



HOUSE BILL No. 4233

February 11, 1993, Introduced by Reps. McManus, Llewellyn, Hoffman, Goschka, Lowe, Gnodtke, Galloway, London, Jamian, Hill, Hammerstrom, Weeks, Horton, Walberg, Rocca, Whyman, Bullard, Bodem, Gernaat, Kukuk, Nye, Jersevic, Dolan, Bender, Voorhees, McBryde, Dalman, Middaugh, Sikkema, Martin, Gilmer, Cropsey, Shugars, Brackenridge, Vorva, Stille, Munsell and Fitzgerald and referred to the Committee on Judiciary.

A bill to amend sections 319, 321a, 624a, 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, section 321a as amended by Act No. 95 of the Public Acts of 1991, section 624a as added by Act No. 98 of the Public Acts of 1991, and section 732 as amended by Act No. 100 of the Public Acts of 1991, being sections 257.319, 257.321a, 257.624a, and 257.732 of the Michigan Compiled Laws; and to add section 624b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 319, 321a, 624a, and 732 of Act No. 300
2 of the Public Acts of 1949, section 319 as amended by Act No. 93
3 of the Public Acts of 1991, section 321a as amended by Act No. 95
4 of the Public Acts of 1991, section 624a as added by Act No. 98
5 of the Public Acts of 1991, and section 732 as amended by Act

1 No. 100 of the Public Acts of 1991, being sections 257.319,
2 257.321a, 257.624a, and 257.732 of the Michigan Compiled Laws,
3 are amended and section 624b is added to read as follows:

4 Sec. 319. (1) The secretary of state shall immediately sus-
5 pend for a period of not less than 90 days or more than 2 years,
6 the license of a person upon receiving a record of the conviction
7 or probate court disposition of the person for any of the follow-
8 ing crimes or attempts to commit any of the following crimes,
9 whether the conviction or probate court disposition is under a
10 law of this state, a local ordinance substantially corresponding
11 to a law of this state, or a law of another state substantially
12 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 36 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 or 617a.

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 the license of a
17 person convicted of malicious destruction resulting from the
18 operation of a motor vehicle under section 382 of ~~the Michigan~~
19 ~~penal code,~~ Act No. 328 of the Public Acts of 1931, as amended,
20 being section 750.382 of the Michigan Compiled Laws, for a period
21 of not more than 1 year as ordered by the court as part of the
22 sentence.

23 (3) The secretary of state shall immediately suspend the
24 license of a person for the period specified in the ~~certificate~~
25 ABSTRACT of conviction upon receipt of the person's license and
26 ~~certificate~~ ABSTRACT of conviction forwarded to the secretary
27 of state pursuant to section 367c of ~~the Michigan penal code,~~

1 Act No. 328 of the Public Acts of 1931, being section 750.367c of
2 the Michigan Compiled Laws.

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

11 (a) For a period of not less than 90 days or more than 1
12 year, upon receiving a record of the conviction of the person for
13 a violation of section 625(3), a local ordinance substantially
14 corresponding to section 625(3), or a law of another state sub-
15 stantially corresponding to section 625(3), if the person has no
16 prior convictions within 7 years for a violation of section
17 625(1), (3), (4), or (5), or former section 625(1) or (2), or
18 former section 625b, a local ordinance substantially correspond-
19 ing to section 625(1) or (3), or former section 625(1) or (2), or
20 former section 625b, or a law of another state substantially cor-
21 responding to section 625(1), (3), (4), or (5), or former section
22 625(1) or (2), or former section 625b.

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

1 law of another state substantially corresponding to a law of this
2 state:

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

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

15 (iii) One conviction under section 625(1) or former section
16 625(1) or (2) and 1 conviction under section 625(3) or former
17 section 625b.

18 (iv) One conviction under section 625(4) or (5) followed by
19 1 conviction under section 625(3).

20 (5) Upon receipt of ~~a certificate~~ AN ABSTRACT of convic-
21 tion pursuant to section 33b(3) of the Michigan liquor control
22 act, Act No. 8 of the Public Acts of the Extra Session of 1933,
23 being section 436.33b of the Michigan Compiled Laws, or a local
24 ordinance or law of another state substantially corresponding to
25 section 33b(3) of Act No. 8 of the Public Acts of the Extra
26 Session of 1933, the secretary of state shall suspend the
27 person's operator's or chauffeur's license for a period of

1 90 days FOR A FIRST OFFENSE AND 180 DAYS FOR A SECOND OR
2 SUBSEQUENT OFFENSE. A suspension under this subsection shall be
3 in addition to any other suspension of the person's license.

4 (6) UPON THE RECEIPT OF A CIVIL INFRACTION DETERMINATION,
5 CONVICTION, OR PROBATE COURT ORDER OF DISPOSITION FOR A VIOLATION
6 OF SECTION 624A OR 624B OR SECTION 33B OF ACT NO. 8 OF THE PUBLIC
7 ACTS OF THE EXTRA SESSION OF 1933, THE SECRETARY OF STATE SHALL
8 SUSPEND THE PERSON'S OPERATOR'S OR CHAUFFEUR'S LICENSE FOR THE
9 PERIOD OF 90 DAYS FOR A FIRST OFFENSE AND 180 DAYS FOR A SECOND
10 OR SUBSEQUENT OFFENSE. IF A SUSPENSION IS REDUCED BY THE COURT
11 TO 45 DAYS UNDER SECTION 624A, 624B, OR SECTION 33B OF ACT NO. 8
12 OF THE PUBLIC ACTS OF THE EXTRA SESSION OF 1933, THE SECRETARY OF
13 STATE SHALL SO REDUCE THE SUSPENSION.

