

HOUSE BILL No. 4700

May 18, 1999, Introduced by Reps. Hale, Bogardus, Vaughn, Jamnick, Spade, Pappageorge, DeHart, Basham, Wojno, Thomas and Brewer and referred to the Committee on Criminal Law and Corrections.

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 1998 PA 348, and by adding section 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 STANTIALY CORRESPONDING TO ANY OF 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~~ THE applicant or licensee
8 has 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~~

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 MORE
4 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

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 or attempting to vio-
16 late this act or a local ordinance substantially corresponding to
17 this act regulating the operation of vehicles on highways.

18 (b) Immediately for each case charging a violation of
19 section 625(1), (3), (4), (5), (6), or (7) or section 625m or a
20 local ordinance substantially corresponding to section 625(1),
21 (3), or (6) or section 625m in which the charge is dismissed or
22 the defendant is acquitted.

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

1 of money to the city or village department, bureau, or person to
2 the secretary of state upon a form prescribed by the secretary of
3 state.

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

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

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

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

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

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

20 (f) Whether bail was forfeited.

21 (g) Any license restriction, suspension, or denial ordered
22 by the court as provided by law.

23 (h) The vehicle identification number and registration plate
24 number of all vehicles that are ordered immobilized or
25 forfeited.

26 (i) Other information considered necessary to the secretary
27 of state.

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

4 (a) A violation of section 413, 414, ~~or~~ 415, 479a, 535,
5 535A, OR 535C of the Michigan penal code, 1931 PA 328,
6 MCL 750.413, 750.414, ~~and~~ 750.415, 750.479a, 750.535, 750.535A,
7 AND 750.535C.

8 (b) A violation of section 1 of 1931 PA 214, MCL 752.191.

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

11 (d) A violation of section 703 of the Michigan liquor con-
12 trol code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance
13 substantially corresponding to that section.

14 (e) An attempt to violate, a conspiracy to violate, or a
15 violation of part 74 or section 17766a of the public health code,
16 1978 PA 368, MCL 333.7401 to 333.7461 and 333.17766a, or a local
17 ordinance that prohibits conduct prohibited under part 74 or sec-
18 tion 17766a of the public health code, 1978 PA 368, MCL 333.7401
19 to 333.7461 and 333.17766a, unless the convicted person is sen-
20 tenced to life imprisonment or a minimum term of imprisonment
21 that exceeds 1 year for the offense.

22 (f) An attempt to commit an offense described in subdivi-
23 sions (a) to (d).

24 (5) As used in subsections (6) to (8), "felony in which a
25 motor vehicle was used" means a felony during the commission of
26 which the person operated a motor vehicle and while operating the

1 vehicle presented real or potential harm to persons or property
2 and 1 or more of the following circumstances existed:

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

4 (b) The vehicle was used to transport a victim of the
5 felony.

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

7 (d) The vehicle was necessary for the commission of the
8 felony.

9 (6) If a person is charged with a felony in which a motor
10 vehicle was used, other than a felony specified in subsection (4)
11 or section 319, the prosecuting attorney shall include the fol-
12 lowing statement on the complaint and information filed in dis-
13 trict or circuit court:

14 "You are charged with the commission of a felony in which a
15 motor vehicle was used. If you are convicted and the judge finds
16 that the conviction is for a felony in which a motor vehicle was
17 used, as defined in section 319 of the Michigan vehicle code,
18 1949 PA 300, MCL 257.319, your driver's license shall be sus-
19 pended by the secretary of state."

20 (7) If a juvenile is accused of an act, the nature of which
21 constitutes a felony in which a motor vehicle was used, other
22 than a felony specified in subsection (4) or section 319, the
23 prosecuting attorney or family division of circuit court shall
24 include the following statement on the petition filed in the
25 court:

26 "You are accused of an act the nature of which constitutes a
27 felony in which a motor vehicle was used. If the accusation is

1 found to be true and the judge or referee finds that the nature
2 of the act constitutes a felony in which a motor vehicle was
3 used, as defined in section 319 of the Michigan vehicle code,
4 1949 PA 300, MCL 257.319, your driver's license shall be sus-
5 pended by the secretary of state.".

