

SUBSTITUTE FOR  
HOUSE BILL NO. 5468

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending sections 27a, 249, 249a, 254, and 732 (MCL 257.27a,  
257.249, 257.249a, 257.254, and 257.732), sections 27a, 249, and  
249a as amended by 1993 PA 300, section 254 as amended by 1990 PA  
98, and section 732 as amended by 1996 PA 493, and by adding sec-  
tion 254a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 27a. "Major component part" means ~~—~~ ANY of the fol-  
2       lowing parts of a vehicle:

- 3       (a) The engine.  
4       (b) The transmission.  
5       (c) The right or left front fender.  
6       (d) The hood.

1 (e) A door allowing entrance to or egress from the vehicle's  
2 passenger compartment. ~~of the vehicle.~~

3 (f) The front or rear bumper.

4 (g) The right or left rear quarter panel.

5 (h) The deck lid, tailgate, or hatchback.

6 (i) The trunk floor pan.

7 (j) The cargo box of a pickup.

8 (k) The frame ~~—~~ or, if the vehicle has a unitized body,  
9 the supporting structure or structures that serve as the frame.

10 (l) The cab of a truck.

11 (m) The body of a passenger vehicle.

12 (N) AN AIR BAG.

13 (O) THE TRANSFER CASE.

14 (P) A WHEEL.

15 (Q) ANY OTHER PART OF A MOTOR VEHICLE THE SECRETARY OF STATE  
16 DETERMINES IS COMPARABLE IN DESIGN OR FUNCTION TO ANY OF THE  
17 PARTS LISTED IN SUBDIVISIONS (A) TO (P).

18 Sec. 249. The secretary of state may deny the application  
19 of a person for a license as a dealer and refuse to issue the  
20 person a license as a dealer, or may suspend or revoke a license  
21 already issued, if the secretary of state finds that 1 or more of  
22 the following apply:

23 (a) The applicant or licensee has made a false statement of  
24 a material fact in his or her application.

25 (b) The applicant or licensee has not complied with the pro-  
26 visions of this chapter or a rule promulgated under this  
27 chapter.

1 (c) The applicant or licensee has sold or offered for sale a  
2 new vehicle of a type required to be registered under this act  
3 without having authority of a contract with a manufacturer or  
4 distributor of the new vehicle.

5 (d) The applicant or licensee has been guilty of a fraudu-  
6 lent act in connection with selling or otherwise dealing in vehi-  
7 cles of a type required to be registered under this act.

8 (e) The applicant or licensee has entered into or is about  
9 to enter into a contract or agreement with a manufacturer or dis-  
10 tributor of vehicles of a type required to be registered under  
11 this act ~~—, which~~ THAT is contrary to any provision of this  
12 act.

13 (f) The applicant or licensee has no established place of  
14 business ~~—which~~ THAT is used or will be used for ~~the purpose~~  
15 ~~of~~ selling, displaying, and offering for sale or dealing in  
16 vehicles of a type required to be registered, and does not have  
17 proper servicing facilities.

18 (g) The applicant or licensee is a corporation or partner-  
19 ship ~~—~~ and a stockholder, officer, director, or partner of the  
20 applicant or licensee has been guilty of any act or omission that  
21 would be cause for refusing, revoking, or suspending a license  
22 issued to the stockholder, officer, director, or partner as an  
23 individual.

24 (h) The applicant or licensee has possessed a vehicle or a  
25 vehicle part ~~that has been~~ confiscated under section 415 of the  
26 Michigan penal code, ~~Act No. 328 of the Public Acts of 1931, as~~  
27 ~~amended, being section 750.415 of the Michigan Compiled Laws~~

1 1931 PA 328, MCL 750.415. The secretary of state shall conduct a  
2 hearing pursuant to the administrative procedures act of 1969,  
3 ~~Act No. 306 of the Public Acts of 1969, as amended, being sec-~~  
4 ~~tions 24.201 to 24.328 of the Michigan Compiled Laws 1969~~  
5 PA 306, MCL 24.201 TO 24.328, before ~~the secretary of state~~  
6 ~~takes~~ TAKING any action under this subdivision.

