

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 204a, 217, 219, 233, 320e, 323, 732, and 904 (MCL 257.204a, 257.217, 257.219, 257.233, 257.320e, 257.323, 257.732, and 257.904), section 204a as amended by 1996 PA 102, section 217 as amended by 1996 PA 59, section 219 as amended by 1985 PA 67, section 233 as amended by 1980 PA 398, sections 320e and 732 as amended by 1996 PA 493, section 323 as amended by 1994 PA 449, and section 904 as amended by 1994 PA 450; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

- (a) A license issued to the person under chapter 3.
- (b) A conviction or civil infraction determination entered against the person for a violation of this act or a local ordinance substantially corresponding to a provision of this act.
- (c) A failure of the person to comply with an order or judgment issued pursuant to section 907.
- (d) A cancellation, denial, revocation, suspension, or restriction of the person's operating privilege under this act.
- (e) An accident in which the person is involved.
- (f) A conviction of the person for an offense described in section 319e.
- (G) A RESTRICTED REGISTRATION PLATE, VEHICLE IMMOBILIZATION, OR VEHICLE FORFEITURE.
- (H) ~~(g)~~ Any other information received by the secretary of state regarding the person that is required to be maintained as part of the person's driving record as provided by law.

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

(3) An order, record, or paper generated by the computerized central file of the secretary of state may be certified

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electronically by the generating computer. The certification shall be a certification of the order, record, or paper as it appeared on a specific date.

(4) A court or the office of the clerk of a court of this state which is electronically connected by a terminal device to the computerized central file of the secretary of state may receive into and use as evidence in any case the computer-generated certified information obtained by the terminal device from the file. A duly authorized employee of a court of record of this state may order a record for an individual from a secretary of state computer terminal device located in, and under the control of, the court, and certify in writing that the document was produced from the terminal and that the document was not altered in any way.

1 Sec. 217. (1) An owner of a vehicle subject to registration

2 under this act shall apply to the secretary of state, upon an

3 appropriate form furnished by the secretary of state, for the

4 registration of the vehicle and issuance of a certificate of

5 title for the vehicle. Effective January 1, 1994, a vehicle

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1 brought into this state from another state or jurisdiction that
2 has a rebuilt, salvage, scrap, or comparable certificate of title
3 issued by that other state or jurisdiction shall be issued a
4 rebuilt, salvage, or scrap certificate of title by the secretary
5 of state. The application shall be accompanied by the required
6 fee. An application for a certificate of title shall bear the
7 signature of the owner written with pen and ink. The application
8 shall contain all of the following:

9 (a) The name, DRIVER LICENSE NUMBER OR STATE PERSONAL IDEN-
10 TIFICATION NUMBER, bona fide residence, and mailing address of
11 ~~the owner or~~ ALL OWNERS OR LESSEES.

12 (B) THE FEDERAL IDENTIFICATION NUMBER AND business address
13 of a firm, association, or corporation.

14 (C) ~~(b)~~ A description of the vehicle including the make or
15 name, style of body, and model year; if the vehicle is a motor
16 vehicle, the number of miles, not including the tenths of a mile,
17 registered on the vehicle's odometer at the time of transfer;
18 whether the vehicle is to be or has been used as a taxi or police
19 vehicle, or by a political subdivision of this state; whether the
20 vehicle has previously been issued a salvage or rebuilt certifi-
21 cate of title from this state or a comparable certificate of
22 title from any other state or jurisdiction; vehicle identifica-
23 tion number; and the vehicle's weight fully equipped, if a pas-
24 senger vehicle registered pursuant to section 801(1)(a), and, if
25 a trailer coach or pickup camper, in addition to the weight, the
26 manufacturer's serial number, or in the absence of the serial
27 number, a number assigned by the secretary of state. A number

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1 assigned by the secretary of state shall be permanently placed on
2 the trailer coach or pickup camper in the manner and place desig-
3 nated by the secretary of state.

4 (D) ~~(c)~~ A statement of the applicant's title and the names
5 and addresses of the holders of security interests in the vehicle
6 and in an accessory to the vehicle, in the order of their
7 priority.

8 (E) ~~(d)~~ Further information that the secretary of state
9 reasonably requires to enable the secretary of state to determine
10 whether the vehicle is lawfully entitled to registration and the
11 owner entitled to a certificate of title. If the secretary of
12 state is not satisfied as to the ownership of a late model vehi-
13 cle or other vehicle having a value over \$2,500.00, before regis-
14 tering the vehicle and issuing a certificate of title, the secre-
15 tary of state may require the applicant to file a properly exe-
16 cuted surety bond in a form prescribed by the secretary of state
17 and executed by the applicant and a company authorized to conduct
18 a surety business in this state. The bond shall be in an amount
19 equal to twice the value of the vehicle as determined by the sec-
20 retary of state and shall be conditioned to indemnify or reim-
21 burse the secretary of state, any prior owner, and any subsequent
22 purchaser of the vehicle and their successors in interest against
23 any expense, loss, or damage, including reasonable attorney's
24 fees, by reason of the issuance of a certificate of title to the
25 vehicle or on account of any defect in the right, title, or
26 interest of the applicant in the vehicle. An interested person
27 has a right of action to recover on the bond for a breach of the

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1 conditions of the bond, but the aggregate liability of the surety
2 to all persons shall not exceed the amount of the bond. The bond
3 shall be returned at the end of 3 years, or before 3 years if the
4 vehicle is no longer registered in this state and the currently
5 valid certificate of title is surrendered to the secretary of
6 state, unless the secretary of state has received notification of
7 the pendency of an action to recover on the bond. If the secre-
8 tary of state is not satisfied as to the ownership of a vehicle
9 that is not a late model vehicle and whose value does not exceed
10 \$2,500.00, the secretary of state shall require the applicant to
11 certify that the applicant is the owner of the vehicle and enti-
12 tled to register and title the vehicle.