14 (7) ~~-(6)-~~ Upon receipt of the record of the conviction or
15 probate court disposition of a person for a violation of section
16 602a of this act or section 479a(1), (4), or (5) of Act No. 328
17 of the Public Acts of 1931, being section 750.479a of the
18 Michigan Compiled Laws, the secretary of state immediately shall
19 suspend the license of the person for the period ordered by the
20 court as part of the sentence or disposition.

21 (8) ~~-(7)-~~ A suspension pursuant to this section shall be
22 imposed notwithstanding a court order issued under
23 section 625(1), (3), (4), or (5), or section 625b, ~~-or-~~ a local
24 ordinance substantially corresponding to section 625(1) or (3) or
25 section 625b OR A COURT ORDER ISSUED UNDER SECTION 624A, 642B, OR
26 33B OF ACT NO. 8 OF THE PUBLIC ACTS OF THE EXTRA SESSION OF 1933
27 OR A LOCAL ORDINANCE OR LAW OF ANOTHER STATE SUBSTANTIALLY

1 CORRESPONDING TO SECTION 624A, 624B, OR SECTION 33B OF ACT NO. 8
2 OF THE PUBLIC ACTS OF THE EXTRA SESSION OF 1933.

3 (9) ~~-(8)-~~ If the secretary of state receives records of more
4 than 1 conviction or probate court disposition of a person
5 resulting from the same incident, a suspension shall be imposed
6 only for the violation to which the longest period of suspension
7 applies under this section.

8 (10) ~~-(9)-~~ As used in this section, "probate court
9 disposition" means the entry of a probate court order of disposi-
10 tion for a child found to be within the provisions of chapter
11 XIIIA of Act No. 288 of the Public Acts of 1939, being
12 sections 712A.1 to 712A.28 of the Michigan Compiled Laws.

13 Sec. 321a. (1) A person who fails to answer a citation, or
14 a notice to appear in court for a violation of this act, or a
15 local ordinance substantially corresponding to a provision of
16 this act, or for any matter pending, or who fails to comply with
17 an order or judgment issued pursuant to section 907 is guilty of
18 a misdemeanor. A violation of this subsection OR SECTION 33B(1)
19 OF THE MICHIGAN LIQUOR CONTROL ACT, ACT NO. 8 OF THE PUBLIC ACTS
20 OF THE EXTRA SESSION OF 1933, shall not be considered a violation
21 for any purpose under section 320a.

22 (2) Except as provided in subsection (3), 28 days or more
23 after the date of noncompliance with an order or judgment, the
24 court shall give notice by mail at the last known address of the
25 person that if the person fails to appear or fails to comply with
26 the order or judgment issued pursuant to section 907, including,
27 but not limited to, paying all fines and costs, within 14 days

1 after the notice is issued, the secretary of state shall suspend
2 the person's operator's or chauffeur's license. If the person
3 fails to appear or fails to comply with the order or judgment
4 issued pursuant to section 907, including, but not limited to,
5 paying all fines and costs, within the 14-day period, the court
6 shall, within 14 days, inform the secretary of state, who shall
7 immediately suspend the license of the person and notify the
8 person of the suspension by regular mail at the person's last
9 known address.

10 (3) If the person is charged with, or convicted of, a viola-
11 tion of section 625(1), (2), (3), (4), or (5), or a local ordi-
12 nance substantially corresponding to section 625(1), (2), or (3),
13 and the person fails to answer a citation or a notice to appear
14 in court, or for any matter pending, or fails to comply with an
15 order or judgment of the court, including, but not limited to,
16 paying all fines, costs, and crime victim rights assessments, the
17 court shall immediately give notice by first-class mail sent to
18 the person's last known address that if the person fails to
19 appear within 7 days after the notice is issued, or fails to
20 comply with the order or judgment of the court, including, but
21 not limited to, paying all fines, costs, and crime victim rights
22 assessments, within 14 days after the notice is issued, the sec-
23 retary of state shall suspend the person's operator's or
24 chauffeur's license. If the person fails to appear within the
25 7-day period, or fails to comply with the order or judgment of
26 the court, including, but not limited to, paying all fines,
27 costs, and crime victim rights assessments, within the 14-day

1 period, the court shall immediately inform the secretary of state
2 who shall immediately suspend the person's operator's or
3 chauffeur's license and notify the person of the suspension by
4 first-class mail sent to the person's last known address.

