 2 points

21 (c) Exceeding the lawful maximum in effect before
 22 being reduced by Act No. 28 of the Public Acts of 1974,
 23 by more than 10 but not more than 15 miles per hour.... 3 points

1 (d) Exceeding the lawful maximum in effect before
2 being reduced by Act No. 28 of the Public Acts of 1974,
3 by more than 15 miles per hour..... 4 points

4 (8) Notwithstanding subsection (7), if a person violates a
5 speed restriction established by an executive order issued during
6 a state of energy emergency as provided by Act No. 191 of the
7 Public Acts of 1982, being sections 10.81 to 10.89 of the
8 Michigan Compiled Laws, the secretary of state shall enter points
9 for the violation pursuant to subsection (1).

10 (9) The secretary of state shall enter 6 points upon the
11 record of a person whose license is suspended or denied pursuant
12 to section 625f for refusal to submit to a chemical test
13 described in section 625a. However, if a conviction, civil
14 infraction determination, or probate court finding results from
15 the same incident, additional points for that offense shall not
16 be entered.

17 (10) If a Michigan driver commits a violation in another
18 state that would be a civil infraction if committed in Michigan,
19 and a conviction results solely because of the failure of the
20 Michigan driver to appear in that state to contest the violation,
21 upon receipt of the abstract of conviction by the secretary of
22 state, the violation shall be noted on the driver's record, but
23 no points shall be assessed against his or her driver's license.

24 Sec. 323. (1) A person who is aggrieved by a final determi-
25 nation of the secretary of state denying the person an operator's
26 or chauffeur's license, a vehicle group designation, or an
27 indorsement on a license or revoking, suspending, or restricting

1 an operator's or chauffeur's license, vehicle group designation,
2 or an indorsement may petition for a review of the determination
3 in the circuit court in the county where the person was arrested
4 if the denial or suspension was imposed pursuant to section 625f
5 or pursuant to the order of a trial court under section 328 or,
6 in all other cases, in the circuit court in the county of resi-
7 dence of the person.

8 (2) The circuit court shall enter an order setting the cause
9 for hearing for a day certain ~~in~~ not to exceed 60 days after
10 the date of the order. The order, together with a copy of the
11 petition ~~which shall include~~ THAT INCLUDES the person's full
12 name, current address, birth date, and driver's license number,
13 and all supporting affidavits, shall be served on the secretary
14 of state's office in Lansing not less than 20 days before the
15 date set for the hearing. If the person is seeking a review of
16 the record prepared pursuant to section 625f(3) to determine
17 whether the hearing officer properly determined the issues enu-
18 merated in section 625f(2), then the service upon the secretary
19 of state shall be made not less than 50 days before the date set
20 for the hearing.

21 (3) Except as provided in subsection (4), the court may take
22 testimony and examine into all the facts and circumstances inci-
23 dent to the denial, suspension, restriction, or revocation of the
24 person's license. The court may affirm, modify, or set aside the
25 restriction, suspension, revocation, or denial, except that the
26 court shall not order the secretary of state to issue a
27 restricted or unrestricted chauffeur's license ~~which~~ THAT would

1 permit a person to drive a truck or truck tractor, including a
 2 trailer, ~~which~~ THAT hauls a hazardous material. The order of
 3 the court shall be ~~duly~~ entered and a certified copy shall be
 4 filed immediately with the secretary of state's office in
 5 Lansing.

6 (4) In reviewing a determination resulting in a denial or
 7 suspension under section 625f, the court shall confine its con-
 8 sideration to 1 or both of the following:

9 (a) A review of the record prepared pursuant to section
 10 625f(3) to determine whether the hearing officer properly deter-
 11 mined the issues enumerated in section 625f(2).

12 (b) A determination of whether to order the issuance of a
 13 restricted license as provided in section 323c.

14 (5) This section ~~shall~~ DOES not apply to a denial, revoca-
 15 tion, suspension, or restriction imposed pursuant to a court
 16 order issued as part of the sentence for ~~of~~ a conviction of a
 17 violation of section ~~625 or~~ 625(1) OR (2), 625B, OR 625M or a
 18 local ordinance substantially corresponding to section 625(1) or
 19 (2), ~~or~~ 625b OR 625M.

20 (6) This section ~~shall~~ DOES not apply to a denial, revoca-
 21 tion, suspension, or restriction imposed pursuant to the finan-
 22 cial responsibility act contained in chapter V.

23 (7) THIS SECTION DOES NOT APPLY TO A SUSPENSION, REVOCATION,
 24 OR DENIAL OF A CLASS 1, 2, OR 3 INDORSEMENT OR A VEHICLE GROUP
 25 DESIGNATION IMPOSED PURSUANT TO SECTION 312F, 319A, OR 319B.

26 Sec. 323c. (1) A person denied a license to operate a
 27 motor vehicle or whose license for that purpose has been

1 suspended by the secretary of state under section 625f has a
2 right to a review of the matter in circuit court as provided in
3 sections 323 and 323a. Except as provided in this section, the
4 court may order the secretary of state to issue to the person a
5 restricted license permitting the person to drive only to and
6 from the person's residence and work location; in the course of
7 the person's employment or occupation; to and from an alcohol or
8 drug education program or treatment program as ordered by a
9 court; to and from the person's residence and an educational
10 institution at which the person is enrolled as a student; or pur-
11 suant to a combination of these restrictions. IF THE DENIAL,
12 SUSPENSION, OR REVOCATION OF A PERSON'S LICENSE OR VEHICLE GROUP
13 DESIGNATION UNDER SECTION 625F OCCURRED IN CONNECTION WITH THE
14 OPERATION OF A COMMERCIAL MOTOR VEHICLE, THE COURT SHALL NOT
15 ORDER THE SECRETARY OF STATE TO ISSUE A RESTRICTED LICENSE THAT
16 WOULD PERMIT THE PERSON TO OPERATE A COMMERCIAL MOTOR VEHICLE.
17 The court shall not order the secretary of state to issue a
18 restricted chauffeur's license ~~which~~ THAT would permit a person
19 to operate a truck or truck tractor, including a trailer, that
20 hauls hazardous material. The court shall not order the secre-
21 tary of state to issue a restricted license unless the person
22 states under oath and the court finds that the person is unable
23 to take public transportation to and from his or her work loca-
24 tion, place of alcohol or drug education or treatment, or educa-
25 tional institution, and does not have a family member or other
26 PERSON able to provide transportation. The court order and
27 license shall indicate the person's work location and the

1 approved route or routes and permitted times of travel. For
2 purposes of this section, "work location" includes, as applica-
3 ble, either or both of the following:

4 (a) The specific place or places of employment.

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

7 (2) If the person's license has been suspended pursuant to
8 section 625f within the immediately preceding 7-year period, a
9 restricted license shall not be issued.

10 (3) Notwithstanding any other provision of this section, the
11 court shall not issue a restricted license to a person who has
12 accumulated over 24 points, as provided in section 320a, within
13 the 2-year period preceding the date of the suspension of his or
14 her license.