13 (F) ~~(e)~~ Except as provided in subdivision ~~(f)~~ (G), an
14 application for a commercial vehicle shall also have attached a
15 scale weight receipt of the motor vehicle fully equipped as of
16 the time the application is made. A scale weight receipt may not
17 be necessary if there is presented with the application a regis-
18 tration receipt of the previous year that shows on its face the
19 empty weight of the motor vehicle as registered with the secre-
20 tary of state that is accompanied by a statement of the applicant
21 that there has not been structural change in the motor vehicle
22 which has increased the empty weight and that the previous regis-
23 tered weight is the true weight.

24 (G) ~~(f)~~ An application for registration of a vehicle on
25 the basis of elected gross weight shall include a declaration by
26 the applicant specifying the elected gross weight for which
27 application is being made.

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1 (H) ~~(g)~~ If the application is for a certificate of title
2 of a motor vehicle registered pursuant to section 801(1)(q), the
3 application shall include the manufacturer's suggested base list
4 price for the model year of the vehicle. Annually, the secretary
5 of state shall publish a list of the manufacturer's suggested
6 base list price for each vehicle being manufactured. Once a base
7 list price is published by the secretary of state for a model
8 year for a vehicle, the base list price shall not be affected by
9 subsequent increases in the manufacturer's suggested base list
10 price but shall remain the same throughout the model year unless
11 changed in the annual list published by the secretary of state.
12 If the secretary of state's list has not been published for that
13 vehicle by the time of the application for registration, the base
14 list price shall be the manufacturer's suggested retail price as
15 shown on the label required to be affixed to the vehicle under
16 section 3 of the automobile information disclosure act, Public
17 Law 85-506, 15 U.S.C. 1232. If the manufacturer's suggested
18 retail price is unavailable, the application shall list the pur-
19 chase price of the vehicle as defined in section 801(4).

20 (I) IF THE APPLICATION IS FOR REGISTRATION OF A VEHICLE FOR
21 WHICH A RESTRICTED REGISTRATION PLATE WAS ISSUED UNDER
22 SECTION 625 OR 904C, EACH OWNER OR LESSOR OF THE VEHICLE MUST
23 SIGN A WRITTEN STATEMENT ACKNOWLEDGING THAT THE VEHICLE MAY BE
24 SUBJECT TO IMMOBILIZATION UNDER SECTION 904E OR FORFEITURE UNDER
25 SECTION 625N FOR ANY VIOLATION SPECIFIED IN SECTION 625 OR 904C
26 THAT IS COMMITTED BY THE PERSON WHO OPERATED THE VEHICLE DURING

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1 THE VIOLATION FOR WHICH THE RESTRICTED REGISTRATION PLATE IS
2 ISSUED.

3 (J) IF THE APPLICATION IS FOR REGISTRATION OF A VEHICLE
4 WHICH BUT FOR THE APPLICANT'S INNOCENCE WAS SUBJECT TO A
5 RESTRICTED REGISTRATION PLATE UNDER SECTION 625 OR 904C, EACH
6 OWNER OR LESSOR OF THE VEHICLE MUST SIGN A WRITTEN STATEMENT
7 ACKNOWLEDGING THAT A VEHICLE OF THE OWNER OR LESSOR MAY BE
8 SUBJECT TO IMMOBILIZATION UNDER SECTION 904E OR FORFEITURE UNDER
9 SECTION 625N FOR ANY VIOLATION SPECIFIED IN SECTION 625 OR 904C
10 THAT IS COMMITTED BY THE PERSON WHO OPERATED THE VEHICLE BEING
11 REGISTERED DURING THE VIOLATION WHICH SUBJECTED THE VEHICLE TO A
12 RESTRICTED REGISTRATION PLATE, BUT FOR THE APPLICANT'S INNOCENCE,
13 IF THAT SAME PERSON OPERATES ANY VEHICLE OF THE APPLICANT WITHOUT
14 POSSESSING AN APPROPRIATE VALID OPERATOR'S OR CHAUFFEUR'S
15 LICENSE.

16 (2) A dealer selling or exchanging vehicles required to be
17 titled, within 15 days after delivering a vehicle to the purchas-
18 er, and a person engaged in the sale of vessels required to be
19 numbered by part 801 (marine safety) of the natural resources and
20 environmental protection act, ~~Act No. 451 of the Public Acts of~~
21 ~~1994, being sections 324.80101 to 324.80199 of the Michigan~~
22 ~~Compiled Laws~~ 1994 PA 451, MCL 324.80101 TO 324.80199, within 15
23 days after delivering a boat trailer weighing less than 2,500
24 pounds to the purchaser, shall apply to the secretary of state
25 for a new title, if required, and transfer or secure registration
26 plates and secure a certificate of registration for the vehicle
27 or boat trailer, in the name of the purchaser. The dealer's

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1 license may be suspended or revoked as provided in section 249
2 for failure to apply for a title when required or for failure to
3 transfer or secure registration plates and certificate of regis-
4 tration within the 15 days required by this section. If the
5 dealer or person fails to apply for a title when required, and to
6 transfer or secure registration plates and secure a certificate
7 of registration and pay the required fees within 15 days of
8 delivery of the vehicle or boat trailer, a title and registration
9 for the vehicle or boat trailer may subsequently be acquired only
10 upon the payment of a transfer fee of \$15.00 in addition to the
11 fees provided for in section 806. The purchaser of the vehicle
12 or boat trailer shall sign the application, including, when
13 applicable, the declaration specifying the maximum elected gross
14 weight, as required by subsection (1)(f), and other necessary
15 papers to enable the dealer or person to secure the title, regis-
16 tration plates, and transfers from the secretary of state.

