



HOUSE BILL No. 4074

February 2, 1993, 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. 93 of the Public Acts of 1991 and sections 323 and 732 as amended by Act No. 100 of the Public Acts of 1991, 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. 93 of the
3 Public Acts of 1991 and sections 323 and 732 as amended by Act
4 No. 100 of the Public Acts of 1991, 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 or more than 2
3 years, the license of a person upon receiving a record of the
4 conviction or probate court disposition of the person for any of
5 the following crimes or attempts to commit any of the following
6 crimes, whether the conviction or probate court disposition is
7 under a law of this state, a local ordinance substantially corre-
8 sponding to a law of this state, or a law of another state sub-
9 stantially corresponding to a law of this state:

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

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

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

22 (d) Conviction upon 3 charges of reckless driving within the
23 preceding 36 months.

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

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

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

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

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

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

13 (2) The secretary of state shall suspend the license of a
14 person convicted of malicious destruction resulting from the
15 operation of a motor vehicle under section 382 of the Michigan
16 penal code, Act No. 328 of the Public Acts of 1931, as amended,
17 being section 750.382 of the Michigan Compiled Laws, for a period
18 of not more than 1 year as ordered by the court as part of the
19 sentence.

20 (3) The secretary of state shall immediately suspend the
21 license of a person for the period specified in the certificate
22 of conviction upon receipt of the person's license and certifi-
23 cate of conviction forwarded to the secretary of state pursuant
24 to section 367c of the Michigan penal code, Act No. 328 of the
25 Public Acts of 1931, being section 750.367c of the Michigan
26 Compiled Laws.

1 (4) If a court has not ordered a suspension of a person's
2 license as authorized by this act, the secretary of state shall
3 suspend the license as follows, notwithstanding a court order
4 issued under section 625(1), (3), (4), or (5), or section 625b,
5 or former section 625(1) or (2), or former section 625b, or a
6 local ordinance substantially corresponding to section 625(1) or
7 (3), or section 625b, or former section 625(1) or (2), or former
8 section 625b:

9 (a) For a period of not less than 90 days or more than 1
10 year, upon receiving a record of the conviction of the person for
11 a violation of section 625(3), a local ordinance substantially
12 corresponding to section 625(3), or a law of another state sub-
13 stantially corresponding to section 625(3), if the person has no
14 prior convictions within 7 years for a violation of section
15 625(1), (3), (4), or (5), or former section 625(1) or (2), or
16 former section 625b, a local ordinance substantially correspond-
17 ing to section 625(1) or (3), or former section 625(1) or (2), or
18 former section 625b, or a law of another state substantially cor-
19 responding to section 625(1), (3), (4), or (5), or former section
20 625(1) or (2), or former section 625b.

21 (b) For a period of not less than 6 months or more than 2
22 years, if the person has the following convictions within a
23 7-year period, whether under the law of this state, a local ordi-
24 nance substantially corresponding to a law of this state, or a
25 law of another state substantially corresponding to a law of this
26 state:

1 (i) One conviction under section 625(1) or former section
2 625(1) or (2). However, if the conviction is under a law of
3 another state substantially corresponding to section 625(1) or
4 former section 625(1) or (2), the secretary of state may waive
5 the suspension under this subdivision if the person submits proof
6 that a court suspended or restricted his or her license for a
7 period equal to or greater than the period of suspension or
8 restriction authorized under this subsection and that the suspen-
9 sion or restriction was served in the other state, or may grant
10 restrictions.

11 (ii) Any combination of 2 convictions under section 625(3)
12 or former section 625b.

13 (iii) One conviction under section 625(1) or former section
14 625(1) or (2) and 1 conviction under section 625(3) or former
15 section 625b.

16 (iv) One conviction under section 625(4) or (5) followed by
17 1 conviction under section 625(3).

