

HOUSE BILL No. 4681

April 16, 1991, Introduced by Rep. Clack and referred to the Committee on Transportation.

A bill to amend sections 319, 323, and 732 of Act No. 300 of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

section 319 as amended by Act No. 406 of the Public Acts of 1988 and sections 323 and 732 as amended by Act No. 346 of the Public Acts of 1988, being sections 257.319, 257.323, and 257.732 of the Michigan Compiled Laws; and to add section 319e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 319, 323, and 732 of Act No. 300 of the
2 Public Acts of 1949, section 319 as amended by Act No. 406 of the
3 Public Acts of 1988 and sections 323 and 732 as amended by Act
4 No. 346 of the Public Acts of 1988, being sections 257.319,
5 257.323, and 257.732 of the Michigan Compiled Laws, are amended
6 and section 319e is added to read as follows:

1 Sec. 319. (1) The secretary of state shall immediately
2 suspend for a period of not less than 90 days, nor more than 2
3 years, the license of a person upon receiving a record of the
4 conviction of the person or the entry of a probate court order of
5 disposition for a child found to be within the provisions of
6 chapter XIIIA of Act No. 288 of the Public Acts of 1939, being
7 sections 712A.1 to 712A.28 of the Michigan Compiled Laws, for any
8 of the following crimes or attempts to commit any of the follow-
9 ing crimes, whether the conviction or probate court disposition
10 is under a law of this state, a local ordinance substantially
11 corresponding to a law of this state, or a law of another state
12 substantially corresponding to a law of this state:

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

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

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

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

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

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

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

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

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

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

16 (2) The secretary of state shall suspend, for the period
17 described in subsection (1), the license of a person upon receiv-
18 ing the record of conviction of the person for a violation of a
19 law of another state substantially corresponding to section
20 625(1) or (2).

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

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

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

14 (a) Two convictions under section 625b.

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

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

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

10 (8) UPON RECEIPT OF THE RECORD OF THE CONVICTION OF A
11 PERSON, OR THE ENTRY OF A PROBATE COURT ORDER OF DISPOSITION FOR
12 A PERSON FOUND TO BE WITHIN THE PROVISIONS OF CHAPTER XIIIA OF ACT
13 NO. 288 OF THE PUBLIC ACTS OF 1939, FOR A VIOLATION OF
14 SECTION 7401, 7402, 7403, 7404, OR 7407 OF THE PUBLIC HEALTH
15 CODE, ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS
16 333.7401, 333.7402, 333.7403, 333.7404, AND 333.7407 OF THE
17 MICHIGAN COMPILED LAWS, THE SECRETARY OF STATE IMMEDIATELY SHALL
18 SUSPEND THE LICENSE OF THE PERSON FOR A PERIOD OF NOT LESS THAN
19 60 DAYS OR MORE THAN 1 YEAR AS ORDERED BY THE COURT AS PART OF
20 THE SENTENCE OR DISPOSITION. THE COURT MAY ORDER THE SECRETARY
21 OF STATE TO ISSUE TO THE PERSON A RESTRICTED LICENSE DURING THE
22 PERIOD OF SUSPENSION PURSUANT TO SECTION 319E.

23 (9) ~~-(8)-~~ For purposes of this section, the secretary of
24 state shall treat a conviction or probate court disposition for a
25 child found to be within the provisions of chapter XIIIA of Act
26 No. 288 of the Public Acts of 1939 for an attempted offense as if
27 the offense had been completed.