5 (4) IF THE PERSON IS CITED WITH, OR IS DETERMINED TO BE
6 RESPONSIBLE FOR, A VIOLATION OF SECTION 33B(1) OR (3) OF ACT
7 NO. 8 OF THE PUBLIC ACTS OF THE EXTRA SESSION OF 1933, BEING SEC-
8 TION 436.33B OF THE MICHIGAN COMPILED LAWS, AND THE PERSON FAILS
9 TO ANSWER A CITATION OR A NOTICE TO APPEAR IN COURT ISSUED PURSU-
10 ANT TO SECTION 33B OF ACT NO. 8 OF THE PUBLIC ACTS OF THE EXTRA
11 SESSION OF 1933, OR FAILS TO COMPLY WITH AN ORDER OR JUDGMENT OF
12 THE COURT ISSUED PURSUANT TO SECTION 33B OF ACT NO. 8 OF THE
13 PUBLIC ACTS OF THE EXTRA SESSION OF 1933, INCLUDING, BUT NOT
14 LIMITED TO, PAYING ALL FINES AND COSTS, THE COURT SHALL IMMEDI-
15 ATELY GIVE NOTICE BY FIRST-CLASS MAIL SENT TO THE PERSON'S LAST
16 KNOWN ADDRESS THAT IF THE PERSON FAILS TO APPEAR WITHIN 7 DAYS
17 AFTER THE NOTICE IS ISSUED, OR FAILS TO COMPLY WITH THE ORDER OR
18 JUDGMENT OF THE COURT, INCLUDING, BUT NOT LIMITED TO, PAYING ALL
19 FINES AND COSTS, WITHIN 14 DAYS AFTER THE NOTICE IS ISSUED, THE
20 SECRETARY OF STATE SHALL SUSPEND THE PERSON'S OPERATOR'S OR
21 CHAUFFEUR'S LICENSE. IF THE PERSON FAILS TO APPEAR WITHIN THE
22 7-DAY PERIOD, OR FAILS TO COMPLY WITH THE ORDER OR JUDGMENT OF
23 THE COURT, INCLUDING, BUT NOT LIMITED TO, PAYING ALL FINES AND
24 COSTS, WITHIN THE 14-DAY PERIOD, THE COURT SHALL IMMEDIATELY
25 INFORM THE SECRETARY OF STATE WHO SHALL IMMEDIATELY SUSPEND THE
26 PERSON'S OPERATOR'S OR CHAUFFEUR'S LICENSE AND NOTIFY THE PERSON

1 OF THE SUSPENSION BY FIRST-CLASS MAIL SENT TO THE PERSON'S LAST
2 KNOWN ADDRESS.

3 (5) ~~-(4)-~~ A suspension imposed under ~~subsection (2) or (3)~~
4 SUBSECTION (2), (3), OR (4) shall remain in effect until both of
5 the following occur:

6 (a) The court informs the secretary of state that the person
7 has appeared before the court and that all matters relating to
8 the violation or to the noncompliance with section 907 OR SECTION
9 33B OF ACT NO. 8 OF THE PUBLIC ACTS OF THE EXTRA SESSION OF 1933
10 are resolved.

11 (b) The person has paid to the court a \$25.00 driver license
12 reinstatement fee. The increase in the reinstatement fee from
13 \$10.00 to \$25.00 shall be imposed for a license that is suspended
14 on or after April 5, 1988 regardless of when the license was
15 suspended.

16 (6) ~~-(5)-~~ The court shall not notify the secretary of state,
17 and the secretary of state shall not suspend the person's
18 license, if the person fails to appear in response to a citation
19 issued for, or fails to comply with an order or judgment involv-
20 ing 1 or more of the following infractions:

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

22 (b) A pedestrian, passenger, or bicycle violation.

23 (7) ~~-(6)-~~ The court may notify a person who has done either
24 of the following, that if the person does not appear within 10
25 days after the notice is issued, the court will inform the secre-
26 tary of state of the person's failure to appear:

1 (a) Failed to answer 2 or more parking violation notices or
2 citations for violating a provision of this act or an ordinance
3 substantially corresponding to a provision of this act pertaining
4 to handicapper parking issued or served after ~~the effective date~~
5 ~~of the amendatory act that added this subdivision~~ SEPTEMBER 19,
6 1989.

7 (b) Failed to answer 6 or more parking violation notices or
8 citations, issued or served after March 31, 1981, regarding ille-
9 gal parking.

10 (8) ~~(7)~~ The secretary of state, upon being informed of the
11 failure of a person to appear as provided in subsection ~~(6)~~
12 (7), shall not issue a license to the person until both of the
13 following occur:

14 (a) The court informs the secretary of state that the person
15 has resolved all outstanding matters regarding the notices or
16 citations.

17 (b) The person has paid to the court a \$25.00 driver license
18 reinstatement fee. The increase in the reinstatement fee from
19 \$10.00 to \$25.00 shall be imposed for a license that is suspended
20 on or after April 5, 1988 regardless of when the license was
21 suspended. If the court determines that the person is not
22 responsible for any of the parking violations for which the
23 person's license was suspended under this subsection, the court
24 shall waive payment of the fee.