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

1 (6) Upon receipt of the record of the conviction or probate
2 court disposition of a person for a violation of section 602a of
3 this act or section 479a(1), (4), or (5) of Act No. 328 of the
4 Public Acts of 1931, being section 750.479a of the Michigan
5 Compiled Laws, the secretary of state immediately shall suspend
6 the license of the person for the period ordered by the court as
7 part of the sentence or disposition.

8 (7) A suspension pursuant to this section shall be imposed
9 notwithstanding a court order issued under section 625(1), (3),
10 (4), or (5), or section 625b, or a local ordinance substantially
11 corresponding to section 625(1) or (3) or section 625b.

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

17 (9) UPON RECEIPT OF THE RECORD OF THE CONVICTION OF A
18 PERSON, OR THE ENTRY OF A PROBATE COURT ORDER OF DISPOSITION FOR
19 A PERSON FOUND TO BE WITHIN THE PROVISIONS OF CHAPTER XIIA OF ACT
20 NO. 288 OF THE PUBLIC ACTS OF 1939, FOR A VIOLATION OF
21 SECTION 7401, 7402, 7403, 7404, OR 7407 OF THE PUBLIC HEALTH
22 CODE, ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS
23 333.7401, 333.7402, 333.7403, 333.7404, AND 333.7407 OF THE
24 MICHIGAN COMPILED LAWS, THE SECRETARY OF STATE IMMEDIATELY SHALL
25 SUSPEND THE LICENSE OF THE PERSON FOR A PERIOD OF NOT LESS THAN
26 60 DAYS OR MORE THAN 1 YEAR AS ORDERED BY THE COURT AS PART OF
27 THE SENTENCE OR DISPOSITION. THE COURT MAY ORDER THE SECRETARY

1 OF STATE TO ISSUE TO THE PERSON A RESTRICTED LICENSE DURING THE
2 PERIOD OF SUSPENSION PURSUANT TO SECTION 319E.

3 (10) ~~-(9)-~~ As used in this section, "probate court
4 disposition" means the entry of a probate court order of disposi-
5 tion for a child found to be within the provisions of chapter
6 XIIIA of Act No. 288 of the Public Acts of 1939, being
7 sections 712A.1 to 712A.28 of the Michigan Compiled Laws.

8 SEC. 319E. IF A PERSON'S OPERATOR'S LICENSE OR CHAUFFEUR'S
9 LICENSE IS SUSPENDED PURSUANT TO SECTION 319(9), THE COURT THAT
10 ORDERED THE SECRETARY OF STATE TO SUSPEND THE LICENSE MAY ORDER
11 THE SECRETARY OF STATE TO ISSUE TO THE PERSON A RESTRICTED
12 LICENSE PERMITTING THE PERSON DURING ALL OR A SPECIFIED PORTION
13 OF THE PERIOD OF SUSPENSION TO DRIVE TO AND FROM THE PERSON'S
14 RESIDENCE AND WORK LOCATION; IN THE COURSE OF THE PERSON'S
15 EMPLOYMENT OR OCCUPATION; TO AND FROM AN ALCOHOL OR DRUG EDUCA-
16 TION PROGRAM OR TREATMENT PROGRAM AS ORDERED BY THE COURT; TO AND
17 FROM THE PERSON'S RESIDENCE AND AN EDUCATIONAL INSTITUTION AT
18 WHICH THE PERSON IS ENROLLED AS A STUDENT; OR PURSUANT TO A COM-
19 BINATION OF THESE RESTRICTIONS. THE COURT SHALL NOT ORDER THE
20 SECRETARY OF STATE TO ISSUE A RESTRICTED CHAUFFEUR'S LICENSE THAT
21 WOULD PERMIT A PERSON TO OPERATE A TRUCK OR TRUCK TRACTOR,
22 INCLUDING A TRAILER; THAT HAULS HAZARDOUS MATERIAL. THE COURT
23 SHALL NOT ORDER THE SECRETARY OF STATE TO ISSUE A RESTRICTED
24 LICENSE UNLESS THE PERSON STATES UNDER OATH AND THE COURT FINDS
25 THAT THE PERSON IS UNABLE TO TAKE PUBLIC TRANSPORTATION TO AND
26 FROM HIS OR HER WORK LOCATION, PLACE OF ALCOHOL OR DRUG EDUCATION
27 OR TREATMENT, OR EDUCATIONAL INSTITUTION, AND DOES NOT HAVE ANY