17 (3) If a vehicle is delivered to a purchaser who has valid
18 Michigan registration plates that are to be transferred to the
19 vehicle, and an application for title, if required, and registra-
20 tion for the vehicle is not made before delivery of the vehicle
21 to the purchaser, the registration plates shall be affixed to the
22 vehicle immediately, and the dealer shall provide the purchaser
23 with an instrument in writing, on a form prescribed by the secre-
24 tary of state, which shall serve as a temporary registration for
25 the vehicle for a period of 15 days from the date the vehicle is
26 delivered.

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1 (4) An application for a certificate of title that indicates
2 the existence of a security interest in the vehicle or in an
3 accessory to the vehicle, if requested by the security interest
4 holder, shall be accompanied by a copy of the security agreement
5 which need not be signed. The request may be made of the seller
6 on an annual basis. The secretary of state shall indicate on the
7 copy the date and place of filing of the application and return
8 the copy to the person submitting the application who shall for-
9 ward it to the holder of the security interest named in the
10 application.

11 (5) If the seller does not prepare the credit information,
12 contract note, and mortgage, and the holder, finance company,
13 credit union, or banking institution requires the installment
14 seller to record the lien on the title, the holder, finance com-
15 pany, credit union, or banking institution shall pay the seller a
16 service fee of not more than \$10.00. The service fee shall be
17 paid from the finance charges and shall not be charged to the
18 buyer in addition to the finance charges. The holder, finance
19 company, credit union, or banking institution shall issue its
20 check or bank draft for the principal amount financed, payable
21 jointly to the buyer and seller, and there shall be imprinted on
22 the back side of the check or bank draft the following:

23 "Under Michigan law, the seller must record a first lien in
24 favor of (name of lender) _____ on the vehicle with
25 vehicle identification number _____ and title the vehi-
26 cle only in the name(s) shown on the reverse side." On the front
27 of the sales check or draft, the holder, finance company, credit

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1 union, or banking institution shall note the name(s) of the
2 prospective owner(s). Failure of the holder, finance company,
3 credit union, or banking institution to comply with these
4 requirements frees the seller from any obligation to record the
5 lien or from any liability that may arise as a result of the
6 failure to record the lien. A service fee shall not be charged
7 to the buyer.

8 (6) In the absence of actual malice proved independently and
9 not inferred from lack of probable cause, a person who in any
10 manner causes a prosecution for larceny of a motor vehicle; for
11 embezzlement of a motor vehicle; for any crime an element of
12 which is the taking of a motor vehicle without authority; or for
13 buying, receiving, possessing, or aiding in the concealment of a
14 stolen, embezzled, or converted motor vehicle knowing the motor
15 vehicle has been stolen, embezzled, or converted, is not liable
16 for damages in a civil action for causing the prosecution. This
17 subsection ~~shall~~ DOES not ~~be construed to~~ relieve a person
18 from proving any other element necessary to sustain his or her
19 cause of action.

20 Sec. 219. (1) The secretary of state shall refuse issuance
21 of a registration or a transfer of registration upon any of the
22 following grounds:

23 (a) The application contains a false or fraudulent state-
24 ment, the applicant has failed to furnish required information or
25 reasonable additional information requested by the secretary of
26 state, or the applicant is not entitled to the registration of
27 the vehicle under this 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 granting of registration would constitute a fraud against the
4 rightful owner or other person having a valid lien upon the
5 vehicle.

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

8 (D) EXCEPT AS PROVIDED IN SECTION 904C(7), THE OPERATOR'S OR
9 CHAUFFEUR'S LICENSE OF THE OWNER, CO-OWNER, OR LESSEE IS SUS-
10 PENDED, REVOKED, OR DENIED AT THE TIME OF THE APPLICATION FOR A
11 VIOLATION OF THIS ACT OR THE OWNER, CO-OWNER, OR LESSEE HAS NEVER
12 BEEN LICENSED BY THIS STATE AFTER HIS OR HER LICENSE WAS SUS-
13 PENDED, REVOKED, OR DENIED FOR A SECOND OR SUBSEQUENT VIOLATION
14 OF SECTION 625 OR 904. THIS SUBDIVISION TAKES EFFECT JANUARY 1,
15 2000.

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

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

25 (G) ~~(f)~~ The application for registration of a vehicle with
26 an elected gross weight of 55,000 pounds or more is not
27 accompanied with proof of payment of the federal highway use tax

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1 levied pursuant to the surface transportation assistance act of
2 1982, Public Law 97-424, 96 Stat. 2097.

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

6 (a) The application contains a false or fraudulent state-
7 ment, the applicant has failed to furnish required information or
8 reasonable additional information requested by the secretary of
9 state, or the applicant is not entitled to the issuance of a cer-
10 tificate of title or salvage certificate of title under this
11 act.

12 (b) The secretary of state has reasonable ground to believe
13 that the vehicle is a stolen or embezzled vehicle or that the
14 issuance of a certificate of title or a salvage certificate of
15 title would constitute a fraud against the rightful owner or
16 other person having a valid security interest upon the vehicle.