25 (9) ~~(8)~~ For the purposes of ~~subsections (4)(a) and~~
26 ~~(7)(a)~~ SUBSECTIONS (5)(A) AND (8)(A), the court shall give to
27 the person a copy of the information being transmitted to the

1 secretary of state. Upon showing that copy, the person shall not
2 be arrested or issued a citation for driving on a suspended
3 license on the basis of any matter resolved under ~~subsection~~
4 ~~(4)(a) or (7)(a)~~ SUBSECTION (5)(A) OR (8)(A), even if the infor-
5 mation being sent to the secretary of state has not yet been
6 received or recorded by the department.

7 (10) ~~(9)~~ Sixty percent of the driver license reinstatement
8 fees received under ~~subsections (4)(b) and (7)(b)~~ SUBSECTIONS
9 (5)(B) AND (8)(B) shall be transmitted by the court to the secre-
10 tary of state on a monthly basis. The funds received by the sec-
11 retary of state pursuant to this subsection shall be deposited in
12 the state general fund and shall be used to defray the expenses
13 of the secretary of state in processing the suspension and rein-
14 statement of driver licenses under this section.

15 Sec. 624a. (1) Except as provided in subsection (2), a
16 person shall not transport or possess alcoholic liquor in a con-
17 tainer that is open or uncapped or upon which the seal is broken
18 within the passenger compartment of a vehicle upon a highway, or
19 within the passenger compartment of a moving vehicle in any place
20 open to the general public or generally accessible to motor vehi-
21 cles, including an area designated for the parking of vehicles,
22 in this state.

23 (2) A person may transport or possess alcoholic liquor in a
24 container that is open or uncapped or upon which the seal is
25 broken within the passenger compartment of a vehicle upon a high-
26 way or other place open to the general public or generally
27 accessible to motor vehicles, including an area designated for

1 the parking of vehicles in this state, if the vehicle does not
2 have a trunk or compartment separate from the passenger compart-
3 ment, the container is enclosed or encased, and the container is
4 not readily accessible to the occupants of the vehicle.

5 (3) A person who violates this section is guilty of a
6 misdemeanor.

7 (4) IF THE PERSON VIOLATING THIS SECTION IS LESS THAN 21
8 YEARS OF AGE, IMMEDIATELY UPON THE ENTRY OF A CONVICTION OR A
9 PROBATE COURT ORDER OF DISPOSITION FOR A VIOLATION OF THIS SEC-
10 TION, THE COURT SHALL CONSIDER ALL PRIOR CONVICTIONS OR PROBATE
11 COURT ORDERS OF DISPOSITION FOR VIOLATION OF THIS SECTION OR
12 SECTION 624B, OR A LOCAL ORDINANCE OR LAW OF ANOTHER STATE SUB-
13 STANTIALLY CORRESPONDING TO THIS SECTION OR SECTION 624B, AND THE
14 COURT MAY ORDER THE FOLLOWING SANCTIONS:

15 (A) IF THE COURT FINDS THAT THE PERSON DOES NOT HAVE A PRIOR
16 CONVICTION OR PROBATE COURT ORDER OF DISPOSITION, THE COURT SHALL
17 ORDER THE SECRETARY OF STATE TO SUSPEND THE OPERATOR'S OR
18 CHAUFFEUR'S LICENSE OF THE PERSON FOR A PERIOD OF 90 DAYS, AND
19 MAY ORDER THE PERSON TO PARTICIPATE IN A SUBSTANCE ABUSE SCREEN-
20 ING AND ASSESSMENT PROGRAM APPROVED BY THE ADMINISTRATOR OF THE
21 OFFICE OF SUBSTANCE ABUSE SERVICES, AT HIS OR HER OWN EXPENSE.
22 BASED UPON THE FINDINGS AND RECOMMENDATION OF THE PERSON CONDUCT-
23 ING THE SCREENING AND ASSESSMENT, THE COURT MAY ORDER THAT THE
24 PERSON ATTEND A SUBSTANCE ABUSE EDUCATION AND TREATMENT PROGRAM
25 APPROVED BY THE ADMINISTRATOR OF THE OFFICE OF SUBSTANCE ABUSE AT
26 HIS OR HER OWN EXPENSE. UPON THE SATISFACTORY COMPLETION OF A
27 PROGRAM OF EDUCATION AND TREATMENT, THE COURT SHALL ORDER THE

1 SECRETARY OF STATE TO REDUCE THE SUSPENSION TO 45 DAYS. IN THE
2 CASE OF A PERSON WHO DOES NOT POSSESS AN OPERATOR OR CHAUFFEUR
3 LICENSE, THE SECRETARY OF STATE SHALL DENY THE APPLICATION FOR AN
4 OPERATOR OR CHAUFFEUR LICENSE FOR THE APPLICABLE SUSPENSION
5 PERIOD.