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~~ POLICE
21 officer may, without a warrant, arrest a person when the ~~peace~~
22 POLICE officer has reasonable cause to believe that the person
23 was, at the time of an accident, the driver of a vehicle involved
24 in the accident and was operating the vehicle upon a public high-
25 way or other place open to the general public, including an area
26 designated for the parking of vehicles, ~~in~~ WITHIN the state
27 while in violation of this subsection or of subsection (2), or of

1 a local ordinance substantially corresponding to this subsection
2 or 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 more than
19 \$500.00, or both, together with costs of the prosecution. As
20 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 or
24 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 this subsection, "work location" includes, as
2 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 years of a prior conviction may be sentenced to impris-
9 onment 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 this section,
13 "prior conviction" means a conviction under subsection (1) or
14 (2), a local ordinance substantially corresponding to subsection
15 (1) or (2), or a law of another state substantially corresponding
16 to subsection (1) or (2).

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

23 (7) As part of the sentence for a violation of subsection
24 (1) or (2), or a local ordinance substantially corresponding to
25 subsection (1) or (2), the court may order the person to perform
26 service to the community, as designated by the court, without
27 compensation, for a period not to exceed 12 days. The person

1 shall reimburse the state or appropriate local unit of government
2 for the cost of insurance incurred by the state or local unit of
3 government as a result of the person's activities under this
4 subsection.

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

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

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

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

14 (11) IN ADDITION TO ANY OTHER SUSPENSION OR REVOCATION
15 ORDERED UNDER THIS SECTION AND AS PART OF THE SENTENCE IMPOSED
16 UPON A PERSON WHO VIOLATES SUBSECTION (1) OR (2) OR A LOCAL ORDI-
17 NANCE SUBSTANTIALLY CORRESPONDING TO SUBSECTION (1) OR (2) WHILE
18 OPERATING A COMMERCIAL MOTOR VEHICLE, THE COURT SHALL ORDER THE
19 SECRETARY OF STATE TO SUSPEND THE VEHICLE GROUP DESIGNATIONS ON
20 THE PERSON'S OPERATOR'S OR CHAUFFEUR'S LICENSE IN ACCORDANCE WITH
21 SECTION 319B(1)(C), EXCEPT THAT IF THE VEHICLE WAS TRANSPORTING
22 HAZARDOUS MATERIAL REQUIRED TO HAVE A PLACARD PURSUANT TO 49
23 C.F.R. PARTS 100 TO 199, THE COURT SHALL ORDER THE SECRETARY OF
24 STATE TO SUSPEND THE VEHICLE GROUP DESIGNATIONS ON THE PERSON'S
25 OPERATOR'S OR CHAUFFEUR'S LICENSE IN ACCORDANCE WITH SECTION
26 319B(1)(D). THE COURT SHALL NOT ORDER THE SECRETARY OF STATE TO

1 ISSUE A RESTRICTED LICENSE THAT WOULD PERMIT THE PERSON TO
2 OPERATE A COMMERCIAL MOTOR VEHICLE.

3 (12) IN ADDITION TO ANY OTHER SUSPENSION OR REVOCATION
4 ORDERED UNDER THIS SECTION AND AS PART OF THE SENTENCE IMPOSED
5 UPON A PERSON WHO IS CONVICTED OF A VIOLATION OF SUBSECTION (1)
6 OR (2) OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO
7 SUBSECTION (1) OR (2) WHILE OPERATING A COMMERCIAL MOTOR VEHICLE
8 WITHIN 10 YEARS OF A PRIOR CONVICTION, THE COURT SHALL ORDER THE
9 SECRETARY OF STATE TO REVOKE THE VEHICLE GROUP DESIGNATIONS ON
10 THE PERSON'S OPERATOR'S OR CHAUFFEUR'S LICENSE IN ACCORDANCE WITH
11 SECTION 319B(1)(E). THE COURT SHALL NOT ORDER THE SECRETARY OF
12 STATE TO ISSUE A RESTRICTED LICENSE THAT WOULD PERMIT THE PERSON
13 TO OPERATE A COMMERCIAL MOTOR VEHICLE. FOR PURPOSES OF THIS SUB-
14 SECTION, "PRIOR CONVICTION" MEANS A CONVICTION UNDER
15 SUBSECTION (1) OR (2) OR SECTION 625B, A LOCAL ORDINANCE SUBSTAN-
16 Tially CORRESPONDING TO SUBSECTION (1) OR (2) OR SECTION 625B, OR
17 A LAW OR LOCAL ORDINANCE OF ANOTHER STATE SUBSTANTIALLY CORRE-
18 SPONDING TO SUBSECTION (1) OR (2) OR SECTION 625B INVOLVING THE
19 OPERATION OF A COMMERCIAL MOTOR VEHICLE, OR A CONVICTION UNDER
20 SECTION 625M, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO
21 SECTION 625M, OR A LAW OR LOCAL ORDINANCE OF ANOTHER STATE SUB-
22 STANTIALLY CORRESPONDING TO SECTION 625M.

23 Sec. 625a. (1) The amount of alcohol or presence of a con-
24 trolled substance or both in the driver's blood at the time
25 alleged as shown by chemical analysis of the person's blood,
26 urine, or breath shall be admissible into evidence in a criminal
27 prosecution for any of the following:

1 (a) A violation of section 625(1), (2), or (3), ~~or~~ 625b,
2 OR 625M, or of a local ordinance substantially corresponding to
3 section 625(1), (2), or (3), ~~or~~ 625b, OR 625M.

4 (b) Felonious driving, negligent homicide, or manslaughter
5 resulting from the operation of a motor vehicle while the driver
6 is alleged to have been impaired by or under the influence of
7 intoxicating liquor or a controlled substance or a combination of
8 intoxicating liquor and a controlled substance, or to have had a
9 blood alcohol content of 0.10% or more by weight of alcohol.

10 (2) If a test is given, the results of the test shall be
11 made available to the person charged or the person's attorney
12 upon written request to the prosecution, with a copy of the
13 request filed with the court. The prosecution shall furnish the
14 report at least 2 days before the day of the trial and the
15 results shall be offered as evidence by the prosecution in a
16 criminal proceeding. Failure to fully comply with the request
17 shall bar the admission of the results into evidence by the
18 prosecution.

19 (3) Except in a prosecution relating solely to a violation
20 of section 625(2) OR 625M, the amount of alcohol in the driver's
21 blood at the time alleged as shown by chemical analysis of the
22 person's blood, urine, or breath shall give rise to the following
23 presumptions:

24 (a) If there was at the time 0.07% or less by weight of
25 alcohol in the defendant's blood, it shall be presumed that the
26 defendant was not under the influence of intoxicating liquor.

1 (b) If there was at the time in excess of 0.07% but less
2 than 0.10% by weight of alcohol in the defendant's blood, it
3 shall be presumed that the defendant's ability to operate a vehi-
4 cle was impaired within the provisions of section 625b due to the
5 consumption of intoxicating liquor.

6 (c) If there was at the time 0.10% or more by weight of
7 alcohol in the defendant's blood, it shall be presumed that the
8 defendant was under the influence of intoxicating liquor.