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

18 (D) EXCEPT AS PROVIDED IN SECTION 904C(7), THE OPERATOR'S OR
19 CHAUFFEUR'S LICENSE OF THE OWNER OR CO-OWNER IS SUSPENDED,
20 REVOKED, OR DENIED AT THE TIME OF THE APPLICATION FOR A VIOLATION
21 OF THIS ACT OR THE OWNER, CO-OWNER, OR LESSEE HAS NEVER BEEN
22 LICENSED BY THIS STATE AFTER HIS OR HER LICENSE WAS SUSPENDED,
23 REVOKED, OR DENIED FOR A SECOND OR SUBSEQUENT VIOLATION OF
24 SECTION 625 OR 904. THIS SUBDIVISION TAKES EFFECT JANUARY 1,
25 2000.

26 Sec. 233. (1) If the owner of a registered vehicle
27 transfers or assigns the title or interest in the vehicle, the

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1 registration plates issued for the vehicle shall be removed and
2 transferred to the owner's spouse, mother, father, sister, broth-
3 er, or child to whom title or interest in the vehicle is trans-
4 ferred, or retained and preserved by the owner for transfer to
5 another vehicle upon application and payment of the required
6 fees. A person shall not transfer the plates to a vehicle with-
7 out applying for a proper certificate of registration describing
8 the vehicle to which the plates are being transferred except as
9 provided in section 217(2). If the owner of a registered vehicle
10 acquires another vehicle without transferring or assigning the
11 title or interest in the vehicle for which the plates were
12 issued, the owner may have the plates transferred to the subse-
13 quently acquired vehicle upon application and payment of the
14 required fees.

15 (2) A PERSON SHALL NOT TRANSFER OR ATTEMPT TO TRANSFER
16 OWNERSHIP IN OR POSSESSION OF A VEHICLE ISSUED A TEMPORARY OR
17 RESTRICTED REGISTRATION PLATE UNDER THIS ACT WITH THE INTENT TO
18 AVOID THE ISSUANCE OF A RESTRICTED REGISTRATION PLATE FOR THAT
19 VEHICLE UNDER THIS ACT OR PURCHASE OR LEASE A VEHICLE OR AN
20 INTEREST IN A VEHICLE WITH THE INTENT TO CIRCUMVENT THE RESTRIC-
21 TIONS CREATED BY THE ISSUANCE OF A RESTRICTED REGISTRATION PLATE
22 UNDER THIS ACT.

23 (3) A PERSON SHALL NOT TRANSFER OR ATTEMPT TO TRANSFER
24 OWNERSHIP OR POSSESSION OF A VEHICLE SUBJECT TO IMMOBILIZATION OR
25 ORDERED IMMOBILIZED UNDER THIS ACT WITH THE INTENT TO AVOID IMMO-
26 BILIZATION OF THAT VEHICLE OR PURCHASE OR LEASE ANOTHER VEHICLE
27 OR AN INTEREST IN ANOTHER VEHICLE WITH THE INTENT TO CIRCUMVENT

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1 THE RESTRICTIONS CREATED BY IMMOBILIZATION OF A VEHICLE UNDER
2 THIS ACT.

(4) A PERSON SHALL NOT TRANSFER OR ATTEMPT TO TRANSFER OWNERSHIP OR RIGHT OF POSSESSION OF A VEHICLE SUBJECT TO FORFEITURE OR ORDERED FORFEITED UNDER THIS ACT WITH THE INTENT TO AVOID THE FORFEITURE OF THAT VEHICLE.

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

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

12 (7) ~~-(2)-~~ If the assigned holder of registration plates
13 ~~makes an application~~ APPLIES for a new registration certifi-
14 cate, the application shall be accompanied either by the old reg-
15 istration certificate or by a certificate of title showing the
16 person to be the assigned holder of the registration plates for
17 which the old registration certificate had been issued.

18 (8) ~~-(3)-~~ A person who fails or neglects to fulfill the pro-
19 visions of subsection ~~-(2)-~~ (7) is guilty of a misdemeanor
20 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF
21 NOT MORE THAN \$100.00, OR BOTH.

22 (9) ~~-(4)-~~ The owner shall indorse on the back of the certifi-
23 cate of title an assignment of the title with warranty of title
24 in the form printed on the certificate with a statement of all
25 security interests in the vehicle or in accessories on the vehi-
26 cle and deliver or cause the certificate to be mailed or
27 delivered to the purchaser or transferee at the time of the

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1 delivery to the purchaser or transferee of the vehicle. The
2 certificate shall show the payment or satisfaction of any secur-
3 ity interest as shown on the original title.

4 (10) ~~(5)~~ Upon the delivery of a motor vehicle and the
5 transfer, sale, or assignment of the title or interest in a motor
6 vehicle by a person, including a dealer, the effective date of
7 the transfer of title or interest in the vehicle shall be the
8 date of execution of either the application for title or the cer-
9 tificate of title.

10 Sec. 320e. (1) Except as otherwise provided in subsection
11 (2), (3), or (4), a person whose operator's or chauffeur's
12 license is suspended, revoked, or restricted pursuant to section
13 303, 319, 320, 324, 625, 625b, 625f, or 904 shall pay a license
14 reinstatement fee of \$125.00 to the secretary of state before a
15 license is issued or returned to the person. The increase in the
16 reinstatement fee from \$60.00 to \$125.00 shall be imposed for a
17 license that is issued or returned on or after October 1, 1991
18 regardless of when the license was suspended, revoked, or
19 restricted. Of the increase in the reinstatement fee from \$60.00
20 to \$125.00, \$25.00 shall be allocated to the department of state,
21 \$10.00 shall be deposited by the department of treasury in the
22 drunk driving prevention equipment and training fund created
23 under section 625h(1), and \$30.00 shall be deposited by the
24 department of treasury in the drunk driving caseflow assistance
25 fund created under section 625h(5). The fee shall be waived if
26 the license was suspended or restricted because of the person's
27 mental or physical infirmity or disability.