6 (B) IF THE COURT FINDS THAT THE PERSON HAS 1 OR MORE SUCH
7 PRIOR CONVICTIONS OR PROBATE COURT ORDERS OF DISPOSITION, THE
8 COURT SHALL ORDER THE SECRETARY OF STATE TO SUSPEND THE
9 OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE PERSON FOR A PERIOD OF
10 180 DAYS, AND SHALL ORDER THE PERSON TO PARTICIPATE IN A SUB-
11 STANCE ABUSE SCREENING AND ASSESSMENT PROGRAM APPROVED BY THE
12 ADMINISTRATOR OF THE OFFICE OF SUBSTANCE ABUSE SERVICES, AT HIS
13 OR HER OWN EXPENSE. BASED UPON THE FINDINGS AND RECOMMENDATION
14 OF THE PERSON CONDUCTING THE SCREENING AND ASSESSMENT, THE COURT
15 MAY ORDER THAT THE PERSON ATTEND A SUBSTANCE ABUSE EDUCATION AND
16 TREATMENT PROGRAM APPROVED BY THE ADMINISTRATOR OF THE OFFICE OF
17 SUBSTANCE ABUSE SERVICES, AT HIS OR HER OWN EXPENSE. IN THE CASE
18 OF A PERSON WHO DOES NOT POSSESS AN OPERATOR'S OR CHAUFFEUR'S
19 LICENSE, THE SECRETARY OF STATE SHALL DENY THE APPLICATION FOR AN
20 OPERATOR'S OR CHAUFFEUR'S LICENSE FOR THE APPLICABLE SUSPENSION
21 PERIOD.

22 (5) ~~(4)~~ This section does not apply to a passenger in a
23 chartered vehicle authorized to operate by the ~~Michigan~~ STATE
24 TRANSPORTATION department. ~~of transportation.~~

25 SEC. 624B. (1) A PERSON LESS THAN 21 YEARS OF AGE SHALL NOT
26 KNOWINGLY TRANSPORT OR POSSESS, IN A MOTOR VEHICLE, ALCOHOLIC
27 LIQUOR UNLESS THE PERSON IS EMPLOYED BY A LICENSEE UNDER THE

1 MICHIGAN LIQUOR CONTROL ACT, ACT NO. 8 OF THE PUBLIC ACTS OF THE
2 EXTRA SESSION OF 1933, BEING SECTIONS 436.1 TO 436.58 OF THE
3 MICHIGAN COMPILED LAWS, A COMMON CARRIER DESIGNATED BY THE LIQUOR
4 CONTROL COMMISSION PURSUANT TO ACT NO. 8 OF THE PUBLIC ACTS OF
5 THE EXTRA SESSION OF 1933, THE LIQUOR CONTROL COMMISSION, OR AN
6 AGENT OF THE LIQUOR CONTROL COMMISSION AND IS TRANSPORTING OR
7 HAVING THE ALCOHOLIC LIQUOR IN A MOTOR VEHICLE UNDER THE PERSON'S
8 CONTROL DURING REGULAR WORKING HOURS AND IN THE COURSE OF THE
9 PERSON'S EMPLOYMENT. A PERSON WHO VIOLATES THIS SUBSECTION IS
10 GUILTY OF A MISDEMEANOR.

11 (2) WITHIN 30 DAYS AFTER THE CONVICTION OF A PERSON FOR THE
12 VIOLATION OF SUBSECTION (1), WHICH CONVICTION HAS BECOME FINAL,
13 COMPLAINT MAY BE MADE BY THE ARRESTING OFFICER OR THE OFFICER'S
14 SUPERIOR BEFORE THE COURT FROM WHICH THE WARRANT WAS ISSUED,
15 WHICH COMPLAINT SHALL BE UNDER OATH AND SHALL CONTAIN A DESCRIP-
16 TION OF THE MOTOR VEHICLE IN WHICH ALCOHOLIC LIQUOR WAS POSSESSED
17 OR TRANSPORTED BY THE PERSON LESS THAN 21 YEARS OF AGE IN COMMIT-
18 TING THE OFFENSE AND REQUESTING THAT THE MOTOR VEHICLE BE
19 IMPOUNDED AS PROVIDED IN THIS SECTION. UPON THE FILING OF THE
20 COMPLAINT, THE COURT SHALL ISSUE TO THE OWNER OF THE MOTOR VEHI-
21 CLE AN ORDER TO SHOW CAUSE WHY THE MOTOR VEHICLE SHOULD NOT BE
22 IMPOUNDED. THE ORDER TO SHOW CAUSE SHALL HAVE A DATE AND TIME
23 FIXED IN THE ORDER FOR A HEARING, WHICH DATE SHALL NOT BE LESS
24 THAN 10 DAYS AFTER THE ISSUANCE OF THE ORDER AND SHALL BE SERVED
25 BY DELIVERING A TRUE COPY TO THE OWNER NOT LESS THAN 3 FULL DAYS
26 BEFORE THE DATE OF HEARING OR, IF THE OWNER CANNOT BE LOCATED, BY
27 SENDING A TRUE COPY BY CERTIFIED MAIL TO THE LAST KNOWN ADDRESS

1 OF THE OWNER. IF THE OWNER IS A NONRESIDENT OF THE STATE,
2 SERVICE MAY BE MADE UPON THE SECRETARY OF STATE AS PROVIDED IN
3 SECTION 403.