1 SEC. 319E. IF A PERSON'S OPERATOR'S LICENSE OR CHAUFFEUR'S
2 LICENSE IS SUSPENDED PURSUANT TO SECTION 319(8), THE COURT THAT
3 ORDERED THE SECRETARY OF STATE TO SUSPEND THE LICENSE MAY ORDER
4 THE SECRETARY OF STATE TO ISSUE TO THE PERSON A RESTRICTED
5 LICENSE PERMITTING THE PERSON DURING ALL OR A SPECIFIED PORTION
6 OF THE PERIOD OF SUSPENSION TO DRIVE ONLY TO AND FROM THE
7 PERSON'S RESIDENCE AND WORK LOCATION; IN THE COURSE OF THE
8 PERSON'S EMPLOYMENT OR OCCUPATION; TO AND FROM AN ALCOHOL OR DRUG
9 EDUCATION PROGRAM OR TREATMENT PROGRAM AS ORDERED BY THE COURT;
10 TO AND FROM THE PERSON'S RESIDENCE AND AN EDUCATIONAL INSTITUTION
11 AT WHICH THE PERSON IS ENROLLED AS A STUDENT; OR PURSUANT TO A
12 COMBINATION OF THESE RESTRICTIONS. THE COURT SHALL NOT ORDER THE
13 SECRETARY OF STATE TO ISSUE A RESTRICTED CHAUFFEUR'S LICENSE THAT
14 WOULD PERMIT A PERSON TO OPERATE A TRUCK OR TRUCK TRACTOR,
15 INCLUDING A TRAILER, THAT HAULS HAZARDOUS MATERIAL. THE COURT
16 SHALL NOT ORDER THE SECRETARY OF STATE TO ISSUE A RESTRICTED
17 LICENSE UNLESS THE PERSON STATES UNDER OATH AND THE COURT FINDS
18 THAT THE PERSON IS UNABLE TO TAKE PUBLIC TRANSPORTATION TO AND
19 FROM HIS OR HER WORK LOCATION, PLACE OF ALCOHOL OR DRUG EDUCATION
20 OR TREATMENT, OR EDUCATIONAL INSTITUTION, AND DOES NOT HAVE ANY
21 FAMILY MEMBERS OR OTHERS ABLE TO PROVIDE TRANSPORTATION. THE
22 COURT ORDER AND LICENSE SHALL INDICATE THE PERSON'S WORK LOCATION
23 AND THE APPROVED ROUTE OR ROUTES AND PERMITTED TIMES OF TRAVEL.
24 FOR PURPOSES OF THIS SUBSECTION, "WORK LOCATION" INCLUDES, AS
25 APPLICABLE, EITHER OR BOTH OF THE FOLLOWING:

26 (A) THE SPECIFIC PLACE OR PLACES OF EMPLOYMENT.

1 (B) THE TERRITORY OR TERRITORIES REGULARLY VISITED BY THE
2 PERSON IN PURSUANCE OF THE PERSON'S OCCUPATION.

3 Sec. 323. (1) A person who is aggrieved by a final determi-
4 nation of the secretary of state denying the person an operator's
5 or chauffeur's license, a vehicle group designation, or an
6 indorsement on a license or revoking, suspending, or restricting
7 an operator's or chauffeur's license, vehicle group designation,
8 or an indorsement may petition for a review of the determination
9 in the circuit court in the county where the person was arrested
10 if the denial or suspension was imposed pursuant to section 625f
11 or pursuant to the order of a trial court under section 328 or,
12 in all other cases, in the circuit court in the county of resi-
13 dence of the person.

14 (2) The circuit court shall enter an order setting the cause
15 for hearing for a day certain in not to exceed 60 days after the
16 date of the order. The order, together with a copy of the peti-
17 tion which shall include the person's full name, current address,
18 birth date, and driver's license number, and all supporting affi-
19 davits, shall be served on the secretary of state's office in
20 Lansing not less than 20 days before the date set for the
21 hearing. If the person is seeking a review of the record pre-
22 pared pursuant to section 625f(3) to determine whether the hear-
23 ing officer properly determined the issues enumerated in section
24 625f(2), then the service upon the secretary of state shall be
25 made not less than 50 days before the date set for the hearing.

26 (3) Except as provided in subsection (4), the court may take
27 testimony and examine into all the facts and circumstances

1 incident to the denial, suspension, restriction, or revocation of
2 the person's license. The court may affirm, modify, or set aside
3 the restriction, suspension, revocation, or denial except that
4 the court shall not order the secretary of state to issue a
5 restricted or unrestricted chauffeur's license which would permit
6 a person to drive a truck or truck tractor, including a trailer,
7 which hauls a hazardous material. The order of the court shall
8 be duly entered and a certified copy shall be filed immediately
9 with the secretary of state's office in Lansing.

