

**HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 625**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 204a, 219, 233, and 320e (MCL 257.204a, 257.219, 257.233, and 257.320e), section 204a as amended by 1996 PA 102, section 219 as amended by 1985 PA 67, section 233 as amended by 1980 PA 398, and section 320e as amended by 1996 PA 493.

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

1       Sec. 204a. (1) The secretary of state shall create and  
2 maintain a computerized central file that provides an individual,  
3 historical driving record for a person, including a nonresident,  
4 with respect to all of the following:

5       (a) A license issued to the person under chapter 3.

6       (b) A conviction or civil infraction determination entered  
7 against the person for a violation of this act or a local

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1 ordinance substantially corresponding to a provision of this  
2 act.

3 (c) A failure of the person to comply with an order or judg-  
4 ment issued pursuant to section 907.

5 (d) A cancellation, denial, revocation, suspension, or  
6 restriction of the person's operating privilege under this act.

7 (e) An accident in which the person is involved.

8 (f) A conviction of the person for an offense described in  
9 section 319e.

10 (G) A TEMPORARY REGISTRATION PLATE, VEHICLE IMMOBILIZATION,  
11 OR VEHICLE FORFEITURE.

12 (H) ~~(g)~~ Any other information received by the secretary of  
13 state regarding the person that is required to be maintained as  
14 part of the person's driving record as provided by law.

15 (2) A secretary of state certified computer-generated or  
16 paper copy of an order, record, or paper maintained in the com-  
17 puterized central file of the secretary of state is admissible in  
18 evidence in the same manner as the original and is prima facie  
19 proof of the contents of and the facts stated in the original.

20 (3) An order, record, or paper generated by the computerized  
21 central file of the secretary of state may be certified electron-  
22 ically by the generating computer. The certification shall be a  
23 certification of the order, record, or paper as it appeared on a  
24 specific date.

25 (4) A court or the office of the clerk of a court of this  
26 state which is electronically connected by a terminal device to  
27 the computerized central file of the secretary of state may

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1 receive into and use as evidence in any case the  
2 computer-generated certified information obtained by the terminal  
3 device from the file. A duly authorized employee of a court of  
4 record of this state may order a record for an individual from a  
5 secretary of state computer terminal device located in, and under  
6 the control of, the court, and certify in writing that the docu-  
7 ment was produced from the terminal and that the document was not  
8 altered in any way.

9       Sec. 219. (1) The secretary of state shall refuse issuance  
10 of a registration or a transfer of registration upon any of the  
11 following grounds:

12       (a) The application contains a false or fraudulent state-  
13 ment, the applicant has failed to furnish required information or  
14 reasonable additional information requested by the secretary of  
15 state, or the applicant is not entitled to the registration of  
16 the vehicle under this act.

17       (b) The secretary of state has reasonable ground to believe  
18 that the vehicle is a stolen or embezzled vehicle, or that the  
19 granting of registration would constitute a fraud against the  
20 rightful owner or other person having a valid lien upon the  
21 vehicle.

22       (c) The registration of the vehicle is suspended or revoked  
23 for any reason provided in the motor vehicle laws of this state.

24       (D) THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE OWNER OR  
25 LESSEE IS SUSPENDED, REVOKED, OR DENIED OR THE OPERATOR HAS NEVER  
26 BEEN LICENSED BY THIS STATE AT THE TIME OF THE APPLICATION FOR A  
27 THIRD OR SUBSEQUENT VIOLATION OF SECTION 625 OR 625M OR A LOCAL

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1 ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625 OR 625M OR A  
2 FOURTH OR SUBSEQUENT SUSPENSION OR REVOCATION UNDER SECTION 904.  
3 THIS SUBDIVISION TAKES EFFECT JUNE 1, 2000.

4 (E) ~~-(d)-~~ The required fee has not been paid.