9 (4) A sample or specimen of urine or breath shall be taken
10 and collected in a reasonable manner. Only a licensed physician,
11 or a licensed nurse or medical technician under the direction of
12 a licensed physician and qualified to withdraw blood acting in a
13 medical environment, at the request of a ~~peace~~ POLICE officer,
14 may withdraw blood for the purpose of determining the amount of
15 alcohol or presence of a controlled substance or both in the
16 person's blood, as provided in this act. Liability for a crime
17 or civil damages predicated on the act of withdrawing blood and
18 related procedures shall not attach to a qualified person who
19 withdraws blood or assists in the withdrawal in accordance with
20 this act unless the withdrawal is performed in a negligent
21 manner.

22 (5) The tests shall be administered at the request of a
23 ~~peace~~ POLICE officer having reasonable grounds to believe the
24 person has committed a crime described in subsection (1). A
25 person who takes a chemical test administered at the request of a
26 ~~peace~~ POLICE officer, as provided in this section, shall be
27 given a reasonable opportunity to have a person of his or her own

1 choosing administer 1 of the chemical tests described in this
2 section within a reasonable time after his or her detention, and
3 the results of the test shall be admissible and shall be consid-
4 ered with other competent evidence in determining the innocence
5 or guilt of the defendant. If the person charged is administered
6 a chemical test by a person of his or her own choosing, the
7 person charged shall be responsible for obtaining a chemical
8 analysis of the test sample. The person charged shall be
9 informed that he or she has the right to demand that a person of
10 his or her choosing administer 1 of the tests provided for in
11 subsection (1), that the results of the test shall be admissible
12 and shall be considered with other competent evidence in deter-
13 mining the innocence or guilt of the defendant, and that the
14 person charged shall be responsible for obtaining a chemical
15 analysis of the test sample.

16 (6) The person charged shall be advised that if the person
17 refuses the request of a ~~peace~~ POLICE officer to take a test
18 described in this section, a test shall not be given without a
19 court order. The person charged shall also be advised that the
20 person's refusal of the request of a ~~peace~~ POLICE officer to
21 take a test described in this section shall result in the suspen-
22 sion of his or her operator's or chauffeur's license AND VEHICLE
23 GROUP DESIGNATION or operating privilege, and in the addition of
24 6 points to his or her driver record.

25 (7) This section ~~shall not be construed as limiting~~ DOES
26 NOT LIMIT the introduction of any other competent evidence
27 bearing upon the question of whether or not the person was

1 impaired by or under the influence of intoxicating liquor or a
2 controlled substance, or a combination of intoxicating liquor and
3 a controlled substance, or whether the person had a blood alcohol
4 content of 0.10% or more by weight of alcohol.

5 (8) If a jury instruction regarding a defendant's refusal to
6 submit to a chemical test under this section is requested by the
7 prosecution or the defendant, the jury instruction shall be given
8 as follows:

9 "Evidence was admitted in this case which, if believed by
10 the jury, could prove that the defendant had exercised his or her
11 right to refuse a chemical test. You are instructed that such a
12 refusal is within the statutory rights of the defendant and is
13 not evidence of his OR HER guilt. You are not to consider such a
14 refusal in determining the guilt or innocence of the defendant."

15 (9) If after an accident the driver of a vehicle involved in
16 the accident is transported to a medical facility and a sample of
17 the driver's blood is withdrawn at that time for the purpose of
18 medical treatment, the results of a chemical analysis of that
19 sample ~~shall be~~ ARE admissible in a criminal prosecution for a
20 crime described in subsection (1) to show the amount of alcohol
21 or presence of a controlled substance or both in the person's
22 blood at the time alleged, regardless of whether the person had
23 been offered or had refused a chemical test. The medical facil-
24 ity or person performing the chemical analysis shall disclose the
25 results of the analysis to a prosecuting attorney who requests
26 the results for use in a criminal prosecution as provided in this
27 subsection. A medical facility or person disclosing information

1 in compliance with this subsection ~~shall~~ IS not ~~be~~ civilly or
2 criminally liable for making the disclosure.

3 (10) If after a highway accident the driver of a vehicle
4 involved in the accident is deceased, a sample of the decedent's
5 blood shall be withdrawn in a manner directed by the medical
6 examiner for the purpose of determining blood alcohol content or
7 presence of a controlled substance or both.

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

17 (2) Except as otherwise provided in this section, a person
18 convicted of a violation of this section is guilty of a misde-
19 meanor, punishable by imprisonment for not more than 90 days, or
20 a fine of not more than \$300.00, or both, together with costs of
21 the prosecution. As part of the sentence, the court shall order
22 the secretary of state to suspend the operator's or chauffeur's
23 license of the person for a period of not less than 90 days nor
24 more than 1 year. The court may order the secretary of state to
25 issue to the person a restricted license permitting the person
26 during all or a specified portion of the period of suspension to
27 drive only to and from the person's residence and work location;

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

1 "work location" includes, as applicable, either or both of the
2 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 (3) A person who violates this section or a local ordinance
7 substantially corresponding to this section within 7 years of a
8 prior conviction may be sentenced to imprisonment for not more
9 than 1 year, or a fine of not more than \$1,000.00, or both. As
10 part of the sentence, the court shall order the secretary of
11 state to suspend the operator's or chauffeur's license of the
12 person for a period of not less than 6 months nor more than 18
13 months. The court may order the secretary of state to issue to
14 the person a restricted license as provided in subsection (2),
15 except that a restricted license shall not be issued during the
16 first 60 days of the suspension period. For purposes of this
17 section, "prior conviction" means a conviction under this sec-
18 tion, section 625(1) or (2), a local ordinance substantially cor-
19 responding to this section or section 625(1) or (2), or a law of
20 another state substantially corresponding to this section or sec-
21 tion 625(1) or (2).

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

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

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

20 (7) Before accepting a plea of guilty under this section,
21 the court shall advise the accused of the statutory consequences
22 possible as a result of a plea of guilty in respect to suspension
23 or revocation of an operator's or chauffeur's license, the pen-
24 alty imposed for violation of this section, and the limitation on
25 the right of appeal.

26 (8) The operator's or chauffeur's license of a person found
27 guilty of violating this section, or a local ordinance

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

16 (9) IN ADDITION TO ANY OTHER SUSPENSION OR REVOCATION
17 ORDERED UNDER THIS SECTION AND AS PART OF THE SENTENCE IMPOSED
18 UPON A PERSON WHO VIOLATES THIS SECTION OR A LOCAL ORDINANCE SUB-
19 STANTIALLY CORRESPONDING TO THIS SECTION WHILE OPERATING A COM-
20 Mercial MOTOR VEHICLE, THE COURT SHALL ORDER THE SECRETARY OF
21 STATE TO SUSPEND THE VEHICLE GROUP DESIGNATIONS ON THE PERSON'S
22 OPERATOR'S OR CHAUFFEUR'S LICENSE IN ACCORDANCE WITH
23 SECTION 319B(1)(C), EXCEPT THAT IF THE VEHICLE WAS TRANSPORTING
24 HAZARDOUS MATERIAL REQUIRED TO HAVE A PLACARD PURSUANT TO 49
25 C.F.R. PARTS 100 TO 199, THE COURT SHALL ORDER THE SECRETARY OF
26 STATE TO SUSPEND THE VEHICLE GROUP DESIGNATIONS ON THE PERSON'S
27 OPERATOR'S OR CHAUFFEUR'S LICENSE IN ACCORDANCE WITH SECTION

1 319B(1)(D). THE COURT SHALL NOT ORDER THE SECRETARY OF STATE TO
2 ISSUE A RESTRICTED LICENSE THAT WOULD PERMIT THE PERSON TO OPER-
3 ATE A COMMERCIAL MOTOR VEHICLE.