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1 (2) A person whose operator's or chauffeur's license is
2 suspended, revoked, or restricted pursuant to section 319(7)
3 shall pay a license reinstatement fee of \$125.00 to the secretary
4 of state before a license is issued or returned to the person.
5 The fee shall be waived if the license was suspended or
6 restricted because of the person's mental or physical infirmity
7 or disability.

8 (3) A person whose operator's or chauffeur's license is sus-
9 pended, revoked, or restricted pursuant to section 319e shall pay
10 a license reinstatement fee of \$125.00 to the secretary of state
11 before a license is issued or returned to the person. Of the
12 \$125.00 fee, \$95.00 shall be allocated to the department of state
13 and \$30.00 shall be deposited by the department of treasury in
14 the drug case information management fund created under
15 section 323d.

16 (4) A person whose operator's or chauffeur's license is sus-
17 pended as provided in section 321c shall pay a license reinstatement
18 fee of \$85.00 to the secretary of state before a license is
19 issued or returned to the person. The fee shall be deposited in
20 the state general fund and shall be used to defray the expenses
21 of the secretary of state in processing the suspension and rein-
22 statement of driver licenses under this section.

23 (5) ~~Except as otherwise provided in this subsection, the~~
24 THE secretary of state shall assess points and take licensing
25 action, including suspending, revoking, or denying a license
26 under this act, according to the law in effect at the time of the
27 conspiracy to commit the offense or at the time the offense was

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1 committed or attempted or the civil infraction occurred. ~~If 1~~
2 ~~or more of the convictions involved in a licensing sanction to be~~
3 ~~effected under section 303(1)(f)(ii) or 303(2)(f) is a violation~~
4 ~~or attempted violation of section 625(1) or (3) or a local ordi-~~
5 ~~nance substantially corresponding to section 625(1) or (3) com-~~
6 ~~mited or attempted after January 1, 1992, the secretary of state~~
7 ~~shall apply the law in effect after January 1, 1992.~~

8 (6) ~~Except as otherwise provided in this subsection,~~
9 ~~judicial~~ JUDICIAL review of an administrative licensing sanction
10 under section 303 shall be governed by the law in effect at the
11 time the offense was committed or attempted. If 1 or more of
12 the convictions involved in an administrative licensing sanction
13 ~~to be effected under section 303(1)(f)(ii) or 303(2)(f) is a vio-~~
14 ~~lation or attempted violation of section 625(1) or (3) or a local~~
15 ~~ordinance substantially corresponding to section 625(1) or (3)~~
16 THIS ACT committed or attempted after January 1, 1992, judicial
17 review of
18 that sanction shall be governed by the law in effect after
19 January 1, 1992.

19 Sec. 323. (1) ~~Except as provided in subsections (5) and~~
20 ~~(9), a~~ A person aggrieved by a final determination of the secre-
21 tary of state denying the person an operator's or chauffeur's
22 license, a vehicle group designation, or an indorsement on a
23 license or revoking, suspending, or restricting an operator's or
24 chauffeur's license, vehicle group designation, or an indorsement
25 may petition for a review of the determination in the circuit
26 court in the county where the person was arrested if the denial
27 or suspension was imposed pursuant to section 625f or pursuant to

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1 the order of a trial court under section 328 or, in all other
2 cases, in the circuit court in the person's county of residence.
3 The person shall file the petition within 63 days after the
4 determination is made except that for good cause shown the court
5 may allow the person to file petition within 182 days after the
6 determination is made. As provided in section 625f, a peace
7 officer aggrieved by a determination of a hearing officer in
8 favor of a person who requested a hearing under section 625f may,
9 with the prosecuting attorney's consent, petition for review of
10 the determination in the circuit court in the county where the
11 arrest was made. The peace officer shall file the petition
12 within 63 days after the determination is made except that for
13 good cause shown the court may allow the peace officer to file
14 the petition within 182 days after the determination is made.

15 (2) Except as otherwise provided in this section, the cir-
16 cuit court shall enter an order setting the cause for hearing for
17 a day certain not more than 63 days after the order's date. The
18 order, a copy of the petition that includes the person's full
19 name, current address, birth date, and driver's license number,
20 and all supporting affidavits shall be served on the secretary of
21 state's office in Lansing not less than 20 days before the date
22 set for the hearing. If the person is seeking a review of the
23 record prepared pursuant to section 322 or section 625f, the
24 service upon the secretary of state shall be made not less than
25 50 days before the date set for the hearing.

26 ~~(3) Except as otherwise provided in this section, the court~~
27 ~~may take testimony and examine all the facts and circumstances~~

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1 ~~relating to the denial, suspension, restriction, or revocation of~~
2 ~~the person's license. The court may affirm, modify, or set aside~~
3 ~~the restriction, suspension, revocation, or denial except the~~
4 ~~court shall not order the secretary of state to issue a~~
5 ~~restricted or unrestricted chauffeur's license that would permit~~
6 ~~the person to drive a commercial motor vehicle that hauls a haz-~~
7 ~~ardous material. The court shall duly enter the order and the~~
8 ~~petitioner shall file a certified copy of the order with the sec-~~
9 ~~retary of state's office in Lansing within 7 days after entry of~~
10 ~~the order.~~

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

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

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

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

23 ~~(a) Section 625, section 625m, former section 625(1) or (2),~~
24 ~~or former section 625b or a local ordinance substantially corre-~~
25 ~~sponding to section 625(1), (2), or (3), section 625m, former~~
26 ~~section 625(1) or (2), or former section 625b.~~