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

13 (a) A review of the record prepared pursuant to section
14 625f(3) to determine whether the hearing officer properly deter-
15 mined the issues enumerated in section 625f(2).

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

18 (5) This section shall not apply to a denial, revocation,
19 suspension, or restriction imposed pursuant to a court order
20 issued as part of the sentence for ~~of~~ a conviction of a viola-
21 tion of section 625 or 625b, or a local ordinance substantially
22 corresponding to section 625(1) or (2) or 625b; OR OF
23 SECTION 7401, 7402, 7403, 7404, OR 7407 OF THE PUBLIC HEALTH
24 CODE, ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS
25 333.7401, 333.7402, 333.7403, 333.7404, AND 333.7407 OF THE
26 MICHIGAN COMPILED LAWS.

1 (6) This section shall not apply to a denial, revocation,
2 suspension, or restriction imposed pursuant to the financial
3 responsibility act contained in chapter V.

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

9 (2) Within 14 days after the conviction or forfeiture of
10 bail of a person, or entry of a civil infraction determination,
11 default judgment, or probate court order of disposition for a
12 child found to be within the provisions of chapter XIIA of Act
13 No. 288 of the Public Acts of 1939, being sections 712A.1 to
14 712A.28 of the Michigan Compiled Laws, upon a charge of, or
15 citation for, violating this act or a local ordinance correspond-
16 ing to this act regulating the operation of vehicles on highways,
17 except as provided in subsection ~~-(12)-~~ (17), the municipal judge
18 or clerk of the court of record shall prepare and immediately
19 forward to the secretary of state an abstract of the record of
20 the court for the case. The abstract shall be certified by sig-
21 nature, stamp, or facsimile signature by the person required to
22 prepare the abstract to be true and correct. If a city or vil-
23 lage department, bureau, or person is authorized to accept a pay-
24 ment of money as a settlement for a violation of a local ordi-
25 nance corresponding to this act, the city or village department,
26 bureau, or person shall send a full report of each case in which
27 a person pays any amount of money to the city or village

1 department, bureau, or person to the secretary of state upon a
2 form prescribed by the secretary of state.

3 (3) The abstract or report required under this section shall
4 be made upon a form furnished by the secretary of state and shall
5 include the name, address, and date of birth of the person
6 charged or cited; the number of the person's operator's or
7 chauffeur's license, if any; the date and nature of the viola-
8 tion; the type of vehicle driven at the time of the violation and
9 if the vehicle is a commercial motor vehicle, that vehicle's
10 group designation and indorsement classification; the date of the
11 conviction, finding, forfeiture, judgment, or determination;
12 whether bail was forfeited; any license revocation, restriction,
13 suspension, or denial ordered by the court pursuant to this act;
14 and other information considered necessary to the secretary of
15 state.

16 (4) The clerk of the court also shall forward an abstract of
17 the record of the court to the secretary of state upon the con-
18 viction of a person or entry of a probate court order of disposi-
19 tion for a child found to be within the provisions of chapter
20 XIIIA of Act No. 288 of the Public Acts of 1939, being sections
21 712A.1 to 712A.28 of the Michigan Compiled Laws, involving a vio-
22 lation of section 324, 413, 414, or 479a of the Michigan penal
23 code, Act No. 328 of the Public Acts of 1931, being sections
24 750.324, 750.413, 750.414, and 750.479a of the Michigan Compiled
25 Laws; a violation of section 1 of Act No. 214 of the Public Acts
26 of 1931, being section 752.191 of the Michigan Compiled Laws; or
27 an attempt to commit any of these offenses.