5 (F) ~~-(e)-~~ The applicant, at the time of applying for regis-  
6 tration or a transfer of registration other than a temporary reg-  
7 istration issued pursuant to section 226b, fails to present a  
8 certificate of compliance or waiver for a motor vehicle as  
9 required under ~~the vehicle emissions inspection and maintenance~~  
10 ~~act-~~ EITHER PART 63 OR PART 65 OF THE NATURAL RESOURCES AND ENVI-  
11 RONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.6301 TO 324.6321  
12 AND 324.6501 TO 324.6539.

13 (G) ~~-(f)-~~ The application for registration of a vehicle with  
14 an elected gross weight of 55,000 pounds or more is not accom-  
15 panied with proof of payment of the federal highway use tax  
16 levied pursuant to the surface transportation assistance act of  
17 1982, Public Law 97-424, 96 Stat. 2097.

18 (2) The secretary of state shall refuse issuance of a cer-  
19 tificate of title or a salvage certificate of title upon any of  
20 the following grounds:

21 (a) The application contains a false or fraudulent state-  
22 ment, the applicant has failed to furnish required information or  
23 reasonable additional information requested by the secretary of  
24 state, or the applicant is not entitled to the issuance of a cer-  
25 tificate of title or salvage certificate of title under this  
26 act.

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1 (b) The secretary of state has reasonable ground to believe  
2 that the vehicle is a stolen or embezzled vehicle or that the  
3 issuance of a certificate of title or a salvage certificate of  
4 title would constitute a fraud against the rightful owner or  
5 other person having a valid security interest upon the vehicle.

6 (c) The required fee has not been paid.

7 (D) THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE OWNER OR  
8 LESSEE IS SUSPENDED, REVOKED, OR DENIED OR THE OPERATOR HAS NEVER  
9 BEEN LICENSED BY THIS STATE AT THE TIME OF THE APPLICATION FOR A  
10 THIRD OR SUBSEQUENT VIOLATION OF SECTION 625 OR 625M OR A LOCAL  
11 ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625 OR 625M OR A  
12 FOURTH OR SUBSEQUENT SUSPENSION OR REVOCATION UNDER SECTION 904.  
13 THIS SUBDIVISION TAKES EFFECT JUNE 1, 2000.

14 Sec. 233. (1) If the owner of a registered vehicle trans-  
15 fers or assigns the title or interest in the vehicle, the regis-  
16 tration plates issued for the vehicle shall be removed and trans-  
17 ferred to the owner's spouse, mother, father, sister, brother, or  
18 child to whom title or interest in the vehicle is transferred, or  
19 retained and preserved by the owner for transfer to another vehi-  
20 cle upon application and payment of the required fees. A person  
21 shall not transfer the plates to a vehicle without applying for a  
22 proper certificate of registration describing the vehicle to  
23 which the plates are being transferred except as provided in sec-  
24 tion 217(2). If the owner of a registered vehicle acquires  
25 another vehicle without transferring or assigning the title or  
26 interest in the vehicle for which the plates were issued, the  
27 owner may have the plates transferred to the subsequently

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1 acquired vehicle upon application and payment of the required  
2 fees.

3 (2) A PERSON SHALL NOT PURCHASE OR LEASE ANOTHER VEHICLE OR  
4 AN INTEREST IN ANOTHER VEHICLE WITH THE INTENT TO CIRCUMVENT THE  
5 RESTRICTIONS CREATED BY IMMOBILIZATION OF A VEHICLE UNDER THIS  
6 ACT.

7 (3) A PERSON SHALL NOT TRANSFER OR ATTEMPT TO TRANSFER  
8 OWNERSHIP OR RIGHT OF POSSESSION OF A VEHICLE SUBJECT TO FORFEI-  
9 TURE OR ORDERED FORFEITED UNDER THIS ACT WITH THE INTENT TO AVOID  
10 THE FORFEITURE OF THAT VEHICLE.