4 (3) IF THE COURT DETERMINES UPON THE HEARING OF THE ORDER TO
5 SHOW CAUSE, FROM COMPETENT AND RELEVANT EVIDENCE, THAT AT THE
6 TIME OF THE COMMISSION OF THE OFFENSE THE MOTOR VEHICLE WAS BEING
7 DRIVEN BY THE PERSON LESS THAN 21 YEARS OF AGE WITH THE EXPRESS
8 OR IMPLIED CONSENT OR KNOWLEDGE OF THE OWNER, AND THAT THE USE OF
9 THE MOTOR VEHICLE IS NOT NEEDED BY THE OWNER IN THE DIRECT PUR-
10 SUIT OF THE OWNER'S EMPLOYMENT OR THE ACTUAL OPERATION OF THE
11 OWNER'S BUSINESS, THE COURT SHALL AUTHORIZE THE IMPOUNDING OF THE
12 VEHICLE FOR A PERIOD, TO BE DETERMINED BY THE COURT, OF NOT LESS
13 THAN 15 DAYS OR MORE THAN 30 DAYS. THE COURT'S ORDER AUTHORIZING
14 THE IMPOUNDING OF THE VEHICLE SHALL AUTHORIZE A LAW ENFORCEMENT
15 OFFICER TO TAKE POSSESSION WITHOUT OTHER PROCESS OF THE MOTOR
16 VEHICLE WHEREVER LOCATED AND TO STORE THE VEHICLE IN A PUBLIC OR
17 PRIVATE GARAGE AT THE EXPENSE AND RISK OF THE OWNER OF THE
18 VEHICLE. THE OWNER OF THE VEHICLE MAY APPEAL THE ORDER TO THE
19 CIRCUIT COURT AND THE PROVISIONS GOVERNING THE TAKING OF APPEALS
20 FROM JUDGMENTS FOR DAMAGES SHALL APPLY TO THE APPEAL. THIS SEC-
21 TION DOES NOT PREVENT A BONA FIDE LIENHOLDER FROM EXERCISING
22 RIGHTS UNDER A LIEN.

23 (4) A PERSON WHO KNOWINGLY TRANSFERS TITLE TO A MOTOR VEHI-
24 CLE FOR THE PURPOSE OF AVOIDING THIS SECTION IS GUILTY OF A
25 MISDEMEANOR.

26 (5) IMMEDIATELY UPON THE ENTRY OF A CONVICTION OR A PROBATE
27 COURT ORDER OF DISPOSITION FOR A VIOLATION OF THIS SECTION, THE

1 COURT SHALL CONSIDER ALL PRIOR CONVICTIONS OR PROBATE COURT
2 ORDERS OF DISPOSITION FOR VIOLATION OF THIS SECTION OR
3 SECTION 624A, OR A LOCAL ORDINANCE OR LAW OF ANOTHER STATE SUB-
4 STANTIALLY CORRESPONDING TO THIS SECTION OR SECTION 624A, AND THE
5 COURT SHALL DO THE FOLLOWING:

6 (A) IF THE COURT FINDS THAT THE PERSON DOES NOT HAVE A PRIOR
7 CONVICTION OR PROBATE COURT ORDER OF DISPOSITION, THE COURT SHALL
8 ORDER THE SECRETARY OF STATE TO SUSPEND THE OPERATOR'S OR
9 CHAUFFEUR'S LICENSE OF THE PERSON FOR A PERIOD OF 90 DAYS, AND
10 MAY ORDER THE PERSON TO PARTICIPATE IN A SUBSTANCE ABUSE SCREEN-
11 ING AND ASSESSMENT PROGRAM APPROVED BY THE ADMINISTRATOR OF THE
12 OFFICE OF SUBSTANCE ABUSE SERVICES, AT HIS OR HER OWN EXPENSE.
13 BASED UPON THE FINDINGS AND RECOMMENDATION OF THE PERSON CONDUCT-
14 ING THE SCREENING AND ASSESSMENT, THE COURT MAY ORDER THAT THE
15 PERSON ATTEND A SUBSTANCE ABUSE EDUCATION AND TREATMENT PROGRAM
16 APPROVED BY THE ADMINISTRATOR OF THE OFFICE OF SUBSTANCE ABUSE
17 SERVICES, AT HIS OR HER OWN EXPENSE. UPON THE SATISFACTORY COM-
18 PLETION OF A PROGRAM OF EDUCATION AND TREATMENT, THE COURT SHALL
19 ORDER THE SECRETARY OF STATE TO REDUCE THE SUSPENSION TO 45
20 DAYS. IN THE CASE OF A PERSON WHO DOES NOT POSSESS AN OPERATOR
21 OR CHAUFFEUR LICENSE, THE SECRETARY OF STATE SHALL DENY THE
22 APPLICATION FOR AN OPERATOR OR CHAUFFEUR LICENSE FOR THE APPLICA-
23 BLE SUSPENSION PERIOD.