1 FAMILY MEMBERS OR OTHERS ABLE TO PROVIDE TRANSPORTATION. THE
2 COURT ORDER AND LICENSE SHALL INDICATE THE PERSON'S WORK LOCATION
3 AND THE APPROVED ROUTE OR ROUTES AND PERMITTED TIMES OF TRAVEL.
4 FOR PURPOSES OF THIS SUBSECTION, "WORK LOCATION" INCLUDES, AS
5 APPLICABLE, EITHER OR BOTH OF THE FOLLOWING:

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

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

9 Sec. 323. (1) A person who is aggrieved by a final determi-
10 nation of the secretary of state denying the person an operator's
11 or chauffeur's license, a vehicle group designation, or an
12 indorsement on a license or revoking, suspending, or restricting
13 an operator's or chauffeur's license, vehicle group designation,
14 or an indorsement may petition for a review of the determination
15 in the circuit court in the county where the person was arrested
16 if the denial or suspension was imposed pursuant to section 625f
17 or pursuant to the order of a trial court under section 328 or,
18 in all other cases, in the circuit court in the county of resi-
19 dence of the person. The petition shall be filed within 63 days
20 after the determination is made except that for good cause shown
21 the court may allow the petition to be filed within 182 days
22 after the determination is made. As provided in section 625f, a
23 peace officer who is aggrieved by a determination of a hearing
24 officer in favor of a person who requested a hearing under
25 section 625f may, with the consent of the prosecuting attorney,
26 petition for review of the determination in the circuit court in
27 the county where the arrest was made. The petition shall be

1 filed within 63 days after the determination is made except that
2 for good cause shown the court may allow the petition to be filed
3 within 182 days after the determination is made.

4 (2) The circuit court shall enter an order setting the cause
5 for hearing for a day certain that is not more than 63 days after
6 the date of the order. The order, together with a copy of the
7 petition that includes the person's full name, current address,
8 birth date, and driver's license number, and all supporting affi-
9 davits, shall be served on the secretary of state's office in
10 Lansing not less than 20 days before the date set for the
11 hearing. If the person is seeking a review of the record pre-
12 pared pursuant to section 322 or section 625f, the service upon
13 the secretary of state shall be made not less than 50 days before
14 the date set for the hearing.

15 (3) Except as provided in subsections (4) and (6), the court
16 may take testimony and examine into all the facts and circum-
17 stances incident to the denial, suspension, restriction, or revo-
18 cation of the person's license. The court may affirm, modify, or
19 set aside the restriction, suspension, revocation, or denial
20 except that the court shall not order the secretary of state to
21 issue a restricted or unrestricted chauffeur's license that would
22 permit a person to drive a truck or truck tractor, including a
23 trailer, that hauls a hazardous material. The order of the court
24 shall be duly entered and the petitioner shall file a certified
25 copy of the order with the secretary of state's office in Lansing
26 within 7 days after entry of the order.

1 (4) In reviewing a determination under section 625f, the
2 court shall confine its consideration to 1 or both of the
3 following:

4 (a) A review of the record prepared pursuant to section
5 625f(3) to determine whether the hearing officer properly deter-
6 mined the issues enumerated in section 625f.

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

9 (5) This section does not apply to a denial, revocation,
10 suspension, or restriction imposed pursuant to a court order
11 issued as part of the sentence for a conviction under ~~section~~
12 EITHER OF THE FOLLOWING:

13 (A) SECTION 625, section 625m, former section 625(1) or (2),
14 or former section 625b, or a local ordinance substantially corre-
15 sponding to section 625(1), (2), or (3), section 625m, former
16 section 625(1) or (2), or former section 625b.