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1 ~~(b) Part 74 or section 17766a of the public health code, Act~~
2 ~~No. 368 of the Public Acts of 1978, being sections 333.7401 to~~
3 ~~333.7461 and section 333.17766a of the Michigan Compiled Laws, or~~
4 ~~a local ordinance that prohibits conduct prohibited under part 74~~
5 ~~or section 17766a of Act No. 368 of the Public Acts of 1978.~~

6 (3) ~~-(6)-~~ In reviewing a determination resulting in a
7 denial, SUSPENSION, RESTRICTION, or revocation under ~~section~~
8 ~~303(1)(d), (e), or (f) or section 303(2)(c), (d), (e), or (f)~~
9 THIS ACT, the court shall confine its consideration to a review
10 of the record prepared pursuant to section 322 OR 625F or the
11 driving record created under section 204a FOR A STATUTORY LEGAL ISSUE, and
12 shall not grant ~~relief pursuant to subsection (3)-~~ RESTRICTED DRIVING
13 PRIVILEGES. The court shall set aside the secretary of state's
14 determination only if the petitioner's substantial rights have
15 been prejudiced because the determination is any of the
16 following:

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

19 (b) In excess of the secretary of state's statutory author-
20 ity or jurisdiction.

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

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

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

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

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

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

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

11 Sec. 732. (1) Each municipal judge and each clerk of a
12 court of record shall keep a full record of every case in which a
13 person is charged with or cited for a violation of this act or a
14 local ordinance substantially corresponding to this act regulat-
15 ing the operation of vehicles on highways. Except as provided in
16 subsection (15), the municipal judge or clerk of the court of
17 record shall prepare and forward to the secretary of state an
18 abstract of the court record as follows:

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

24 (b) Immediately for each case charging a violation of
25 section 625(1), (3), (4), (5), ~~or~~ (6), OR (7) OR SECTION 625M or a
26 local ordi-
27 nance substantially corresponding to section 625(1), (3), or (6)
in which the charge is dismissed or the defendant is acquitted.

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

9 (3) The abstract or report required under this section shall
10 be made upon a form furnished by the secretary of state. An
11 abstract shall be certified by signature, stamp, or facsimile
12 signature of the person required to prepare the abstract as
13 correct. An abstract or report shall include all of the
14 following:

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

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

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

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

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

25 (f) Whether bail was forfeited.

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

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1 (G) THE VEHICLE IDENTIFICATION NUMBER AND REGISTRATION PLATE
2 NUMBER OF ALL VEHICLES [REDACTED]
3 ASSIGNED A RESTRICTED REGISTRATION
4 PLATE, IMMOBILIZED, OR FORFEITED, AND OF ALL VEHICLES OWNED OR
5 LEASED BY THE PERSON.

6 (h) Other information considered necessary to the sec-
7 retary of state.

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

11 (a) A violation of section 413, 414, or 479a of the Michigan
12 penal code, ~~Act No. 328 of the Public Acts of 1931, being sec-~~
13 ~~tions 750.413, 750.414, and 750.479a of the Michigan Compiled~~
14 ~~Laws 1931 PA 328, MCL 750.413, 750.414, AND 750.479A.~~

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

18 (c) Negligent homicide, manslaughter, or murder resulting
19 from the operation of a ~~motor~~ vehicle.

20 (d) A violation of section 33b of the Michigan liquor con-
21 trol act, ~~Act No. 8 of the Public Acts of the Extra Session of~~
22 ~~1933, being section 436.33b of the Michigan Compiled Laws 1933~~
23 (EX SESS) PA 8, MCL 436.33B, or a local ordinance substantially
24 corresponding to that section.

25 (e) An attempt to violate, a conspiracy to violate, or a
26 violation of part 74 or section 17766a of the public health code,
27 ~~Act No. 368 of the Public Acts of 1978, being sections 333.7401~~
~~to 333.7461 and 333.17766a of the Michigan Compiled Laws 1978 PA~~

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1 368, MCL 333.7401 TO 333.7461 AND 333.17766A, or a local
2 ordinance that prohibits conduct prohibited under part 74 or sec-
3 tion 17766a of ~~Act No. 368 of the Public Acts of 1978~~ THE
4 PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7401 TO 333.7461 AND
5 333.17766A, unless the convicted person is sentenced to life
6 imprisonment or a minimum term of imprisonment that exceeds 1
7 year for the offense.

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

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

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

16 (b) The vehicle was used to transport a victim of the
17 felony.

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

19 (d) The vehicle was necessary for the commission of the
20 felony.

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

26 "You are charged with the commission of a felony in which a
27 motor vehicle was used. If you are convicted and the judge finds

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1 that the conviction is for a felony in which a motor vehicle was
2 used, as defined in section 319 of the Michigan vehicle code,
3 ~~Act No. 300 of the Public Acts of 1949, being section 257.319 of~~
4 ~~the Michigan Compiled Laws 1949 PA 300, MCL 257.319, your~~
5 driver's license shall be suspended by the secretary of state.".

6 (7) If a juvenile is accused of an act, the nature of which
7 constitutes a felony in which a motor vehicle was used, other
8 than a felony specified in subsection (4), ~~or section 319(1)(a)~~
9 ~~to (e),~~ the prosecuting attorney or ~~juvenile~~ THE FAMILY divi-
10 sion of ~~the probate~~ CIRCUIT court shall include the following
11 statement on the petition filed in the ~~probate~~ court:

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

20 (8) If the ~~judge or juvenile court referee~~ COURT deter-
21 mines as part of the sentence or disposition that the felony for
22 which the ~~defendant~~ PERSON was convicted or adjudicated and
23 with respect to which notice was given ~~pursuant to~~ UNDER sub-
24 section (6) or (7) is a felony in which a motor vehicle was used,
25 the clerk of the court shall forward an abstract of the court
26 record of that conviction to the secretary of state.