24 (B) IF THE COURT FINDS THAT THE PERSON HAS 1 OR MORE SUCH
25 PRIOR CONVICTIONS OR PROBATE COURT ORDERS OF DISPOSITION, THE
26 COURT SHALL ORDER THE SECRETARY OF STATE TO SUSPEND THE
27 OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE PERSON FOR A PERIOD OF

1 180 DAYS, AND SHALL ORDER THE PERSON TO PARTICIPATE IN A
2 SUBSTANCE ABUSE SCREENING AND ASSESSMENT PROGRAM APPROVED BY THE
3 ADMINISTRATOR OF THE OFFICE OF SUBSTANCE ABUSE SERVICES, AT HIS
4 OR HER OWN EXPENSE. BASED UPON THE FINDINGS AND RECOMMENDATION
5 OF THE PERSON CONDUCTING THE SCREENING AND ASSESSMENT, THE COURT
6 MAY ORDER THAT THE PERSON ATTEND A SUBSTANCE ABUSE EDUCATION AND
7 TREATMENT PROGRAM APPROVED BY THE ADMINISTRATOR OF THE OFFICE OF
8 SUBSTANCE ABUSE SERVICES, AT HIS OR HER OWN EXPENSE. IN THE CASE
9 OF A PERSON WHO DOES NOT POSSESS AN OPERATOR'S OR CHAUFFEUR'S
10 LICENSE, THE SECRETARY OF STATE SHALL DENY THE APPLICATION FOR AN
11 OPERATOR'S OR CHAUFFEUR'S LICENSE FOR THE APPLICABLE SUSPENSION
12 PERIOD.

13 (6) THE COURT SHALL IMMEDIATELY FORWARD THE SURRENDERED
14 LICENSE AND AN ABSTRACT OF CONVICTION TO THE SECRETARY OF STATE.
15 A SUSPENSION ORDERED UNDER THIS SUBSECTION SHALL BE IN ADDITION
16 TO ANY OTHER SUSPENSION OF THE PERSON'S OPERATOR'S OR CHAUFFEUR'S
17 LICENSE. IF THE JUDGMENT IS APPEALED TO CIRCUIT COURT, THE COURT
18 MAY, EX PARTE, ORDER THE SECRETARY OF STATE TO STAY THE SUSPEN-
19 SION ISSUED PURSUANT TO THIS SECTION PENDING THE OUTCOME OF THE
20 APPEAL.

21 (7) A LAW ENFORCEMENT AGENCY SHALL NOTIFY THE PARENT OR PAR-
22 ENTS, CUSTODIAN, OR GUARDIAN OF A PERSON CONVICTED UNDER SUBSEC-
23 TION (1) IF THE PERSON IS LESS THAN 18 YEARS OF AGE. IF THE
24 PERSON IS ATTENDING ELEMENTARY OR SECONDARY SCHOOL, THE LAW
25 ENFORCEMENT AGENCY SHALL NOTIFY THE PRINCIPAL OF THE SCHOOL THAT
26 THE PERSON IS ATTENDING.

1 (8) AS USED IN THIS SECTION, "ALCOHOLIC LIQUOR" MEANS THAT
2 TERM AS DEFINED IN SECTION 2(A) OF THE MICHIGAN LIQUOR CONTROL
3 ACT, ACT NO. 8 OF THE PUBLIC ACTS OF THE EXTRA SESSION OF 1933,
4 BEING SECTION 436.2 OF THE MICHIGAN COMPILED LAWS.

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

10 (2) Within 14 days after the conviction or forfeiture of
11 bail of a person, or entry of a civil infraction determination,
12 default judgment, or probate court order of disposition for a
13 child found to be within the provisions of chapter XIIIA of Act
14 No. 288 of the Public Acts of 1939, being sections 712A.1 to
15 712A.28 of the Michigan Compiled Laws, upon a charge of, or
16 citation for, violating this act or a local ordinance correspond-
17 ing to this act regulating the operation of vehicles on highways,
18 and, for each case charging a violation of section 625(1), (3),
19 (4), or (5), or a local ordinance substantially corresponding to
20 section 625(1) or (3) in which the charge is dismissed or the
21 defendant is acquitted, except as provided in subsection (15),
22 the municipal judge or clerk of the court of record shall prepare
23 and immediately forward to the secretary of state an abstract of
24 the record of the court for the case. The abstract shall be cer-
25 tified by signature, stamp, or facsimile signature by the person
26 required to prepare the abstract to be true and correct. If a
27 city or village department, bureau, or person is authorized to

1 accept a payment of money as a settlement for a violation of a
2 local ordinance corresponding to this act, the city or village
3 department, bureau, or person shall send a full report of each
4 case in which a person pays any amount of money to the city or
5 village department, bureau, or person to the secretary of state
6 upon a form prescribed by the secretary of state.

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

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

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

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

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

18 (e) The date of the conviction, finding, forfeiture, judg-
19 ment, or CIVIL INFRACTION determination.

20 (f) Whether bail was forfeited.

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

23 (h) Other information considered necessary to the secretary
24 of state.

25 (4) The clerk of the court also shall forward an abstract of
26 the record of the court to the secretary of state upon the
27 conviction of a person or entry of a probate court order of

1 disposition for a child found to be within the provisions of
2 chapter XIIIA of Act No. 288 of the Public Acts of 1939 involving
3 any of the following:

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

8 (b) A violation of section 1 of Act No. 214 of the Public
9 Acts of 1931, being section 752.191 of the Michigan Compiled
10 Laws.