7 (i) The applicant or licensee has been convicted ~~under~~ OF  
8 A VIOLATION OF section 413, 415, 535, 535A, OR 535C of ~~Act~~  
9 ~~No. 328 of the Public Acts of 1931, as amended~~ THE MICHIGAN  
10 PENAL CODE, 1931 PA 328, MCL 750.413, 750.415, 750.535, 750.535A,  
11 AND 750.535C, OR A LOCAL ORDINANCE OR A LAW OF ANOTHER STATE SUB-  
12 STANTIALLY CORRESPONDING TO THOSE SECTIONS.

13 (j) The applicant or licensee has been convicted of violat-  
14 ing ~~Act No. 119 of the Public Acts of 1986, being sections~~  
15 ~~257.1351 to 257.1355 of the Michigan Compiled Laws 1986 PA 119,~~  
16 MCL 257.1351 TO 257.1355.

17 Sec. 249a. (1) The secretary of state may deny the applica-  
18 tion of a person for a license as an automotive recycler, a used  
19 or secondhand vehicle parts dealer, a vehicle scrap metal proces-  
20 sor, or a foreign salvage vehicle dealer and refuse that person a  
21 license as an automotive recycler, a used or secondhand vehicle  
22 parts dealer, a vehicle scrap metal processor, or a foreign sal-  
23 vage vehicle dealer, or may suspend or revoke a license already  
24 issued, if the secretary of state finds that 1 or more of the  
25 following apply:

26 (a) The applicant or licensee has made a false statement of  
27 a material fact in his or her application.

1 (b) The applicant or licensee has not complied with this act  
2 or a rule promulgated under this chapter.

3 (c) The applicant or licensee has been convicted of violat-  
4 ing ~~Act No. 119 of the Public Acts of 1986, being sections~~  
5 ~~257.1351 to 257.1355 of the Michigan Compiled Laws~~ 1986 PA 119,  
6 MCL 257.1351 TO 257.1355.

7 (d) ~~If the~~ THE applicant or licensee is a foreign salvage  
8 vehicle dealer ~~,~~ WHO has had his or her dealer license in  
9 another state expire ~~,~~ or has had his or her dealer license in  
10 another state revoked, suspended, or canceled.

11 (e) ~~If the~~ THE applicant or licensee is an automotive  
12 recycler, a used or secondhand vehicle parts dealer, or a foreign  
13 salvage vehicle dealer ~~and~~ WHO has no established place of  
14 business used for the purpose of selling, displaying, or offering  
15 for sale used or secondhand vehicle parts, ~~or~~ does not have a  
16 vehicle dismantling facility, or does not have evidence of  
17 worker's compensation insurance coverage for employees classified  
18 under the standard industrial classification number 4015, enti-  
19 tled "motor vehicle parts--used" or under the national council on  
20 compensation insurance code number 3821, entitled "automobile  
21 dismantling", if applicable.

22 (2) The secretary of state shall deny the application of a  
23 person for a license as an automotive recycler, a used or second-  
24 hand vehicle parts dealer, a vehicle scrap metal processor, or a  
25 foreign salvage vehicle dealer and refuse that person a license  
26 as an automotive recycler, a used or secondhand vehicle parts  
27 dealer, a vehicle scrap metal processor, or a foreign salvage

1 vehicle dealer, or shall suspend or revoke a license already  
2 issued, if the secretary of state finds that 1 or more of the  
3 following apply:

4 (a) The applicant or licensee has been guilty of a fraudu-  
5 lent act in connection with selling or otherwise dealing in major  
6 component parts or vehicles of a type required to be registered  
7 under this act.

8 (b) The applicant or licensee has possessed a vehicle or a  
9 vehicle part ~~which has been~~ confiscated under section 415 of  
10 the Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~  
11 ~~being section 750.415 of the Michigan Compiled Laws~~ 1931 PA 328,  
12 MCL 750.415. The secretary of state shall conduct a hearing pur-  
13 suant to the administrative procedures act of 1969, ~~Act No. 306~~  
14 ~~of the Public Acts of 1969, being sections 24.201 to 24.328 of~~  
15 ~~the Michigan Compiled Laws~~ 1969 PA 306, MCL 24.201 TO 24.328,  
16 before ~~the secretary of state takes~~ TAKING any action under  
17 this subdivision.