4 (10) IN ADDITION TO ANY OTHER SUSPENSION OR REVOCATION
5 ORDERED UNDER THIS SECTION AND AS PART OF THE SENTENCE IMPOSED
6 UPON A PERSON WHO IS CONVICTED OF A VIOLATION OF THIS SECTION OR
7 A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO THIS SECTION
8 WHILE OPERATING A COMMERCIAL MOTOR VEHICLE WITHIN 10 YEARS OF A
9 PRIOR CONVICTION, THE COURT SHALL ORDER THE SECRETARY OF STATE TO
10 REVOKE THE VEHICLE GROUP DESIGNATIONS ON THE PERSON'S OPERATOR'S
11 OR CHAUFFEUR'S LICENSE IN ACCORDANCE WITH SECTION 319B(1)(E).
12 THE COURT SHALL NOT ORDER THE SECRETARY OF STATE TO ISSUE A
13 RESTRICTED LICENSE THAT WOULD PERMIT THE PERSON TO OPERATE A COM-
14 MERCIAL MOTOR VEHICLE. FOR PURPOSES OF THIS SUBSECTION, "PRIOR
15 CONVICTION" MEANS A CONVICTION UNDER THIS SECTION OR
16 SECTION 625(1) OR (2), A LOCAL ORDINANCE SUBSTANTIALLY CORRE-
17 SPONDING TO THIS SECTION OR SECTION 625(1) OR (2), OR A LAW OR
18 LOCAL ORDINANCE OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO
19 THIS SECTION OR SECTION 625(1) OR (2) INVOLVING THE OPERATION OF
20 A COMMERCIAL MOTOR VEHICLE, OR A CONVICTION UNDER SECTION 625M, A
21 LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625M, OR A
22 LAW OR LOCAL ORDINANCE OF ANOTHER STATE SUBSTANTIALLY CORRESPOND-
23 ING TO SECTION 625M.

24 Sec. 625c. (1) A person who operates a vehicle upon a
25 public highway or other place open to the general public, includ-
26 ing an area designated for the parking of vehicles, in the state
27 is considered to have given consent to chemical tests of his or

1 her blood, breath, or urine for the purpose of determining the
2 amount of alcohol or presence of a controlled substance or both
3 in his or her blood if:

4 (a) The person is arrested for a violation of section 625(1)
5 or (2), ~~or~~ 625b, 625H(8), OR 625M, or a local ordinance sub-
6 stantially corresponding to section 625(1) or (2), ~~or~~ 625b,
7 625H(8), OR 625M.

8 (b) The person is arrested for felonious driving, negligent
9 homicide, or manslaughter resulting from the operation of a motor
10 vehicle, and the ~~peace~~ POLICE officer had reasonable grounds to
11 believe that the person was operating the vehicle while impaired
12 by or under the influence of intoxicating liquor or a controlled
13 substance or a combination of intoxicating liquor and a con-
14 trolled substance, or while having a blood alcohol content of
15 0.10% or more by weight of alcohol.

16 (2) A person who is afflicted with hemophilia, diabetes, or
17 a condition requiring the use of an anticoagulant under the
18 direction of a physician ~~shall~~ IS not ~~be~~ considered to have
19 given consent to the withdrawal of blood.

20 (3) The tests shall be administered as provided in section
21 625a.

22 Sec. 625d. If a person refuses the request of a ~~peace~~
23 POLICE officer to submit to a chemical test offered pursuant to
24 section 625a, a test shall not be given without a court order. A
25 written report shall be forwarded to the secretary of state by
26 the ~~peace~~ POLICE officer. The report shall state that the
27 officer had reasonable grounds to believe that the person had

1 committed a crime described in section 625c(1), and that the
2 person had refused to submit to the test upon the request of the
3 ~~peace~~ POLICE officer and had been advised of the consequences
4 of the refusal. The form of the report shall be prescribed and
5 furnished by the secretary of state.

6 Sec. 625f. (1) If the person who refuses to submit to a
7 chemical test pursuant to section 625d does not request a hearing
8 within 14 days of the date of notice pursuant to section 625e,
9 the secretary of state shall IMPOSE THE FOLLOWING LICENSE

10 SANCTIONS:

11 (A) IF THE PERSON WAS OPERATING A VEHICLE OTHER THAN A COM-
12 Mercial MOTOR VEHICLE, suspend the person's operator's or
13 chauffeur's license or permit to drive, or nonresident operating
14 privilege, for a period of 6 months, or for a second or subse-
15 quent refusal within a period of 7 years, for 1 year. If the
16 person is a resident without a license or permit to operate a
17 vehicle in the state, the secretary shall deny to the person the
18 issuance of a license or permit for a period of 6 months, or, for
19 a second or subsequent refusal within a period of 7 years, for 1
20 year.

21 (B) IF THE PERSON WAS OPERATING A COMMERCIAL MOTOR VEHICLE,
22 FOR THE FIRST REFUSAL, SUSPEND ALL VEHICLE GROUP DESIGNATIONS ON
23 THE PERSON'S OPERATOR'S OR CHAUFFEUR'S LICENSE OR PERMIT, OR NON-
24 RESIDENT PRIVILEGE TO OPERATE A COMMERCIAL MOTOR VEHICLE, OR IF
25 THE PERSON IS A RESIDENT WITHOUT A LICENSE OR PERMIT TO OPERATE A
26 COMMERCIAL MOTOR VEHICLE IN THE STATE, DENY THE ISSUANCE TO THE

1 PERSON OF AN OPERATOR'S OR CHAUFFEUR'S LICENSE WITH VEHICLE GROUP
2 DESIGNATIONS, FOR A PERIOD OF 1 YEAR.

3 (C) IF THE PERSON WAS OPERATING A COMMERCIAL MOTOR VEHICLE,
4 FOR A SECOND OR SUBSEQUENT REFUSAL THAT OCCURRED IN A SEPARATE
5 INCIDENT FROM, AND WITHIN 10 YEARS OF, A PRIOR REFUSAL, REVOKE
6 ALL VEHICLE GROUP DESIGNATIONS ON THE PERSON'S OPERATOR'S OR
7 CHAUFFEUR'S LICENSE OR PERMIT, OR NONRESIDENT PRIVILEGE TO OPER-
8 ATE A COMMERCIAL MOTOR VEHICLE, OR IF THE PERSON IS A RESIDENT
9 WITHOUT A LICENSE OR PERMIT TO OPERATE A COMMERCIAL MOTOR VEHICLE
10 IN THE STATE, DENY THE ISSUANCE TO THE PERSON OF AN OPERATOR'S OR
11 CHAUFFEUR'S LICENSE WITH VEHICLE GROUP DESIGNATIONS, FOR A PERIOD
12 OF NOT LESS THAN 10 YEARS AND UNTIL THE PERSON IS APPROVED FOR
13 THE ISSUANCE OF A VEHICLE GROUP DESIGNATION.