11 (4) DURING THE TIME A VEHICLE IS SUBJECT TO A TEMPORARY REG-  
12 ISTRATION PLATE, VEHICLE FORFEITURE, OR IMMOBILIZATION UNDER THIS  
13 ACT, A PERSON SHALL NOT WITHOUT A COURT ORDER TRANSFER OR ASSIGN  
14 THE TITLE OR AN INTEREST IN THE VEHICLE TO A PERSON WHO IS NOT  
15 SUBJECT TO PAYMENT OF A USE TAX UNDER SECTION 3 OF THE USE TAX  
16 ACT, 1937 PA 94, MCL 205.93.

17 (5) A PERSON WHO VIOLATES SUBSECTION (2), (3), OR (4) IS  
18 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE  
19 THAN 1 YEAR OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

20 (6) ~~-(2)-~~ If the assigned holder of registration plates  
21 ~~makes an application~~ APPLIES for a new registration certifi-  
22 cate, the application shall be accompanied either by the old reg-  
23 istration certificate or by a certificate of title showing the  
24 person to be the assigned holder of the registration plates for  
25 which the old registration certificate had been issued.

26 (7) ~~-(3)-~~ A person who fails or neglects to fulfill the  
27 provisions of subsection ~~-(2)-~~ (6) is guilty of a misdemeanor

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1 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF  
2 NOT MORE THAN \$100.00, OR BOTH.

3       (8) ~~—(4)—~~ The owner shall indorse on the back of the certif-  
4 icate of title an assignment of the title with warranty of title  
5 in the form printed on the certificate with a statement of all  
6 security interests in the vehicle or in accessories on the vehi-  
7 cle and deliver or cause the certificate to be mailed or deliv-  
8 ered to the purchaser or transferee at the time of the delivery  
9 to the purchaser or transferee of the vehicle. The certificate  
10 shall show the payment or satisfaction of any security interest  
11 as shown on the original title.

12       (9) ~~—(5)—~~ Upon the delivery of a motor vehicle and the  
13 transfer, sale, or assignment of the title or interest in a motor  
14 vehicle by a person, including a dealer, the effective date of  
15 the transfer of title or interest in the vehicle shall be the  
16 date of execution of either the application for title or the cer-  
17 tificate of title.

18       Sec. 320e. (1) Except as otherwise provided in subsection  
19 (2), (3), or (4), a person whose operator's or chauffeur's  
20 license is suspended, revoked, or restricted pursuant to section  
21 303, 319, 320, 324, 625, 625b, 625f, or 904 shall pay a license  
22 reinstatement fee of \$125.00 to the secretary of state before a  
23 license is issued or returned to the person. The increase in the  
24 reinstatement fee from \$60.00 to \$125.00 shall be imposed for a  
25 license that is issued or returned on or after October 1, 1991  
26 regardless of when the license was suspended, revoked, or  
27 restricted. Of the increase in the reinstatement fee from \$60.00

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1 to \$125.00, \$25.00 shall be allocated to the department of state,  
2 \$10.00 shall be deposited by the department of treasury in the  
3 drunk driving prevention equipment and training fund created  
4 under section 625h(1), and \$30.00 shall be deposited by the  
5 department of treasury in the drunk driving caseflow assistance  
6 fund created under section 625h(5). The fee shall be waived if  
7 the license was suspended or restricted because of the person's  
8 mental or physical infirmity or disability.

9 (2) A person whose operator's or chauffeur's license is sus-  
10 pended, revoked, or restricted pursuant to section 319(7) shall  
11 pay a license reinstatement fee of \$125.00 to the secretary of  
12 state before a license is issued or returned to the person. The  
13 fee shall be waived if the license was suspended or restricted  
14 because of the person's mental or physical infirmity or  
15 disability.