18 (c) The applicant or licensee has been convicted ~~under~~ OF  
19 A VIOLATION OF section 413, 415, 535, 535a, or ~~536a~~ 535C of  
20 ~~Act No. 328 of the Public Acts of 1931, being sections 750.413,~~  
21 ~~750.415, 750.535, 750.535a, and 750.536a of the Michigan Compiled~~  
22 ~~Laws, or has been convicted in a foreign~~ THE MICHIGAN PENAL  
23 CODE, 1931 PA 328, MCL 750.413, 750.415, 750.535, 750.535A, AND  
24 750.535C, OR A LOCAL ORDINANCE OR A LAW OF ANOTHER state ~~of a~~  
25 ~~law or a local ordinance~~ substantially corresponding to section  
26 413, 415, 535, 535a, or ~~536a~~ 535C of ~~Act No. 328 of the Public~~  
27 ~~Acts of 1931~~ THAT ACT.

1 (d) The applicant or licensee is a corporation or  
2 partnership —, and a stockholder, officer, director, or partner  
3 of the applicant or licensee has been guilty of any act or omis-  
4 sion that would be cause for refusing, revoking, or suspending a  
5 license issued to the stockholder, officer, director, or partner  
6 as an individual.

7 (e) Effective July 1, 1994, the applicant or licensee has  
8 removed a scrap vehicle from this state for the purpose of  
9 rebuilding it or has sold or transferred the vehicle as a unit  
10 for purposes of rebuilding it.

11 Sec. 254. (1) ~~Any person who shall knowingly make any~~ A  
12 PERSON WHO DOES ANY OF THE FOLLOWING IS GUILTY OF A FELONY PUN-  
13 ISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR A FINE OF  
14 NOT MORE THAN \$20,000.00, OR BOTH:

15 (A) KNOWINGLY MAKES A false statement of a material fact —  
16 ~~either~~ in his or her application for the certificate of title  
17 required by this act —, or in ~~any~~ AN assignment of that title.  
18 ~~, or who, with intent to procure or pass title to~~

19 (B) RECEIVES OR TRANSFERS POSSESSION OF a motor vehicle  
20 ~~which~~ he or she knows or has reason to believe has been stolen,  
21 ~~shall receive or transfer possession of the same~~ OR HAS 1 OR  
22 MORE MAJOR COMPONENT PARTS THAT HAVE BEEN STOLEN, from or to  
23 another —, ~~or who shall have~~ PERSON WITH INTENT TO PROCURE OR  
24 PASS TITLE TO THE MOTOR VEHICLE.

25 (2) A PERSON WHO HAS in his or her possession any vehicle  
26 ~~which~~ he or she knows or has reason to believe has been stolen  
27 ~~, and who is not an officer of the law engaged at the time in~~

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Sub. H.B. 5468 (H-3) as amended June 24, 1998

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1 ~~the performance of his or her duty as such officer,~~ is guilty of  
2 a felony ~~—, punishable by a fine of not more than \$5,000.00, or~~  
3 ~~by~~ imprisonment for not more than [10] years OR A FINE OF NOT  
4 MORE THAN \$20,000.00, or both.

5 (3) THIS SECTION DOES NOT APPLY TO A PEACE OFFICER PERFORM-  
6 ING HIS OR HER DUTIES AS A PEACE OFFICER AT THE TIME OF A VIOLA-  
7 TION OF THIS SECTION.

8 (4) This ~~provision shall~~ SECTION DOES not ~~be exclusive of~~  
9 ~~any other penalties prescribed by~~ PROHIBIT THE PROSECUTION OF A  
10 PERSON UNDER any OTHER law for the larceny ~~of the~~ OR unautho-  
11 rized taking of a vehicle OR MAJOR COMPONENT PART.

12 SEC. 254A. (1) A PERSON WHO KNOWINGLY AND WITH THE INTENT  
13 TO MISLEAD ANOTHER PERSON AS TO THE IDENTIFY OF A MOTOR VEHICLE  
14 SELLS, GIVES, OR EXCHANGES A MOTOR VEHICLE CERTIFICATE OF TITLE  
15 OR IDENTIFYING MARKER WITHOUT ALSO SELLING, GIVING, OR EXCHANGING  
16 THE MOTOR VEHICLE FOR WHICH THE TITLE WAS ISSUED OR TO WHICH THE  
17 IDENTIFYING MARKER RELATES IS GUILTY OF A FELONY PUNISHABLE BY  
18 IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR A FINE OF NOT MORE THAN  
19 \$20,000.00, OR BOTH.