6 (8) If the court determines as part of the sentence or dis-
7 position that the felony for which the person was convicted or
8 adjudicated and with respect to which notice was given under sub-
9 section (6) or (7) is a felony in which a motor vehicle was used,
10 the clerk of the court shall forward an abstract of the court
11 record of that conviction to the secretary of state.

12 (9) As used in subsections (10) and (11), "felony in which a
13 commercial motor vehicle was used" means a felony during the com-
14 mission of which the person operated a commercial motor vehicle
15 and while the person was operating the vehicle 1 or more of the
16 following circumstances existed:

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

18 (b) The vehicle was used to transport a victim of the
19 felony.

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

21 (d) The vehicle was necessary for the commission of the
22 felony.

23 (10) If a person is charged with a felony in which a commer-
24 cial motor vehicle was used and for which a vehicle group desig-
25 nation on a license is subject to suspension or revocation under
26 section 319b(1)(c)(iii), 319b(1)(d), ~~or 319b(1)(e)(v)~~
27 319B(1)(E)(iii), or ~~(viii)~~ 319B(1)(F)(i), the prosecuting

1 attorney shall include the following statement on the complaint
2 and information filed in district or circuit court:

3 "You are charged with the commission of a felony in which a
4 commercial motor vehicle was used. If you are convicted and the
5 judge finds that the conviction is for a felony in which a com-
6 mercial motor vehicle was used, as defined in section 319b of the
7 Michigan vehicle code, 1949 PA 300, MCL 257.319b, all vehicle
8 group designations on your driver's license shall be suspended or
9 revoked by the secretary of state.".

10 (11) If the judge determines as part of the sentence that
11 the felony for which the defendant was convicted and with respect
12 to which notice was given under subsection (10) is a felony in
13 which a commercial motor vehicle was used, the clerk of the court
14 shall forward an abstract of the court record of that conviction
15 to the secretary of state.

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

25 (a) The name and title of the person required to forward
26 abstracts.

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

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

3 (d) The following statement:

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

8 (e) Other information the secretary of state considers
9 necessary.

10 (f) The signature of the person required to forward
11 abstracts.

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

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

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

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

1 (b) A nonmoving violation that is not the basis for the
2 secretary of state's suspension, revocation, or denial of an
3 operator's or chauffeur's license.

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

7 (d) A pedestrian, passenger, or bicycle violation, other
8 than a violation of section 703(1) or (2) of the Michigan liquor
9 control code of 1998, 1998 PA 58, MCL 436.1703, or a local ordi-
10 nance substantially corresponding to section 703(1) or (2) of the
11 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703,
12 or section 624a or 624b or a local ordinance substantially corre-
13 sponding to section 624a or 624b.

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

16 (16) The secretary of state shall discard and not enter on
17 the master driving record an abstract for a bond forfeiture that
18 occurred outside this state. However, the secretary of state
19 shall retain and enter on the master driving record an abstract
20 of an out-of-state bond forfeiture for an offense that occurred
21 after January 1, 1990 in connection with the operation of a com-
22 mercial motor vehicle.

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

1 (18) If a conviction or civil infraction determination is
2 reversed upon appeal, the person whose conviction or determina-
3 tion has been reversed may serve on the secretary of state a cer-
4 tified copy of the order of reversal. The secretary of state
5 shall enter the order in the proper book or index in connection
6 with the record of the conviction or civil infraction
7 determination.

8 (19) The secretary of state may permit a city or village
9 department, bureau, person, or court to modify the requirement as
10 to the time and manner of reporting a conviction, civil infrac-
11 tion determination, or settlement to the secretary of state if
12 the modification will increase the economy and efficiency of col-
13 lecting and utilizing the records. If the permitted abstract of
14 court record reporting a conviction, civil infraction determina-
15 tion, or settlement originates as a part of the written notice to
16 appear, authorized in section 728(1) or 742(1), the form of the
17 written notice and report shall be as prescribed by the secretary
18 of state.

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

23 Enacting section 1. This amendatory act takes effect
24 January 1, 2000.

25 Enacting section 2. This amendatory act does not take
26 effect unless all of the following bills of the 90th Legislature
27 are enacted into law:

- 1 (a) Senate Bill No. _____ or House Bill No. _____
- 2 (request no. 00595'99).
- 3 (b) Senate Bill No. _____ or House Bill No. _____
- 4 (request no. 00595'99 a).