11 (C) A VIOLATION OF SECTION 33B OF THE MICHIGAN LIQUOR CON-
12 TROL ACT, ACT NO. 8 OF THE PUBLIC ACTS OF THE EXTRA SESSION OF
13 1933, BEING SECTION 436.33B OF THE MICHIGAN COMPILED LAWS.

14 (D) ~~(c)~~ An attempt to commit any of the offenses described
15 in subdivision (a), ~~or~~ (b), OR (C).

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

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

22 (b) The vehicle was used to transport a victim of the
23 felony.

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

25 (d) The vehicle was necessary for the commission of the
26 felony.

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

6 "You are charged with the commission of a felony in which a
7 motor vehicle was used. If you are convicted and the judge finds
8 that the conviction is for a felony in which a motor vehicle was
9 used, as defined in section 319 of the Michigan vehicle code, Act
10 No. 300 of the Public Acts of 1949, being section 257.319 of the
11 Michigan Compiled Laws, your driver's license shall be suspended
12 by the secretary of state."

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

18 "You are accused of an act the nature of which constitutes a
19 felony in which a motor vehicle was used. If the accusation is
20 found to be true and the judge or referee finds that the nature
21 of the act constitutes a felony in which a motor vehicle was
22 used, as defined in section 319 of the Michigan vehicle code, Act
23 No. 300 of the Public Acts of 1949, being section 257.319 of the
24 Michigan Compiled Laws, your driver's license shall be suspended
25 by the secretary of state."

26 (8) If the judge or juvenile court referee determines as
27 part of the sentence or disposition that the felony for which the

1 defendant was convicted or adjudicated and with respect to which
2 notice was given pursuant to subsection (6) or (7) is a felony in
3 which a motor vehicle was used, the clerk of the court shall for-
4 ward an abstract of the court record of that conviction or adju-
5 dication to the secretary of state.

6 (9) As used in subsections (10) and (11), ~~"Felony"~~ "FELONY
7 in which a commercial motor vehicle was used" means a felony
8 during the commission of which the person operated a commercial
9 motor vehicle and while the person was operating the vehicle 1 or
10 more of the following circumstances existed:

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

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

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

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

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

24 "You are charged with the commission of a felony in which a
25 commercial motor vehicle was used. If you are convicted and the
26 judge finds that the conviction is for a felony in which a
27 commercial motor vehicle was used, as defined in section 319b of

1 the Michigan vehicle code, Act No. 300 of the Public Acts of
2 1949, being section 257.319b of the Michigan Compiled Laws, all
3 vehicle group designations on your driver's license shall be sus-
4 pended or revoked by the secretary of state."

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

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

20 (a) The name and title of the person required to forward
21 abstracts.

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

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

24 (d) The following statement:

25 "I certify that all abstracts required by section 732 of the
26 Michigan vehicle code, MCL 257.732; MSA 9.2432, for the period

1 _____ through _____ have been forwarded to the
2 secretary of state."

3 (e) Other information the secretary of state considers
4 necessary.

5 (f) The signature of the person required to forward
6 abstracts.

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

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

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

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

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

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

1 (d) ~~A~~ EXCEPT FOR A VIOLATION OF SECTIONS 624A AND 624B AND
2 SECTION 33B OF ACT NO. 8 OF THE PUBLIC ACTS OF THE EXTRA SESSION
3 OF 1933, A pedestrian, passenger, or bicycle violation.

4 (e) A violation of section 710e.

5 (16) The secretary of state shall discard and not enter on
6 the master driving record an abstract for a bond forfeiture that
7 occurred outside this state. However, the secretary of state
8 shall retain and enter on the master driving record an abstract
9 of an out-of-state bond forfeiture for an offense that occurred
10 after January 1, 1990 in connection with the operation of a com-
11 mercial motor vehicle.

12 (17) The secretary of state shall inform the courts of this
13 state of the nonmoving violations and violations of chapter II
14 that are used by the secretary of state as the basis for the sus-
15 pension, restriction, revocation, or denial of an operator's or
16 chauffeur's license.

17 (18) If a conviction, civil infraction determination, or
18 probate court order of disposition is reversed upon appeal, the
19 person whose conviction, determination, or order of disposition
20 has been reversed may serve on the secretary of state a certified
21 copy of the order of reversal, and the secretary of state shall
22 enter the order in the proper book or index in connection with
23 the record of the conviction, civil infraction determination, or
24 probate court order of disposition.

25 (19) The secretary of state may permit a city or village
26 department, bureau, person, or court to modify the requirement as
27 to the time and manner of reporting a conviction, civil

1 infraction determination, settlement, or probate court order of
2 disposition to the secretary of state if the modification will
3 increase the economy and efficiency of collecting and utilizing
4 the records. If the permitted abstract of court record reporting
5 a conviction, civil infraction determination, settlement, or pro-
6 bate court order of disposition originates as a part of the writ-
7 ten notice to appear, authorized in section 728(1) or 742(1), the
8 form of the written notice and report shall be as prescribed by
9 the secretary of state.

10 Section 2. This amendatory act shall not take effect unless
11 Senate Bill No. _____ or House Bill No. 4231 (request
12 no. 00596'93) of the 87th Legislature is enacted into law.