20 (2) A PERSON WHO WITH THE INTENT TO MISLEAD ANOTHER PERSON  
21 AS TO THE IDENTITY OF A MOTOR VEHICLE BUYS, RECEIVES, OR POS-  
22 SESSES A MOTOR VEHICLE CERTIFICATE OF TITLE OR IDENTIFYING MARKER  
23 THAT BELONGS TO ANOTHER VEHICLE IS GUILTY OF A FELONY PUNISHABLE  
24 BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR A FINE OF NOT MORE  
25 THAN \$20,000.00, OR BOTH.

26 (3) A PERSON WHO WITHOUT INTENT TO MISLEAD ANOTHER PERSON AS  
27 TO THE IDENTITY OF A MOTOR VEHICLE BUYS, RECEIVES, OR POSSESSES A



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1 MOTOR VEHICLE CERTIFICATE OF TITLE OR IDENTIFYING MARKER THAT  
2 BELONGS TO ANOTHER VEHICLE IS GUILTY OF A MISDEMEANOR PUNISHABLE  
3 BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE  
4 THAN \$100.00, OR BOTH.

5 (4) A PERSON WHO KNOWINGLY MAKES OR PRESENTS A FALSE,  
6 FORGED, OR ALTERED DOCUMENT TO OBTAIN A MOTOR VEHICLE CERTIFICATE  
7 OF TITLE FROM THE SECRETARY OF STATE IS GUILTY OF A FELONY PUN-  
8 ISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR A FINE OF  
9 NOT MORE THAN \$20,000.00, OR BOTH.

10 (5) THIS SECTION DOES NOT PROHIBIT THE PROSECUTION OF A  
11 PERSON UNDER ANY OTHER LAW FOR THE LARCENY OR THE UNAUTHORIZED  
12 TAKING OF A MOTOR VEHICLE OR MAJOR COMPONENT PART.

13 (6) AS USED IN THIS SECTION:

14 (A) "IDENTIFYING MARKER" MEANS A VEHICLE IDENTIFICATION  
15 NUMBER, FEDERAL SAFETY STICKER, ENGINE NUMBER, TRANSMISSION  
16 NUMBER, BODY TAG, OR COMPONENT PART NUMBER OR AN IDENTITY PLATE  
17 OR STICKER THAT IS STAMPED OR OTHERWISE MARKED WITH THE VEHICLE  
18 IDENTIFICATION NUMBER OR VEHICLE IDENTIFICATION NUMBER  
19 DERIVATIVE.

20 (B) "VEHICLE IDENTIFICATION NUMBER" MEANS AN IDENTIFICATION  
21 NUMBER ASSIGNED TO A VEHICLE BY THE MANUFACTURER, A SPECIAL IDEN-  
22 TIFYING NUMBER ASSIGNED TO A VEHICLE BY THE SECRETARY OF STATE  
23 UNDER SECTION 230, OR A NUMBER THAT IS UNIQUE TO AND IDENTIFIES 1  
24 OR MORE VEHICLE THROUGH A CROSS-REFERENCE PROCEDURE WITH THE MAN-  
25 UFACTURER OR THE NATIONAL INSURANCE CRIME BUREAU OR A SUCCESSOR  
26 ORGANIZATION.

1       (C) "VEHICLE IDENTIFICATION NUMBER DERIVATIVE" MEANS A PART  
2 OF THE VEHICLE IDENTIFICATION NUMBER THAT IS UNIQUE IN ITSELF BUT  
3 IS ALPHABETICALLY OR NUMERICALLY IDENTIFIABLE TO THE VEHICLE  
4 IDENTIFICATION NUMBER.