14 (D) IF THE PERSON WAS OPERATING A COMMERCIAL MOTOR VEHICLE
15 AND WAS ARRESTED FOR AN OFFENSE ENUMERATED IN SECTION 625C OTHER
16 THAN A VIOLATION OF SECTION 625H(8) OR 625M, IMPOSE THE LICENSE
17 SANCTION DESCRIBED IN SUBDIVISION (A) AND THE LICENSE SANCTION
18 DESCRIBED IN SUBDIVISION (B) OR (C), AS APPLICABLE.

19 (2) If a hearing is requested, the secretary of state shall
20 hold the hearing in the same manner and under the same conditions
21 as provided in section 322. ~~At least~~ NOT LESS THAN 10 days'
22 notice of the hearing shall be ~~mailed~~ PROVIDED BY MAIL to the
23 person requesting the hearing, to the ~~peace~~ POLICE officer who
24 filed the report under section 625d, and, if the prosecuting
25 attorney requests receipt of the notice, to the prosecuting
26 attorney of the county where the arrest was made. The hearing
27 officer ~~shall be authorized to~~ MAY administer oaths, MAY issue

1 subpoenas for the attendance of necessary witnesses, and may
2 grant a reasonable request for an adjournment. The hearing shall
3 cover only the following issues:

4 (a) Whether the ~~peace~~ POLICE officer had reasonable
5 grounds to believe that the person had committed a crime
6 described in section 625c(1).

7 (b) Whether the person was placed under arrest for a crime
8 described in section 625c(1).

9 (c) Whether the person reasonably refused to submit to the
10 test upon the request of the officer.

11 (d) Whether the person was advised of the rights under sec-
12 tions 625a and 625c.

13 (3) The hearing officer shall make a record of proceedings
14 held pursuant to subsection (2). The record shall be prepared
15 and transcribed in accordance with section 86 of the administra-
16 tive procedures act of 1969, Act No. 306 of the Public Acts of
17 1969, being section 24.286 of the Michigan Compiled Laws. Upon
18 notification of the filing of a petition for judicial review pur-
19 suant to section 323, the hearing officer shall transmit to the
20 court in which the petition was filed, not less than 10 days
21 before the matter is set for review, the original or a certified
22 copy of the official record of the proceedings. Proceedings at
23 which evidence was presented need not be transcribed and trans-
24 mitted if the sole reason for review is to determine whether or
25 not the court will order the issuance of a restricted license.
26 The parties to the proceedings for judicial review may stipulate
27 that the record be shortened. A party unreasonably refusing to

1 stipulate to a shortened record may be taxed by the court in
2 which the petition is filed for the additional costs. The court
3 may permit subsequent corrections to the record.

4 (4) After the hearing, IF THE PERSON WHO REQUESTED THE HEAR-
5 ING DOES NOT PREVAIL, the secretary of state may IMPOSE THE FOL-
6 LOWING LICENSE SANCTIONS:

7 (A) IF THE PERSON WAS OPERATING A VEHICLE OTHER THAN A COM-
8 Mercial MOTOR VEHICLE, suspend or deny issuance of a license or
9 driving permit or a nonresident operating privilege of the person
10 ~~involved~~ for a period of 6 months, or, for a second or subse-
11 quent refusal within 7 years, for 1 year. If the person
12 ~~involved~~ is a resident without a license or permit to operate a
13 vehicle in the state, the secretary of state may deny to the
14 person the issuance of a license or permit for a period of 6
15 months, or, for a second or subsequent refusal within 7 years,
16 for 1 year. The person ~~involved~~ may file a petition in the
17 circuit court of the county in which the arrest was made to
18 review the suspension or denial as provided in section 323.

19 (B) IF THE PERSON WAS OPERATING A COMMERCIAL MOTOR VEHICLE,
20 IMPOSE THE SANCTION PRESCRIBED UNDER SUBSECTION (1)(B) OR (1)(C),
21 AS APPLICABLE. THE PERSON MAY FILE A PETITION IN THE CIRCUIT
22 COURT OF THE COUNTY IN WHICH THE ARREST WAS MADE TO REVIEW THE
23 SUSPENSION OR DENIAL AS PROVIDED IN SECTION 323.

24 (C) IF THE PERSON WAS OPERATING A COMMERCIAL MOTOR VEHICLE
25 AND WAS ARRESTED FOR AN OFFENSE ENUMERATED IN SECTION 625C, OTHER
26 THAN A VIOLATION OF SECTION 625H(8) OR 625M, IMPOSE THE LICENSE
27 SANCTIONS DESCRIBED IN BOTH SUBDIVISIONS (A) AND (B).

1 (5) When it has been finally determined that a nonresident's
2 privilege to operate a vehicle in the state has been suspended or
3 denied, the department shall give notice in writing of the action
4 taken to the motor vehicle administrator of the state of the
5 person's residence and of each state in which he or she has a
6 license to operate a motor vehicle.

7 Sec. 625h. (1) A ~~peace~~ POLICE officer ~~who~~ MAY REQUIRE A
8 PERSON TO SUBMIT TO A PRELIMINARY CHEMICAL BREATH ANALYSIS IF THE
9 OFFICER has reasonable cause to believe ~~that a~~ EITHER OF THE
10 FOLLOWING:

11 (A) THAT THE person was operating a vehicle upon a public
12 highway or other place open to the general public, including an
13 area designated for the parking of vehicles, ~~in~~ WITHIN the
14 state, and that the person by the consumption of intoxicating
15 liquor may have affected his or her ability to operate a
16 vehicle. ~~, may require the person to submit to a preliminary~~
17 ~~chemical breath analysis.~~

18 (B) THAT THE PERSON WAS OPERATING A COMMERCIAL MOTOR VEHICLE
19 WITHIN THE STATE WHILE THE PERSON'S BLOOD CONTAINED ANY MEASUR-
20 ABLE AMOUNT OF ALCOHOL BY WEIGHT, OR WHILE THE PERSON HAD ANY
21 DETECTABLE PRESENCE OF INTOXICATING LIQUOR.

22 (2) A ~~peace~~ POLICE officer may arrest a person based in
23 whole or in part upon the results of a preliminary chemical
24 breath analysis.

25 (3) The results of a preliminary chemical breath analysis
26 shall be admissible in a criminal prosecution for a crime
27 enumerated in section 625a(1) or in an administrative hearing

1 under section 625f, solely to assist the court or hearing officer
2 in determining a challenge to the validity of an arrest. This
3 subsection does not limit the introduction of other competent
4 evidence offered to establish the validity of an arrest.

5 (4) A person who submits to a preliminary chemical breath
6 analysis ~~shall remain~~ REMAINS subject to the requirements of
7 sections 625a, 625c, 625d, 625e, and 625f for the purposes of
8 chemical tests described in those sections.

9 (5) ~~A~~ EXCEPT AS PROVIDED IN SUBSECTION (8), A person who
10 refuses to submit to a preliminary chemical breath analysis upon
11 a lawful request by a ~~peace~~ POLICE officer is responsible for a
12 civil infraction.