16 (3) A person whose operator's or chauffeur's license is sus-  
17 pended, revoked, or restricted pursuant to section 319e shall pay  
18 a license reinstatement fee of \$125.00 to the secretary of state  
19 before a license is issued or returned to the person. Of the  
20 \$125.00 fee, \$95.00 shall be allocated to the department of state  
21 and \$30.00 shall be deposited by the department of treasury in  
22 the drug case information management fund created under  
23 section 323d.

24 (4) A person whose operator's or chauffeur's license is sus-  
25 pended as provided in section 321c shall pay a license reinstatement  
26 fee of \$85.00 to the secretary of state before a license is  
27 issued or returned to the person. The fee shall be deposited in

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1 the state general fund and shall be used to defray the expenses  
2 of the secretary of state in processing the suspension and rein-  
3 statement of driver licenses under this section.

4 (5) ~~Except as otherwise provided in this subsection, the~~  
5 THE secretary of state shall assess points and take licensing  
6 action, including suspending, revoking, or denying a license  
7 under this act, according to the law in effect at the time of the  
8 conspiracy to commit the offense or at the time the offense was  
9 committed or attempted or the civil infraction occurred. If 1 or  
10 more of the convictions involved in a licensing sanction ~~to be~~  
11 ~~effected under section 303(1)(f)(ii) or 303(2)(f)~~ is a violation  
12 or attempted violation of ~~section 625(1) or (3) or a local ordi-~~  
13 ~~nance substantially corresponding to section 625(1) or (3)~~ THIS  
14 ACT committed or attempted after January 1, 1992, the secretary  
15 of state shall apply the law in effect after January 1, 1992.

16 (6) ~~Except as otherwise provided in this subsection,~~  
17 ~~judicial~~ JUDICIAL review of an administrative licensing sanction  
18 under section 303 shall be governed by the law in effect at the  
19 time the offense was committed or attempted. If 1 or more of the  
20 convictions involved in an administrative licensing sanction ~~to~~  
21 ~~be effected under section 303(1)(f)(ii) or 303(2)(f)~~ is a viola-  
22 tion or attempted violation of ~~section 625(1) or (3) or a local~~  
23 ~~ordinance substantially corresponding to section 625(1) or (3)~~  
24 THIS ACT committed or attempted after January 1, 1992, judicial  
25 review of that sanction shall be governed by the law in effect  
26 after January 1, 1992.

[Sec. 323. (1) ~~Except as provided in subsections (5) and (9),~~  
a A person aggrieved by a final determination of the secretary of  
state denying the person an operator's or chauffeur's license, a  
vehicle group designation, or an indorsement on a license or  
revoking, suspending, or restricting an operator's or chauffeur's  
license, vehicle group designation, or an indorsement may petition  
for a review of the determination in the circuit court in the county  
where the person was arrested if the denial or suspension was  
imposed pursuant to section 625f or pursuant to the order of a trial  
court under section 328 or, in all other cases, in the circuit court  
in the person's county of residence. The person shall file the  
petition within 63 days after the determination is made except that

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for good cause shown the court may allow the person to file petition within 182 days after the determination is made. As provided in

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section 625f, a peace officer aggrieved by a determination of a hearing officer in favor of a person who requested a hearing under section 625f may, with the prosecuting attorney's consent, petition for review of the determination in the circuit court in the county where the arrest was made. The peace officer shall file the petition within 63 days after the determination is made except that for good cause shown the court may allow the peace officer to file the petition within 182 days after the determination is made.

(2) Except as otherwise provided in this section, the circuit court shall enter an order setting the cause for hearing for a day certain not more than 63 days after the order's date. The order, a copy of the petition that includes the person's full name, current address, birth date, and driver's license number, and all supporting affidavits shall be served on the secretary of state's office in Lansing not less than 20 days before the date set for the hearing. If the person is seeking a review of the record prepared pursuant to section 322 or section 625f, the service upon the secretary of state shall be made not less than 50 days before the date set for the hearing.