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 a  
8 local ordinance substantially corresponding to this act regulat-  
9 ing the operation of vehicles on highways. Except as provided in  
10 subsection (15), the municipal judge or clerk of the court of  
11 record shall prepare and forward to the secretary of state an  
12 abstract of the court record as follows:

13       (a) Within 14 days after a conviction, forfeiture of bail,  
14 or entry of a civil infraction determination or default judgment  
15 ~~—~~ upon a charge of or citation for violating this act or a  
16 local ordinance SUBSTANTIALLY corresponding to this act regulat-  
17 ing the operation of vehicles on highways.

18       (b) Immediately for each case charging a violation of  
19 section 625(1), (3), (4), (5), or (6) ~~—~~ or a local ordinance  
20 substantially corresponding to section 625(1), (3), or (6) in  
21 which the charge is dismissed or the defendant is acquitted.

22       (2) If a city or village department, bureau, or person is  
23 authorized to accept a payment of money as a settlement for a  
24 violation of a local ordinance SUBSTANTIALLY corresponding to  
25 this act, the city or village department, bureau, or person shall  
26 send a full report of each case in which a person pays any amount  
27 of money to the city or village department, bureau, or person to

1 the secretary of state upon a form prescribed by the secretary of  
2 state.

3 (3) The abstract or report required under this section shall  
4 be made upon a form furnished by the secretary of state. An  
5 abstract shall be certified by signature, stamp, or facsimile  
6 signature of the person required to prepare the abstract as  
7 correct. An abstract or report shall include all of the  
8 following:

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

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

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

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

17 (e) The date of the conviction, finding, forfeiture, judg-  
18 ment, or civil infraction determination.

19 (f) Whether bail was forfeited.

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

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

24 (4) The clerk of the court also shall forward an abstract of  
25 the court record to the secretary of state upon a person's con-  
26 viction involving any of the following:

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1 (a) A violation of section 413, 414, ~~or~~ 415, 479a, 535,  
2 535A, OR 535C of the Michigan penal code, ~~Act No. 328 of the~~  
3 ~~Public Acts of 1931, being sections 750.413, 750.414, and~~  
4 ~~750.479a of the Michigan Compiled Laws~~ 1931 PA 328, MCL 750.413,  
5 750.414, 750.415, 750.479A, 750.535, 750.535A, AND 750.535C.

6 (b) A violation of section 1 of ~~Act No. 214 of the Public~~  
7 ~~Acts of 1931, being section 752.191 of the Michigan Compiled~~  
8 ~~Laws~~ 1931 PA 214, MCL 752.191.

9 (c) Negligent homicide, manslaughter, or murder resulting  
10 from the operation of a motor vehicle.

11 (d) 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~~ FORMER  
14 1933 (EX SESS) PA 8 OR SECTION 703 OF THE MICHIGAN LIQUOR CONTROL  
15 CODE OF 1998, 1998 PA 58, MCL 436.1703, or a local ordinance sub-  
16 stantially corresponding to ~~that~~ EITHER section.

17 (e) An attempt to violate, a conspiracy to violate, or a  
18 violation of part 74 or section 17766a of the public health code,  
19 ~~Act No. 368 of the Public Acts of 1978, being sections 333.7401~~  
20 ~~to 333.7461 and 333.17766a of the Michigan Compiled Laws,~~ 1978  
21 PA 368, MCL 333.7401 TO 333.7461 AND 333.17766A, or a local ordi-  
22 nance that prohibits conduct prohibited under part 74 or section  
23 17766a of ~~Act No. 368 of the Public Acts of 1978~~ THE PUBLIC  
24 HEALTH CODE, 1978 PA 368, MCL 333.7401 TO 333.7461 AND  
25 333.17766A, unless the convicted person is sentenced to life  
26 imprisonment or a minimum term of imprisonment that exceeds 1  
27 year for the offense.

1 (f) An attempt to commit ~~any of the offenses~~ AN OFFENSE  
2 described in subdivisions (a) to (d).

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

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

9 (b) The vehicle was used to transport a victim of the  
10 felony.

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

12 (d) The vehicle was necessary for the commission of the  
13 felony.