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1 (9) As used in subsections (10) and (11), "felony in which a
2 commercial motor vehicle was used" means a felony during the
3 commission of which the person operated a commercial motor vehi-
4 cle and while the person was operating the vehicle 1 or more of
5 the following circumstances existed:

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

7 (b) The vehicle was used to transport a victim of the
8 felony.

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

10 (d) The vehicle was necessary for the commission of the
11 felony.

12 (10) If a person is charged with a felony in which a commer-
13 cial motor vehicle was used and for which a vehicle group desig-
14 nation on a license is subject to suspension or revocation under
15 section 319b(1)(c)(iii), 319b(1)(d), or ~~319b(1)(e)(iii) or (vi)~~
16 319B(1)(E)(v) OR (viii), the prosecuting attorney shall include
17 the following statement on the complaint and information filed in
18 district or circuit court:

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

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1 (11) If the judge determines as part of the sentence that
2 the felony for which the defendant was convicted and with respect
3 to which notice was given ~~pursuant to~~ UNDER subsection (10) is
4 a felony in which a commercial motor vehicle was used, the clerk
5 of the court shall forward an abstract of the court record of
6 that conviction to the secretary of state.

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

16 (a) The name and title of the person required to forward
17 abstracts.

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

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

20 (d) The following statement:

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

25 (e) Other information the secretary of state considers
26 necessary.

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1 (f) The signature of the person required to forward
2 abstracts.

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

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

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

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

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

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

24 (d) Except for a violation of section 33b(1) or (2) of ~~Act~~
25 ~~No. 8 of the Public Acts of the Extra Session of 1933~~ 1933 (EX
26 SESS) PA 8, MCL 436.33B, or a local ordinance substantially
27 corresponding to section 33b(1) or (2) of ~~Act No. 8 of the~~

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1 ~~Public Acts of the Extra Session of 1933~~ 1933 (EX SESS) PA 8,
2 MCL 436.33B, or section 624a or 624b or a local ordinance sub-
3 stantially corresponding to section 624a or 624b, a pedestrian,
4 passenger, or bicycle violation.

5 (e) A violation of section 710e or a local ordinance sub-
6 stantially corresponding to section 710e.

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

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

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

26 (19) The secretary of state may permit a city or village
27 department, bureau, person, or court to modify the requirement as

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

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

14 Sec. 904. (1) A person whose operator's or chauffeur's
15 license or registration certificate has been suspended or revoked
16 and who has been notified as provided in section 212 of that sus-
17 pension or revocation, whose application for license has been
18 denied, [REDACTED] or
19 who has never applied for a license, shall not operate a motor
20 vehicle upon a highway or other place open to the general public
21 or generally accessible to motor vehicles, including an area des-
22 ignated for the parking of motor vehicles, ~~withing~~ WITHIN this
23 state. A person shall not knowingly OR HAVE REASON TO KNOWINGLY
24 permit a motor vehicle owned
25 by the person to be operated upon a highway or other place open
26 to the general public or generally accessible to motor vehicles,
27 including an area designated for the parking of vehicles, within
this state by a person whose license or registration certificate

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1 is suspended or revoked, whose application for license has been
2 denied, WHOSE LICENSE HAS BEEN EXPIRED FOR 60 DAYS OR MORE, or
3 who has never applied for a license, except as permitted under
4 this act. A person who violates this subsection is guilty of a
5 misdemeanor punishable as follows:

6 (a) For a first violation, by imprisonment for not more than
7 90 days or a fine of not more than \$500.00, or both. ~~Unless the~~
8 ~~vehicle was stolen or used with the permission of a person who~~
9 ~~did not knowingly permit an unlicensed driver to operate the~~
10 ~~vehicle, the registration plates of the vehicle shall be~~
11 ~~cancelled by the secretary of state upon notification~~
12 ~~by a court.~~

13 (b) For a second or subsequent violation, by imprisonment
14 for not more than 1 year or a fine of not more than \$1,000.00, or
15 both. ~~Unless the vehicle was stolen, the registration plates of~~
16 ~~the vehicle shall be cancelled by the secretary of~~
17 ~~state upon notification by a court.~~

18 (2) Upon receiving a record of a person's conviction OR
19 CIVIL INFRACTION DETERMINATION for THE unlawful operation of a
20 motor vehicle OR A MOVING VIOLATION OF THIS ACT OR A LOCAL ORDI-
21 NANCE SUBSTANTIALLY CORRESPONDING TO THIS ACT while the person's
22 OPERATOR'S OR CHAUFFEUR'S license is suspended or revoked, ~~or of~~
23 ~~a person's conviction or civil infraction determination for a~~
24 ~~moving violation of the vehicle laws of this state or a political~~
25 ~~subdivision of this state while the person's license is suspended~~
26 ~~or revoked,~~ the secretary of state immediately shall extend the
27 period of the first suspension or revocation for an additional

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1 like period. This subsection applies only if the violation
2 occurs during a suspension of definite length or if the violation
3 occurs before the person is approved for a license following a
4 revocation.