13 (6) THE RESULTS OF A PRELIMINARY CHEMICAL BREATH ANALYSIS
14 CONDUCTED PURSUANT TO THIS SECTION SHALL BE USED BY A POLICE
15 OFFICER TO DETERMINE WHETHER A PERSON SHALL BE ORDERED
16 OUT-OF-SERVICE UNDER SECTION 319D. A POLICE OFFICER SHALL ORDER
17 OUT-OF-SERVICE AS REQUIRED UNDER SECTION 319D A PERSON WHO WAS
18 OPERATING A COMMERCIAL MOTOR VEHICLE AND WHO REFUSES TO SUBMIT TO
19 A PRELIMINARY CHEMICAL BREATH ANALYSIS AS PROVIDED IN THIS
20 SECTION. THIS SECTION DOES NOT LIMIT USE OF OTHER COMPETENT EVI-
21 DENCE BY THE POLICE OFFICER TO DETERMINE WHETHER A PERSON SHALL
22 BE ORDERED OUT-OF-SERVICE UNDER SECTION 319D.

23 (7) A PERSON WHO WAS OPERATING A COMMERCIAL MOTOR VEHICLE
24 AND WHO IS REQUESTED TO SUBMIT TO A PRELIMINARY CHEMICAL BREATH
25 ANALYSIS UNDER THIS SECTION SHALL BE ADVISED THAT REFUSAL OF THE
26 REQUEST OF A POLICE OFFICER TO TAKE A TEST DESCRIBED IN THIS

1 SECTION IS A MISDEMEANOR AND SHALL RESULT IN THE ISSUANCE OF A
2 24-HOUR OUT-OF-SERVICE ORDER.

3 (8) A PERSON WHO WAS OPERATING A COMMERCIAL MOTOR VEHICLE
4 AND WHO REFUSES TO SUBMIT TO A PRELIMINARY CHEMICAL BREATH ANALY-
5 SIS UPON A LAWFUL REQUEST BY A POLICE OFFICER IS GUILTY OF A
6 MISDEMEANOR.

7 (9) ~~(6)~~ Section 625g ~~shall apply~~ APPLIES to a prelimi-
8 nary chemical breath analysis.

9 SEC. 625M. (1) A PERSON, WHETHER LICENSED OR NOT, WHOSE
10 BLOOD CONTAINS 0.04% OR MORE BUT NOT MORE THAN 0.07% BY WEIGHT OF
11 ALCOHOL SHALL NOT OPERATE A COMMERCIAL MOTOR VEHICLE WITHIN THE
12 STATE.

13 (2) A POLICE OFFICER MAY, WITHOUT A WARRANT, ARREST A PERSON
14 IF THE POLICE OFFICER HAS REASONABLE CAUSE TO BELIEVE THAT THE
15 PERSON WAS, AT THE TIME OF AN ACCIDENT, THE DRIVER OF A COMMER-
16 CIAL MOTOR VEHICLE INVOLVED IN THE ACCIDENT AND WAS OPERATING THE
17 VEHICLE IN VIOLATION OF THIS SECTION OR OF A LOCAL ORDINANCE SUB-
18 STANTIALLY CORRESPONDING TO THIS SECTION.

19 (3) A PERSON WHO IS CONVICTED OF A VIOLATION OF THIS SECTION
20 OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO THIS SECTION
21 IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT
22 MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN \$300.00, OR BOTH,
23 TOGETHER WITH COSTS OF THE PROSECUTION. AS PART OF THE SENTENCE,
24 THE COURT SHALL ORDER THE SECRETARY OF STATE TO SUSPEND THE VEHI-
25 CLE GROUP DESIGNATIONS ON THE PERSON'S OPERATOR'S OR CHAUFFEUR'S
26 LICENSE IN ACCORDANCE WITH SECTION 319B(1)(C) OR (D). THE COURT
27 SHALL NOT ORDER THE SECRETARY OF STATE TO ISSUE A RESTRICTED

1 LICENSE THAT WOULD PERMIT THE PERSON TO OPERATE A COMMERCIAL
2 MOTOR VEHICLE.

3 (4) A PERSON WHO VIOLATES THIS SECTION OR A LOCAL ORDINANCE
4 SUBSTANTIALLY CORRESPONDING TO THIS SECTION WITHIN 10 YEARS OF A
5 PRIOR CONVICTION MAY BE SENTENCED TO IMPRISONMENT FOR NOT MORE
6 THAN 1 YEAR OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH. AS
7 PART OF THE SENTENCE, THE COURT SHALL ORDER THE SECRETARY OF
8 STATE TO REVOKE THE VEHICLE GROUP DESIGNATIONS ON THE PERSON'S
9 OPERATOR'S OR CHAUFFEUR'S LICENSE IN ACCORDANCE WITH SECTION
10 319B(1)(E). THE COURT SHALL NOT ORDER THE SECRETARY OF STATE TO
11 ISSUE A RESTRICTED LICENSE THAT WOULD PERMIT THE PERSON TO OPER-
12 ATE A COMMERCIAL MOTOR VEHICLE. FOR PURPOSES OF THIS SUBSECTION,
13 "PRIOR CONVICTION" MEANS A CONVICTION FOR A VIOLATION OF THIS
14 SECTION, SECTION 625(1) OR (2), OR SECTION 625B, A LOCAL ORDI-
15 NANCE SUBSTANTIALLY CORRESPONDING TO THIS SECTION, SECTION 625(1)
16 OR (2), OR SECTION 625B, OR A LAW OR LOCAL ORDINANCE OF ANOTHER
17 STATE SUBSTANTIALLY CORRESPONDING TO THIS SECTION, SECTION 625(1)
18 OR (2), OR SECTION 625B INVOLVING THE OPERATION OF A COMMERCIAL
19 MOTOR VEHICLE.

20 Sec. 732. (1) Each municipal judge and each clerk of a
21 court of record shall keep a full record of every case in which a
22 person is charged with or cited for a violation of this act or of
23 a law corresponding to this act regulating the operation of vehi-
24 cles on highways.

25 (2) Within 14 days after the conviction or forfeiture of
26 bail of a person, or entry of a civil infraction determination,
27 default judgment, or probate court order of disposition for a

1 child found to be within the provisions of chapter XIIIA of Act
 2 No. 288 of the Public Acts of 1939, being sections 712A.1 to
 3 712A.28 of the Michigan Compiled Laws, upon a charge of, or
 4 citation for, violating this act or a local ordinance correspond-
 5 ing to this act regulating the operation of vehicles on highways,
 6 except as provided in subsection ~~-(12)-~~ (15), the municipal judge
 7 or clerk of the court of record shall prepare and immediately
 8 forward to the secretary of state an abstract of the record of
 9 the court for the case. The abstract shall be certified by sig-
 10 nature, stamp, or facsimile signature by the person required to
 11 prepare the abstract to be true and correct. If a city or vil-
 12 lage department, bureau, or person is authorized to accept a pay-
 13 ment of money as a settlement for a violation of a local ordi-
 14 nance corresponding to this act, the city or village department,
 15 bureau, or person shall send a full report of each case in which
 16 a person pays any amount of money to the city or village depart-
 17 ment, bureau, or person to the secretary of state upon a form
 18 prescribed by the secretary of state.