17 (B) SECTION 7401, 7402, 7403, 7404, OR 7407 OF THE PUBLIC
18 HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SEC-
19 TIONS 333.7401, 333.7402, 333.7403, 333.7404, AND 333.7407 OF THE
20 MICHIGAN COMPILED LAWS.

21 (6) In reviewing a determination resulting in a denial or
22 revocation under section 303(1)(d) or (e) or 303(2)(c), (d), or
23 (e), the court shall confine its consideration to a review of the
24 record prepared pursuant to section 322 or the driving record
25 created under section 204a. The court shall set aside the deter-
26 mination of the secretary of state only if substantial rights of

1 the petitioner have been prejudiced because the determination is
2 any of the following:

3 (a) In violation of the Constitution of the United States,
4 of the state constitution of 1963, or of a statute.

5 (b) In excess of the statutory authority or jurisdiction of
6 the secretary of state.

7 (c) Made upon unlawful procedure resulting in material prej-
8 udice to the petitioner.

9 (d) Not supported by competent, material, and substantial
10 evidence on the whole record.

11 (e) Arbitrary, capricious, or clearly an abuse or unwar-
12 ranted exercise of discretion.

13 (f) Affected by other substantial and material error of
14 law.

15 (7) This section does not apply to a denial, revocation,
16 suspension, or restriction imposed pursuant to the financial
17 responsibility act contained in chapter V.

18 (8) This section does not apply to a suspension, revocation,
19 or denial of a class 1, 2, or 3 indorsement or a vehicle group
20 designation imposed pursuant to section 312f, 319a, or 319b.

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

26 (2) Within 14 days after the conviction or forfeiture of
27 bail of a person, or entry of a civil infraction determination,

1 default judgment, or probate court order of disposition for a
2 child found to be within the provisions of chapter XIIIA of Act
3 No. 288 of the Public Acts of 1939, being sections 712A.1 to
4 712A.28 of the Michigan Compiled Laws, upon a charge of, or
5 citation for, violating this act or a local ordinance correspond-
6 ing to this act regulating the operation of vehicles on highways,
7 and, for each case charging a violation of section 625(1), (3),
8 (4), or (5), or a local ordinance substantially corresponding to
9 section 625(1) or (3) in which the charge is dismissed or the
10 defendant is acquitted, except as provided in subsection ~~(15)~~
11 (17), the municipal judge or clerk of the court of record shall
12 prepare and immediately forward to the secretary of state an
13 abstract of the record of the court for the case. The abstract
14 shall be certified by signature, stamp, or facsimile signature by
15 the person required to prepare the abstract to be true and
16 correct. If a city or village department, bureau, or person is
17 authorized to accept a payment of money as a settlement for a
18 violation of a local ordinance corresponding to this act, the
19 city or village department, bureau, or person shall send a full
20 report of each case in which a person pays any amount of money to
21 the city or village department, bureau, or person to the secre-
22 tary of state upon a form prescribed by the secretary of state.

23 (3) The abstract or report required under this section shall
24 be made upon a form furnished by the secretary of state and shall
25 include all of the following:

26 (a) The name, address, and date of birth of the person
27 charged or cited.

1 (b) The number of the person's operator's or chauffeur's
2 license, if any.

3 (c) The date and nature of the violation.

4 (d) The type of vehicle driven at the time of the violation
5 and, if the vehicle is a commercial motor vehicle, that vehicle's
6 group designation and indorsement classification.

7 (e) The date of the conviction, finding, forfeiture, judg-
8 ment, or determination.

9 (f) Whether bail was forfeited.

10 (g) Any license revocation, restriction, suspension, or
11 denial ordered by the court pursuant to this act.