5 (3) UPON RECEIVING A RECORD OF A PERSON'S CONVICTION OR
6 CIVIL INFRACTION DETERMINATION FOR THE UNLAWFUL OPERATION OF A
7 MOTOR VEHICLE OR A MOVING VIOLATION OF THIS ACT OR A LOCAL ORDI-
8 NANCE SUBSTANTIALLY CORRESPONDING TO THIS ACT WHILE THE PERSON'S
9 OPERATOR'S OR CHAUFFEUR'S LICENSE IS INDEFINITELY SUSPENDED,
10 WHOSE APPLICATION FOR A LICENSE HAS BEEN DENIED, OR WHOSE LICENSE IS
11 EXPIRED FOR 60 DAYS OR MORE, THE SECRETARY OF
12 STATE IMMEDIATELY SHALL IMPOSE AN ADDITIONAL 30-DAY PERIOD OF
13 SUSPENSION OR DENIAL.

14 (4) ~~(3)~~ Upon receiving a record of the conviction, bond
15 forfeiture, or a civil infraction determination of a person for
16 unlawful operation of a motor vehicle requiring a ~~class 1, class~~
17 ~~2, or class 3 indorsement or~~ vehicle group designation while the
18 ~~indorsement or~~ designation is suspended pursuant to section
19 319a or 319b, or revoked, the secretary of state immediately
20 shall extend the period of suspension or revocation for an addi-
21 tional like period. This subsection applies only if the viola-
22 tion occurs during a suspension of definite length, if the viola-
23 tion occurs before the person is approved for a license following
24 a revocation, or if the person operates a commercial vehicle
25 while disqualified under the commercial motor vehicle safety act
26 of 1986, title XII of Public Law 99-570, 100 Stat. 3207-170.

27 (5) ~~(4)~~ If the secretary of state receives records of more
than 1 conviction or civil infraction determination resulting

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1 from the same incident, all of the convictions or civil
2 infraction determinations shall be treated as a single violation
3 for purposes of extending the period of suspension or revocation
4 under subsection (2), ~~or~~ (3), OR (4).

5 (6) ~~(5)~~ Before a person is arraigned before a district
6 court magistrate or judge on a charge of violating this section,
7 the arresting officer shall obtain the person's driving record
8 from the secretary of state and shall furnish the record to the
9 court. The driving record of the person may be obtained from the
10 secretary of state's computer information network.

11 (7) ~~(6)~~ This section does not apply to a person who oper-
12 ates a vehicle solely for the purpose of protecting human life or
13 property if the life or property is endangered and summoning
14 prompt aid is essential.

15 (8) ~~(7)~~ A person whose vehicle group designation is sus-
16 pended or revoked and who has been notified as provided in sec-
17 tion 212 of that suspension or revocation, or whose application
18 for a vehicle group designation has been denied as provided in
19 this act, or who has never applied for a vehicle group designa-
20 tion and who operates a commercial motor vehicle within this
21 state, except as permitted under this act, while any of those
22 conditions exist is guilty of a misdemeanor punishable, except as
23 otherwise provided in this section, by imprisonment for not less
24 than 3 days or more than 90 days or a fine of not more than
25 \$100.00, or both.

26 (9) IMMEDIATELY UPON ACCEPTING A PLEA OF GUILTY OR NOLO
27 CONTENDERE OR UPON ENTRY OF A VERDICT OF GUILTY FOR A VIOLATION

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1 OF THIS SECTION OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING
2 TO THIS SECTION, WHETHER OR NOT THE PERSON IS ELIGIBLE TO BE
3 SANCTIONED AS A MULTIPLE OFFENDER, THE COURT SHALL CONSIDER ALL
4 PRIOR CONVICTIONS WITHIN THE PAST 7 YEARS CURRENTLY ENTERED UPON
5 THE PERSON'S MICHIGAN DRIVING RECORD, EXCEPT CONVICTIONS THE
6 COURT DETERMINES UPON THE DEFENDANT'S MOTION TO BE CONSTITUTION-
7 ALLY INVALID, AND IN ADDITION TO ANY PENALTY IMPOSED UNDER THIS
8 SECTION, THE COURT MAY IMPOSE PERMITTED SANCTIONS AND SHALL
9 IMPOSE REQUIRED SANCTIONS UNDER SECTION 904C.

10 (10) THIS SECTION DOES NOT APPLY TO A PERSON WHO HAS NOT
11 MORE THAN 1 CURRENTLY EFFECTIVE SUSPENSION OR DENIAL UNDER
12 SECTION 321A, HAS NEVER BEEN CONVICTED OF OR RECEIVED A CIVIL
13 INFRACTION DETERMINATION FOR A VIOLATION OCCURRING DURING THAT
14 SUSPENSION OR DENIAL, AND
15 HAS NO OTHER CURRENTLY EFFECTIVE SUSPENSIONS, REVOCATIONS, OR
16 DENIALS UNDER THIS ACT.

17 (11) FOR PURPOSES OF THIS SECTION, "NEVER APPLIED FOR A
18 LICENSE" INCLUDES A PERSON WHO APPLIED FOR A LICENSE, WAS DENIED,
19 AND NEVER APPLIED AGAIN.

20 Enacting section 1. Sections 323a and 323c of the Michigan
21 vehicle code, 1949 PA 300, MCL 257.323a and 257.323c, are
22 repealed.

23 Enacting section 2. This amendatory act takes effect 9 months
24 after the date of its enactment.

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

(a) Senate Bill No. 268.

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- 1 (b) Senate Bill No. 269.
- 2 (c) Senate Bill No. 271.
- 3 (d) Senate Bill No. 626.
- 4 (e) Senate Bill No. 627.
- 5 (f) Senate Bill No. 870.
- 6 (g) Senate Bill No. 953.
- 7 (h) Senate Bill No. 989.
- 8 (i) Senate Bill No. 990.
- 9 (j) Senate Bill No. 991.

10 [Redacted]

11 [Redacted]

12 [Redacted]