~~(3) Except as otherwise provided in this section, the~~ THE court may take testimony and examine all the facts and circumstances relating to the denial, suspension, restriction, or revocation of the person's license UNDER SECTIONS 303(1)(G), 320, OR 904(8) OR (9), A LICENSING ACTION UNDER SECTION 310D, OR A SUSPENSION FOR A FIRST VIOLATION UNDER SECTION 625F. The court may affirm, modify, or set aside the restriction, suspension, revocation, or denial except the court shall not order the secretary of state to issue a restricted or unrestricted chauffeur's license that would permit the person to drive a commercial motor vehicle that hauls a hazardous material. The court shall duly enter the order and the petitioner shall file a certified copy of the order with the secretary of state's office in Lansing within 7 days after entry of the order.

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

~~(a) A review of the record prepared pursuant to section 625f to determine whether the hearing officer properly determined the issues enumerated in section 625f.~~

~~(b) A determination of whether to order a restricted license issued as provided in section 323c.~~

~~(5) This section does not apply to a denial, revocation, suspension, or restriction imposed pursuant to a suspension ordered under section 321a or to a court order issued as part of the sentence for a conviction under either of the following:~~

~~(a) Section 625, section 625m, former section 625(1) or (2), or former section 625b or a local ordinance substantially corresponding to section 625(1), (2), or (3), section 625m, former section 625(1) or (2), or former section 625b.~~

~~(b) Part 74 or section 17766a of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.7401 to 333.7461 and section 333.17766a of the Michigan Compiled Laws, or a local ordinance that prohibits conduct prohibited under part 74 or section 17766a of Act No. 368 of the Public Acts of 1978.~~

(4) ~~(6)~~ IN EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, IN reviewing a determination resulting in a denial, SUSPENSION, RESTRICTION, or revocation under ~~section 303(1)(d), (e), or (f) or section 303(2)(c), (d), (e), or (f)~~ THIS ACT, the court shall confine its consideration to a review of the record prepared pursuant to section 322 OR 625F or the driving record created under section 204a FOR A STATUTORY LEGAL ISSUE, and shall not grant ~~relief pursuant to subsection (3)~~ RESTRICTED DRIVING PRIVILEGES. The court shall set aside the secretary of state's determination only if the petitioner's substantial rights have been prejudiced because the determination is any of the following:

(a) In violation of the Constitution of the United States, the

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state constitution of 1963, or a statute.

(b) In excess of the secretary of state's statutory authority or jurisdiction.

(c) Made upon unlawful procedure resulting in material

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prejudice to the petitioner.

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

(e) Arbitrary, capricious, or clearly an abuse or unwarranted exercise of discretion.

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

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

~~(8) This section does not apply to a suspension, revocation, or denial of a vehicle group designation imposed pursuant to section 312f, 319a, or 319b.~~

~~(9) This section does not apply to a suspension or denial of a license imposed pursuant to section 303(1)(o) or 319e.]~~

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1 Enacting section 1. This amendatory act takes effect  
2 October 1, 1999.

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

- 6 (a) Senate Bill No. 268.
- 7 (b) Senate Bill No. 269.
- 8 (c) Senate Bill No. 627.
- 9 (d) Senate Bill No. 869.
- 10 (e) Senate Bill No. 870.
- 11 (f) Senate Bill No. 953.
- 12 (g) House Bill No. 4210.
- 13 (h) House Bill No. 4576.
- 14 (i) House Bill No. 4959.
- 15 (j) House Bill No. 4960.
- 16 (k) House Bill No. 4961.
- 17 (l) House Bill No. 5122.
- 18 (m) House Bill No. 5123.
- 19 (n) House Bill No. 5951.
- 20 (o) House Bill No. 5952.
- 21 (p) House Bill No. 5953.
- 22 (q) House Bill No. 5954.
- 23 (r) House Bill No. 5955.
- 24 (s) House Bill No. 5956.