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~~ or section 319(1)(a) to (f), the prosecuting attorney shall
15 include the following statement on the complaint and information
16 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 the prosecuting attorney or juvenile court shall include on the
2 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 operating the vehicle 1 or more of the following cir-
22 cumstances 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 under section
6 319b(1)(c)(iii), (d), or (e)(iii) or (v), the prosecuting attor-
7 ney shall include the following statement on the complaint and
8 information filed in district or circuit court:

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

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

23 (12) IF A PERSON IS CHARGED WITH VIOLATING SECTION 7401,
24 7402, 7403, 7404, OR 7407 OF THE PUBLIC HEALTH CODE, ACT NO. 368
25 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS 333.7401, 333.7402,
26 333.7403, 333.7404, AND 333.7407 OF THE MICHIGAN COMPILED LAWS,
27 AND THE PERSON ALLEGEDLY POSSESSED A CONTROLLED SUBSTANCE,

1 CONTROLLED SUBSTANCE ANALOGUE, OR COUNTERFEIT SUBSTANCE IN A
2 MOTOR VEHICLE UPON A PUBLIC HIGHWAY OR OTHER PLACE OPEN TO THE
3 GENERAL PUBLIC DURING THE VIOLATION, THE PROSECUTING ATTORNEY
4 SHALL INCLUDE THE FOLLOWING STATEMENT ON THE COMPLAINT FILED IN
5 DISTRICT COURT AND ON THE INFORMATION FILED IN CIRCUIT COURT:

6 "YOU ARE CHARGED WITH VIOLATING SECTION 7401, 7402, 7403,
7 7404, OR 7407 OF THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE
8 PUBLIC ACTS OF 1978, BEING SECTIONS 333.7401, 333.7402, 333.7403,
9 333.7404, AND 333.7407 OF THE MICHIGAN COMPILED LAWS. IF YOU ARE
10 CONVICTED OF VIOLATING SECTION 7401, 7402, 7403, 7404, OR 7407 OF
11 ACT NO. 368 OF THE PUBLIC ACTS OF 1978, AND THE JUDGE DETERMINES
12 THAT YOU POSSESSED A CONTROLLED SUBSTANCE, CONTROLLED SUBSTANCE
13 ANALOGUE, OR COUNTERFEIT SUBSTANCE IN A MOTOR VEHICLE UPON A
14 PUBLIC HIGHWAY OR OTHER PLACE OPEN TO THE GENERAL PUBLIC DURING
15 THE VIOLATION, YOUR LICENSE TO OPERATE A MOTOR VEHICLE SHALL BE
16 SUSPENDED FOR A PERIOD OF NOT LESS THAN 60 DAYS OR MORE THAN 1
17 YEAR."

18 (13) IF A CHILD IS ACCUSED OF AN ACT THE NATURE OF WHICH
19 CONSTITUTES A VIOLATION OF SECTION 7401, 7402, 7403, 7404, OR
20 7407 OF THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS OF
21 1978, BEING SECTIONS 333.7401, 333.7402, 333.7403, 333.7404, AND
22 333.7407 OF THE MICHIGAN COMPILED LAWS, AND THE CHILD ALLEGEDLY
23 POSSESSED A CONTROLLED SUBSTANCE, CONTROLLED SUBSTANCE ANALOGUE,
24 OR COUNTERFEIT SUBSTANCE IN A MOTOR VEHICLE UPON A PUBLIC HIGHWAY
25 OR OTHER PLACE OPEN TO THE GENERAL PUBLIC DURING THE ACT, THE
26 PROSECUTING ATTORNEY OR THE JUVENILE COURT SHALL INCLUDE THE
27 FOLLOWING STATEMENT ON THE PETITION FILED IN PROBATE COURT:

1 "YOU ARE ACCUSED OF AN ACT THE NATURE OF WHICH CONSTITUTES A
2 VIOLATION OF SECTION 7401, 7402, 7403, 7404, OR 7407 OF THE
3 PUBLIC HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING
4 SECTIONS 333.7401, 333.7402, 333.7403, 333.7404, AND 333.7407 OF
5 THE MICHIGAN COMPILED LAWS. IF THE ACCUSATION IS FOUND TO BE
6 TRUE AND THE JUDGE DETERMINES THAT THE NATURE OF THE ACT CONSTI-
7 TUTES A VIOLATION OF SECTION 7401, 7402, 7403, 7404, OR 7407 OF
8 ACT NO. 368 OF THE PUBLIC ACTS OF 1978, AND THE JUDGE DETERMINES
9 THAT YOU POSSESSED A CONTROLLED SUBSTANCE, CONTROLLED SUBSTANCE
10 ANALOGUE, OR COUNTERFEIT SUBSTANCE IN A MOTOR VEHICLE UPON A
11 PUBLIC HIGHWAY OR OTHER PLACE OPEN TO THE GENERAL PUBLIC DURING
12 THE ACT, YOUR LICENSE TO OPERATE A MOTOR VEHICLE SHALL BE SUS-
13 PENDED FOR A PERIOD OF NOT LESS THAN 60 DAYS OR MORE THAN 1
14 YEAR."