12 (h) Other information considered necessary to the secretary
13 of state.

14 (4) The clerk of the court also shall forward an abstract of
15 the record of the court to the secretary of state upon the con-
16 viction of a person or entry of a probate court order of disposi-
17 tion for a child found to be within the provisions of chapter
18 XIIIA of Act No. 288 of the Public Acts of 1939 involving any of
19 the following:

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

24 (b) A violation of section 1 of Act No. 214 of the Public
25 Acts of 1931, being section 752.191 of the Michigan Compiled
26 Laws.

1 (C) A VIOLATION OF SECTION 7401, 7402, 7403, 7404, OR 7407
2 OF THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS OF
3 1978, BEING SECTIONS 333.7401, 333.7402, 333.7403, 333.7404,
4 333.7405, AND 333.7407 OF THE MICHIGAN COMPILED LAWS.

5 (D) ~~(c)~~ An attempt to commit any of the offenses described
6 in ~~subdivision~~ SUBDIVISIONS (a) ~~or (b)~~ TO (C).

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

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

13 (b) The vehicle was used to transport a victim of the
14 felony.

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

16 (d) The vehicle was necessary for the commission of the
17 felony.

18 (6) If a person is charged with a felony in which a motor
19 vehicle was used, other than a felony specified in subsection (4)
20 or section 319(1)(a) to (e), the prosecuting attorney shall
21 include the following statement on the complaint and information
22 filed in district or circuit court:

23 "You are charged with the commission of a felony in which a
24 motor vehicle was used. If you are convicted and the judge finds
25 that the conviction is for a felony in which a motor vehicle was
26 used, as defined in section 319 of the Michigan vehicle code, Act
27 No. 300 of the Public Acts of 1949, being section 257.319 of the

1 Michigan Compiled Laws, your driver's license shall be suspended
2 by the secretary of state."

3 (7) If a child is accused of an act the nature of which con-
4 stitutes a felony in which a motor vehicle was used, other than a
5 felony specified in subsection (4) or section 319(1)(a) to (e),
6 the prosecuting attorney or juvenile court shall include on the
7 petition filed in the probate court:

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

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

23 (9) As used in subsections (10) and (11), "Felony in which a
24 commercial motor vehicle was used" means a felony during the com-
25 mission of which the person operated a commercial motor vehicle
26 and while the person was operating the vehicle 1 or more of the
27 following circumstances existed:

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

2 (b) The vehicle was used to transport a victim of the
3 felony.

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

5 (d) The vehicle was necessary for the commission of the
6 felony.

7 (10) If a person is charged with a felony in which a commer-
8 cial motor vehicle was used and for which a vehicle group desig-
9 nation on a license is subject to suspension or revocation under
10 section 319b(1)(c)(iii), SECTION 319b(1)(d), or SECTION
11 319b(1)(e)(iii) or (vi), the prosecuting attorney shall include
12 the following statement on the complaint and information filed in
13 district or circuit court:

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

22 (11) If the judge determines as part of the sentence that
23 the felony for which the defendant was convicted and with respect
24 to which notice was given pursuant to subsection (10) is a felony
25 in which a commercial motor vehicle was used, the clerk of the
26 court shall forward an abstract of the court record of that
27 conviction to the secretary of state.

1 (12) IF A PERSON IS CHARGED WITH VIOLATING SECTION 7401,
2 7402, 7403, 7404, OR 7407 OF THE PUBLIC HEALTH CODE, ACT NO. 368
3 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS 333.7401, 333.7402,
4 333.7403, 333.7404, AND 333.7407 OF THE MICHIGAN COMPILED LAWS,
5 AND THE PERSON ALLEGEDLY POSSESSED A CONTROLLED SUBSTANCE, CON-
6 TROLLED SUBSTANCE ANALOGUE, OR COUNTERFEIT SUBSTANCE IN A MOTOR
7 VEHICLE UPON A PUBLIC HIGHWAY OR OTHER PLACE OPEN TO THE GENERAL
8 PUBLIC DURING THE VIOLATION, THE PROSECUTING ATTORNEY SHALL
9 INCLUDE THE FOLLOWING STATEMENT ON THE COMPLAINT FILED IN DIS-
10 TRICT COURT AND ON THE INFORMATION FILED IN CIRCUIT COURT:

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

23 (13) IF A CHILD IS ACCUSED OF AN ACT THE NATURE OF WHICH
24 CONSTITUTES A VIOLATION OF SECTION 7401, 7402, 7403, 7404, OR
25 7407 OF THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS OF
26 1978, BEING SECTIONS 333.7401, 333.7402, 333.7403, 333.7404, AND
27 333.7407 OF THE MICHIGAN COMPILED LAWS, AND THE CHILD ALLEGEDLY

1 POSSESSED A CONTROLLED SUBSTANCE, CONTROLLED SUBSTANCE ANALOGUE,
2 OR COUNTERFEIT SUBSTANCE IN A MOTOR VEHICLE UPON A PUBLIC HIGHWAY
3 OR OTHER PLACE OPEN TO THE GENERAL PUBLIC DURING THE ACT, THE
4 PROSECUTING ATTORNEY OR THE JUVENILE COURT SHALL INCLUDE THE FOL-
5 LOWING STATEMENT ON THE PETITION FILED IN PROBATE COURT:

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

20 (14) ~~(12)~~ Every person required to forward abstracts to
21 the secretary of state under this section shall certify for the
22 period from January 1 through June 30 and for the period from
23 July 1 through December 31 that all abstracts required to be for-
24 warder during the period have been forwarded. The certification
25 shall be filed with the secretary of state not later than 28 days
26 after the end of the period covered by the certification. The

1 certification shall be made upon a form furnished by the
2 secretary of state and shall include all of the following:

3 (a) The name and title of the person required to forward
4 abstracts.

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

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

7 (d) The following statement:

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

12 (e) Other information the secretary of state considers
13 necessary.

14 (f) The signature of the person required to forward
15 abstracts.

16 (15) ~~-(13)-~~ The failure, refusal, or neglect of a person to
17 comply with this section shall constitute misconduct in office
18 and shall be grounds for removal from office.

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

25 (17) ~~-(15)-~~ The court shall not submit, and the secretary of
26 state shall discard and not enter on the master driving record,
27 an abstract for a conviction, civil infraction determination, or

1 probate court order of disposition for any of the following
2 offenses:

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

4 (b) A nonmoving violation that is not the basis for the sec-
5 retary of state's suspension, revocation, or denial of an
6 operator's or chauffeur's license.

7 (c) A violation of chapter II that is not the basis for the
8 secretary of state's suspension, revocation, or denial of an
9 operator's or chauffeur's license.

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

11 (e) A violation of section 710e.

12 (18) ~~-(16)-~~ The secretary of state shall discard and not
13 enter on the master driving record an abstract for a bond forfei-
14 ture that occurred outside this state. However, the secretary of
15 state shall retain and enter on the master driving record an
16 abstract of an out-of-state bond forfeiture for an offense that
17 occurred after January 1, 1990 in connection with the operation
18 of a commercial motor vehicle.

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

24 (20) ~~-(18)-~~ If a conviction, civil infraction determination,
25 or probate court order of disposition is reversed upon appeal,
26 the person whose conviction, determination, or order of
27 disposition has been reversed may serve on the secretary of state

1 a certified copy of the order of reversal, and the secretary of
2 state shall enter the order in the proper book or index in con-
3 nection with the record of the conviction, civil infraction
4 determination, or probate court order of disposition.

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

17 Section 2. This amendatory act shall not take effect unless
18 Senate Bill No. _____ or House Bill No. 4075 (request
19 no. 02308'93 a) of the 87th Legislature is enacted into law.