19 (3) The abstract or report required under this section shall
 20 be made upon a form furnished by the secretary of state and shall
 21 include ~~the~~ ALL OF THE FOLLOWING:

22 (A) THE name, address, and date of birth of the person
 23 charged or cited. ~~the~~

24 (B) THE number of the person's operator's or chauffeur's
 25 license, if any. ~~the~~

26 (C) THE date and nature of the violation. ~~the~~

1 (D) THE type of vehicle driven at the time of the violation
 2 and, if the vehicle is a commercial motor vehicle, that vehicle's
 3 group designation and indorsement classification. ~~the~~

4 (E) THE date of the conviction, finding, forfeiture, judg-
 5 ment, or determination. ~~whether~~

6 (F) WHETHER bail was forfeited. ~~any~~

7 (G) ANY license revocation, restriction, suspension, or
 8 denial ordered by the court pursuant to this act. ~~and other~~

9 (H) OTHER information considered necessary to the secretary
 10 of state.

11 (4) The clerk of the court also shall forward an abstract of
 12 the record of the court to the secretary of state upon the con-
 13 viction of a person or entry of a probate court order of disposi-
 14 tion for a child found to be within the provisions of chapter
 15 XIIIA of Act No. 288 of the Public Acts of 1939 ~~being sections~~
 16 ~~712A.1 to 712A.28 of the Michigan Compiled Laws,~~ involving ~~a~~
 17 ANY OF THE FOLLOWING:

18 (A) A violation of section 324, 413, 414, or 479a of the
 19 Michigan penal code, Act No. 328 of the Public Acts of 1931,
 20 being sections 750.324, 750.413, 750.414, and 750.479a of the
 21 Michigan Compiled Laws. ~~a~~

22 (B) A violation of section 1 of Act No. 214 of the Public
 23 Acts of 1931, being section 752.191 of the Michigan Compiled
 24 Laws. ~~or an~~

25 (C) AN attempt to commit any of ~~these~~ THE offenses
 26 DESCRIBED IN SUBDIVISION (A) OR (B).

1 (5) As used in subsections (6) to (8), "felony in which a
2 motor vehicle was used" means a felony during the commission of
3 which the person operated a motor vehicle and while operating the
4 vehicle presented real or potential harm to persons or property
5 and 1 or more of the following circumstances existed:

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

7 (b) The vehicle was used to transport a victim of the
8 felony.

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

10 (d) The vehicle was necessary for the commission of the
11 felony.

12 (6) If a person is charged with a felony in which a motor
13 vehicle was used, other than a felony specified in subsection (4)
14 ~~—~~ or section 319(1)(a) to ~~(f)~~ (E), the prosecuting attorney
15 shall include the following statement on the complaint and infor-
16 mation filed in district or circuit court:

17 "You are charged with the commission of a felony in which a
18 motor vehicle was used. If you are convicted and the judge finds
19 that the conviction is for a felony in which a motor vehicle was
20 used, as defined in section 319 of the Michigan vehicle code, Act
21 No. 300 of the Public Acts of 1949, being section 257.319 of the
22 Michigan Compiled Laws, your driver's license shall be suspended
23 by the secretary of state."

24 (7) If a child is accused of an act the nature of which con-
25 stitutes a felony in which a motor vehicle was used, other than a
26 felony specified in subsection (4) or section 319(1)(a) to ~~(f)~~

1 (E), the prosecuting attorney or juvenile court shall include on
2 the petition filed in the probate court:

3 "You are accused of an act the nature of which constitutes a
4 felony in which a motor vehicle was used. If the accusation is
5 found to be true and the judge or referee finds that the nature
6 of the act constitutes a felony in which a motor vehicle was
7 used, as defined in section 319 of the Michigan vehicle code, Act
8 No. 300 of the Public Acts of 1949, being section 257.319 of the
9 Michigan Compiled Laws, your driver's license shall be suspended
10 by the secretary of state."

11 (8) If the judge or juvenile court referee determines as
12 part of the sentence or disposition that the felony for which the
13 defendant was convicted or adjudicated and with respect to which
14 notice was given pursuant to subsection (6) or (7) is a felony in
15 which a motor vehicle was used, the clerk of the court shall for-
16 ward an abstract of the court record of that conviction or adju-
17 dication to the secretary of state.

18 (9) As used in subsections (10) and (11), "Felony in which a
19 commercial motor vehicle was used" means a felony during the com-
20 mission of which the person operated a commercial motor vehicle
21 and while THE PERSON WAS operating the vehicle 1 or more of the
22 following circumstances existed:

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

24 (b) The vehicle was used to transport a victim of the
25 felony.

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

1 (d) The vehicle was necessary for the commission of the
2 felony.

3 (10) If a person is charged with a felony in which a commer-
4 cial motor vehicle was used and for which a vehicle group desig-
5 nation on a license is subject to suspension OR REVOCATION under
6 section 319b(1)(c)(iii), ~~(d)~~ 319B(1)(D), or ~~(e)(iii) or (v)~~
7 319B(1)(E)(iii) OR (vi), the prosecuting attorney shall include
8 the following statement on the complaint and information filed in
9 district or circuit court:

10 "You are charged with the commission of a felony in which a
11 commercial motor vehicle was used. If you are convicted and the
12 judge finds that the conviction is for a felony in which a com-
13 mercial motor vehicle was used, as defined in section 319b of the
14 Michigan vehicle code, Act No. 300 of the Public Acts of 1949,
15 being section 257.319b of the Michigan Compiled Laws, all vehicle
16 group designations on your driver's license shall be suspended OR
17 REVOKED by the secretary of state."

18 (11) If the judge determines as part of the sentence that
19 the felony for which the defendant was convicted and with respect
20 to which notice was given pursuant to subsection (10) is a felony
21 in which a commercial motor vehicle was used, the clerk of the
22 court shall forward an abstract of the court record of that con-
23 viction to the secretary of state.

24 (12) Every person required to forward abstracts to the sec-
25 retary of state under this section shall certify for the period
26 from January 1 through June 30 and for the period from July 1
27 through December 31 that all abstracts required to be forwarded

1 during the period have been forwarded. The certification shall
2 be filed with the secretary of state not later than 28 days after
3 the end of the period covered by the certification. The certifi-
4 cation shall be made upon a form furnished by the secretary of
5 state and shall include all of the following:

6 (a) The name and title of the person required to forward
7 abstracts.

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

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

10 (d) The following statement:

11 "I certify that all abstracts required by section 732 of the
12 Michigan vehicle code, MCL 257.732; MSA 9.2432, for the period
13 _____ through _____ have been forwarded to the secre-
14 tary of state."

15 (e) Other information the secretary of state considers
16 necessary.

17 (f) The signature of the person required to forward
18 abstracts.

19 (13) The failure, refusal, or neglect of a person to comply
20 with this section shall constitute misconduct in office and shall
21 be grounds for removal from office.

22 (14) Except as provided in subsection ~~(+2)~~ (15), the sec-
23 retary of state shall keep all abstracts received under this sec-
24 tion at the secretary of state's main office and the abstracts
25 shall be open for public inspection during the office's usual
26 business hours. Each abstract shall be entered upon the master
27 driving record of the person to whom it pertains.