15 (14) ~~(12)~~ Every person required to forward abstracts to
16 the secretary of state under this section shall certify for the
17 period from January 1 through June 30 and for the period from
18 July 1 through December 31 that all abstracts required to be for-
19 warded during the period have been forwarded. The certification
20 shall be filed with the secretary of state not later than 28 days
21 after the end of the period covered by the certification. The
22 certification shall be made upon a form furnished by the secre-
23 tary of state and shall include all of the following:

24 (a) The name and title of the person required to forward
25 abstracts.

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

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

2 (d) The following statement:

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

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

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

11 (15) ~~(13)~~ The failure, refusal, or neglect of a person to
12 comply with this section shall constitute misconduct in office
13 and shall be grounds for removal from office.

14 (16) ~~(14)~~ Except as provided in subsection ~~(12)~~ (17),
15 the secretary of state shall keep all abstracts received under
16 this section at the secretary of state's main office and the
17 abstracts shall be open for public inspection during the office's
18 usual business hours. Each abstract shall be entered upon the
19 master driving record of the person to whom it pertains.

20 (17) ~~(15)~~ The court shall not submit, and the secretary of
21 state shall discard and not enter on the master driving record,
22 an abstract for a conviction, civil infraction determination, or
23 probate court order of disposition for any of the following
24 offenses:

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

1 (b) A nonmoving violation which is not the basis for the
2 secretary of state's suspension, revocation, or denial of an
3 operator's or chauffeur's license.

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

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

8 (e) A violation of section 710e.

9 (18) ~~(+16)~~ The secretary of state shall discard and not
10 enter on the master driving record an abstract for a bond forfei-
11 ture which occurred outside this state. However, the secretary
12 of state shall retain and enter on the master driving record an
13 abstract of an out-of-state bond forfeiture for an offense which
14 occurred after October 1, 1989 in connection with the operation
15 of a commercial motor vehicle.

16 (19) ~~(+17)~~ The secretary of state shall inform the courts
17 of this state of the nonmoving violations and violations of chap-
18 ter II which are used by the secretary of state as the basis for
19 the suspension, restriction, revocation, or denial of an
20 operator's or chauffeur's license.

21 (20) ~~(+18)~~ If a conviction, civil infraction determination,
22 or probate court order of disposition is reversed upon appeal,
23 the person whose conviction, determination, or order of disposi-
24 tion has been reversed may serve on the secretary of state a cer-
25 tified copy of the order of reversal, and the secretary of state
26 shall enter the order in the proper book or index in connection

1 with the record of the conviction, civil infraction
2 determination, or probate court order of disposition.

3 (21) ~~-(19)-~~ The secretary of state may permit a city or vil-
4 lage department, bureau, person, or court to modify the require-
5 ment as to the time and manner of reporting a conviction, civil
6 infraction determination, settlement, or probate court order of
7 disposition to the secretary of state when the modification will
8 increase the economy and efficiency of collecting and utilizing
9 the records. If the permitted abstract of court record reporting
10 a conviction, civil infraction determination, settlement, or pro-
11 bate court order of disposition originates as a part of the writ-
12 ten notice to appear, authorized in section 728(1) or 742(1), the
13 form of the written notice and report shall be as prescribed by
14 the secretary of state.

15 Section 2. This amendatory act shall not take effect unless
16 Senate Bill No. ____ or House Bill No. 4682 (request
17 no. 01581'91a) of the 86th Legislature is enacted into law.