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

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

26 (7) If a juvenile is accused of an act, the nature of which  
27 constitutes a felony in which a motor vehicle was used, other

1 than a felony specified in subsection (4) or section 319(1)(a) to  
2 (e), the prosecuting attorney or ~~juvenile~~ FAMILY division of  
3 ~~the probate~~ CIRCUIT court shall include the following statement  
4 on the petition filed in the ~~probate~~ court:

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

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

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

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

26        (b) The vehicle was used to transport a victim of the  
27 felony.

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

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

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

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

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

26 (12) Every person required to forward abstracts to the  
27 secretary of state under this section shall certify for the

1 period from January 1 through June 30 and for the period from  
2 July 1 through December 31 that all abstracts required to be for-  
3 warded during the period have been forwarded. The certification  
4 shall be filed with the secretary of state not later than 28 days  
5 after the end of the period covered by the certification. The  
6 certification shall be made upon a form furnished by the secre-  
7 tary of state and shall include all of the following:

8 (a) The name and title of the person required to forward  
9 abstracts.

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

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

12 (d) The following statement:

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

17 (e) Other information the secretary of state considers  
18 necessary.

19 (f) The signature of the person required to forward  
20 abstracts.

21 (13) The failure, refusal, or neglect of a person to comply  
22 with this section constitutes misconduct in office and is grounds  
23 for removal from office.

24 (14) Except as provided in subsection (15), the secretary of  
25 state shall keep all abstracts received under this section at the  
26 secretary of state's main office and the abstracts shall be open  
27 for public inspection during the office's usual business hours.



1 Each abstract shall be entered upon the master driving record of  
2 the person to whom it pertains.

3 (15) Except for controlled substance offenses described in  
4 subsection (4), the court shall not submit, and the secretary of  
5 state shall discard and not enter on the master driving record,  
6 an abstract for a conviction or civil infraction determination  
7 for any of the following violations:

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

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

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

15 (d) ~~Except~~ A PEDESTRIAN, PASSENGER, OR BICYCLE VIOLATION,  
16 EXCEPT for a violation of section 33b(1) or (2) of ~~Act No. 8 of~~  
17 ~~the Public Acts of the Extra Session of 1933~~ FORMER 1933 (EX  
18 SESS) PA 8 OR SECTION 703(1) OR (2) OF THE MICHIGAN LIQUOR CON-  
19 TROL CODE OF 1998, 1998 PA 58, MCL 436.1703, or a local ordinance  
20 substantially corresponding to section 33b(1) or (2) of ~~Act~~  
21 ~~No. 8 of the Public Acts of the Extra Session of 1933~~ FORMER  
22 1933 (EX SESS) PA 8 OR SECTION 703(1) OR (2) OF THE MICHIGAN  
23 LIQUOR CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1703, or section  
24 624a or 624b or a local ordinance substantially corresponding to  
25 section 624a or 624b. ~~, a pedestrian, passenger, or bicycle~~  
26 ~~violation.~~

1       (e) A violation of section 710e or a local ordinance  
2 substantially corresponding to section 710e.

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

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

15       (18) If a conviction or civil infraction determination is  
16 reversed upon appeal, the person whose conviction or determina-  
17 tion has been reversed may serve on the secretary of state a cer-  
18 tified copy of the order of reversal. The secretary of state  
19 shall enter the order in the proper book or index in connection  
20 with the record of the conviction or civil infraction  
21 determination.

22       (19) The secretary of state may permit a city or village  
23 department, bureau, person, or court to modify the requirement as  
24 to the time and manner of reporting a conviction, civil infrac-  
25 tion determination, or settlement to the secretary of state if  
26 the modification will increase the economy and efficiency of  
27 collecting and utilizing the records. If the permitted abstract

1 of court record reporting a conviction, civil infraction  
2 determination, or settlement originates as a part of the written  
3 notice to appear, authorized in section 728(1) or 742(1), the  
4 form of the written notice and report shall be as prescribed by  
5 the secretary of state.

6 (20) Except as provided in this act and notwithstanding any  
7 other provision of law, a court shall not order expunction of any  
8 violation reportable to the secretary of state under this  
9 section.

10 Enacting section 1. This amendatory act takes effect  
11 January 1, 1999.

12 Enacting section 2. This amendatory act does not take  
13 effect unless all of the following bills of the 89th Legislature  
14 are enacted into law:

15 (a) House Bill No. 5445.

16 (b) House Bill No. 5447.