1 (15) The court shall not submit, and the secretary of state
2 shall discard and not enter on the master driving record, an
3 abstract for a conviction, civil infraction determination, or
4 probate court order of disposition for any of the following
5 offenses:

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

7 (b) A nonmoving violation ~~which~~ THAT is not the basis for
8 the secretary of state's suspension, revocation, or denial of an
9 operator's or chauffeur's license.

10 (c) A violation of chapter II ~~which~~ THAT is not the basis
11 for the secretary of state's suspension, revocation, or denial of
12 an operator's or chauffeur's license.

13 (d) A pedestrian, passenger, or bicycle violation.

14 (e) A violation of section 710e.

15 (16) The secretary of state shall discard and not enter on
16 the master driving record an abstract for a bond forfeiture
17 ~~which~~ THAT occurred outside this state. However, the secretary
18 of state shall retain and enter on the master driving record an
19 abstract of an out-of-state bond forfeiture for an offense
20 ~~which~~ THAT occurred after ~~October 1, 1989~~ JANUARY 1, 1990 in
21 connection with the operation of a commercial motor vehicle.

22 (17) The secretary of state shall inform the courts of this
23 state of the nonmoving violations and violations of chapter II
24 ~~which~~ THAT are used by the secretary of state as the basis for
25 the suspension, restriction, revocation, or denial of an
26 operator's or chauffeur's license.

1 (18) If a conviction, civil infraction determination, or
2 probate court order of disposition is reversed upon appeal, the
3 person whose conviction, determination, or order of disposition
4 has been reversed may serve on the secretary of state a certified
5 copy of the order of reversal, and the secretary of state shall
6 enter the order in the proper book or index in connection with
7 the record of the conviction, civil infraction determination, or
8 probate court order of disposition.

9 (19) The secretary of state may permit a city or village
10 department, bureau, person, or court to modify the requirement as
11 to the time and manner of reporting a conviction, civil infrac-
12 tion determination, settlement, or probate court order of dispo-
13 sition to the secretary of state ~~when~~ IF the modification will
14 increase the economy and efficiency of collecting and utilizing
15 the records. If the permitted abstract of court record reporting
16 a conviction, civil infraction determination, settlement, or pro-
17 bate court order of disposition originates as a part of the writ-
18 ten notice to appear, authorized in section 728(1) or 742(1), the
19 form of the written notice and report shall be as prescribed by
20 the secretary of state.

21 Sec. 904. (1) A person whose operator's or chauffeur's
22 license or registration certificate has been suspended or revoked
23 and who has been notified as provided in section 212 of that sus-
24 pension or revocation, or whose application for license has been
25 denied, as provided in this act, or who has never applied for a
26 license, and who operates a motor vehicle upon the highways of
27 this state or who knowingly permits a motor vehicle owned by the

1 person to be operated by another upon a highway, except as
2 permitted under this act, while the license or registration cer-
3 tificate is suspended or revoked, or whose application for
4 license has been denied, as provided in this act, is guilty of a
5 misdemeanor, punishable, except as provided in subsections ~~(2)~~
6 (3) and ~~(3)~~ (4), by imprisonment for not less than 3 days ~~nor~~
7 OR more than 90 days, or a fine of not more than \$100.00, or
8 both. Unless the vehicle was stolen or used with the permission
9 of a person who did not knowingly permit an unlicensed driver to
10 operate the vehicle, the registration plates of the vehicle shall
11 be confiscated.

12 (2) A PERSON WHOSE VEHICLE GROUP DESIGNATION IS SUSPENDED OR
13 REVOKED AND WHO HAS BEEN NOTIFIED AS PROVIDED IN SECTION 212 OF
14 THAT SUSPENSION OR REVOCATION, OR WHOSE APPLICATION FOR A VEHICLE
15 GROUP DESIGNATION HAS BEEN DENIED, AS PROVIDED IN THIS ACT, OR
16 WHO HAS NEVER APPLIED FOR A VEHICLE GROUP DESIGNATION, AND WHO
17 OPERATES A COMMERCIAL MOTOR VEHICLE UPON THE HIGHWAYS OF THIS
18 STATE, EXCEPT AS PERMITTED UNDER THIS ACT, WHILE ANY OF THOSE
19 CONDITIONS EXIST IS GUILTY OF A MISDEMEANOR, PUNISHABLE, EXCEPT
20 AS OTHERWISE PROVIDED IN THIS SECTION, BY IMPRISONMENT FOR NOT
21 LESS THAN 3 DAYS OR MORE THAN 90 DAYS, OR A FINE OF NOT MORE THAN
22 \$100.00, OR BOTH.

23 (3) ~~(2)~~ A person whose operator's or chauffeur's license
24 has been suspended under section 321a because that person has
25 failed to answer a citation or has failed to comply with an order
26 or judgment issued pursuant to section 907 and who operates a
27 motor vehicle upon a highway, may be punished by imprisonment for

1 not more than 90 days, or a fine of not more than \$100.00, or
2 both.

3 (4) ~~-(3)-~~ A person convicted of a second or subsequent vio-
4 lation of this section is guilty of a misdemeanor, punishable by
5 imprisonment for not less than 5 days nor more than 1 year, or a
6 fine of not more than \$500.00, or both. Unless the vehicle was
7 stolen, the registration plates of the vehicle shall be
8 confiscated.

9 (5) ~~-(4)-~~ The secretary of state, upon receiving a record of
10 the conviction or probate court finding of a person upon a charge
11 of unlawful operation of a motor vehicle while the license of the
12 person is suspended, revoked, or denied, or of the conviction,
13 civil infraction determination, or probate court finding of a
14 person for a violation of the motor vehicle laws of this state
15 while the license of the person is suspended, revoked, or denied,
16 immediately shall extend the period of the first suspension or
17 revocation for an additional like period, or if a period has not
18 been determined, then for not less than 30 days nor more than 1
19 year.

20 (6) ~~-(5)-~~ The secretary of state, upon receiving a record of
21 the conviction, bond forfeiture, or a civil infraction determina-
22 tion of a person upon a charge of unlawful operation of a motor
23 vehicle requiring a class 1, class 2, or class 3 indorsement or
24 vehicle group designation while the indorsement or designation is
25 suspended OR REVOKED pursuant to section 319a or 319b, immedi-
26 ately shall extend the period of suspension OR REVOCATION for an
27 additional like period. This subsection shall apply to a person

1 who operates a commercial vehicle while disqualified under THE
2 COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986, title XII of Public
3 Law 99-570, 100 Stat. ~~-3207-~~ 3207-170.

4 (7) ~~-(6)-~~ Before the plea of the person is accepted under
5 this section, the arresting officer shall check with the secre-
6 tary of state to determine the record and status of the person
7 according to the records of the secretary of state and so inform
8 the court.

9 (8) ~~-(7)-~~ This section ~~shall~~ DOES not apply to a person
10 who operates a vehicle solely for the purpose of protecting human
11 life or property, if the life or property is endangered and the
12 summoning of prompt aid is essential.

13 Section 2. This amendatory act shall take effect January 1,
14 1993.