

**HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 1232**

[A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 6, 7a, 212, 306, 307, 309, 312e, 312f, 319, 319b, 319c, 321, 321b, 323c, 667, 667a, 668, 669, 670, 732, 904, and 907 (MCL 257.6, 257.7a, 257.212, 257.306, 257.307, 257.309, 257.312e, 257.312f, 257.319, 257.319b, 257.319c, 257.321, 257.321b, 257.323c, 257.667, 257.667a, 257.668, 257.669, 257.670, 257.732, 257.904, and 257.907), section 6 as amended by 1992 PA 297, sections 7a and 323c as amended by 1991 PA 100, section 212 as amended by 1980 PA 398, section 306 as amended by 1999 PA 40, sections 307, 312f, 319b, and 732 as amended by 2002 PA 259, section 309 as amended by 2000 PA 456, section 312e as amended by 2000 PA 158, section 319 as amended by 2001 PA 159, section 319c as added by 1988 PA 346, section 667a as added by 2000 PA 367, section 668 as amended by 1980 PA 101, section 669 as amended by 1995 PA 248, section

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904 as amended by 2000 PA 77, and section 907 as amended by 2001 PA 214, and by adding sections 319g and 669a; and to repeal acts and parts of acts.]

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

1           Sec. 6. (1) Except as otherwise provided in subsection (3),  
2 "chauffeur" means any of the following:

3           (a) A person who operates a motor vehicle as a motor common  
4 carrier of property or a motor contract carrier of property as  
5 defined in section 1(f) and (h) of the motor carrier act, ~~Act~~  
6 ~~No. 254 of the Public Acts of 1933, being section 475.1 of the~~  
7 ~~Michigan Compiled Laws~~ 1933 PA 254, MCL 475.1, or a motor car-  
8 rier of passengers as defined in section 3 of the motor bus  
9 transportation act, ~~Act No. 432 of the Public Acts of 1982,~~  
10 ~~being section 474.103 of the Michigan Compiled Laws~~ 1982 PA 432,  
11 MCL 474.103.

12           (b) A person who is employed for the principal purpose of  
13 operating a motor vehicle with a GVWR of 10,000 pounds or more.

14           (c) A person who operates a ~~pupil transportation vehicle~~  
15 ~~used for the regularly scheduled transportation of pupils between~~  
16 ~~school and home, or a person who operates a~~ bus or school bus.

17           (d) A person who operates a taxi.

18           (e) A person who operates a limousine as defined by section  
19 3 of the limousine transportation act, ~~Act No. 271 of the Public~~  
20 ~~Acts of 1990, being section 257.1903 of the Michigan Compiled~~  
21 ~~Laws~~ 1990 PA 271, MCL 257.1903.

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1           (2) For purposes of subsection (1)(b), a person shall be  
2 considered to be employed for the principal purpose of operating  
3 a motor vehicle when the person's employment customarily involves  
4 the necessary use of a motor vehicle for hire or for transporting  
5 passengers for hire, or for transporting for gain or hire any  
6 merchandise for display, sale, or delivery.

7           (3) "Chauffeur" does not include any of the following:

8           (a) A farmer or an employee of a farmer operating a vehicle  
9 exclusively in connection with the farming operations of the  
10 farmer.

11           (b) A fire fighter or a member of a fire department operat-  
12 ing an ambulance.

13           (c) Emergency medical services personnel operating an  
14 ambulance. As used in this subdivision, "emergency medical serv-  
15 ices personnel" means that term as defined in section 20904 of  
16 the public health code, ~~Act No. 368 of the Public Acts of 1978,~~  
17 ~~being section 333.20904 of the Michigan Compiled Laws~~ 1978  
18 PA 368, MCL 333.20904.

19           (d) ~~Michigan department of transportation~~ STATE TRANSPOR-  
20 TATION DEPARTMENT employees whose work consists of operating  
21 vehicles with a gross vehicle weight rating of 10,000 pounds or  
22 more for the purpose of transporting highway and bridge mainte-  
23 nance materials and supplies for all aspects of state trunkline  
24 maintenance, including winter maintenance and facilities  
25 maintenance.

26           (e) County road commission employees and other employees of  
27 local units of government who do not drive their own vehicles and

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1 whose work consists of hauling road building materials and  
2 supplies for the road commission or for other municipal  
3 purposes.

4 (f) A person operating a motor vehicle for a volunteer pro-  
5 gram who only receives reimbursement for the costs of operating  
6 the motor vehicle.

7 (g) A person who operates a motor home for personal  
8 pleasure.

9 (h) A parent or parent's designee for the purpose of trans-  
10 porting pupils to or from school and school related events.

11 Sec. 7a. "Commercial motor vehicle" means a ~~bus; a school~~  
12 ~~bus; a school transportation vehicle~~ MOTOR VEHICLE DESIGNED TO  
13 TRANSPORT 16 OR MORE PASSENGERS, INCLUDING THE DRIVER; a motor  
14 vehicle, ~~except a motor home,~~ having a gross vehicle weight  
15 rating ~~or gross combination weight rating~~ of 26,001 or more  
16 pounds; a motor vehicle ~~towing a vehicle~~ WITH A GROSS COMBINA-  
17 TION WEIGHT RATING OF 26,001 POUNDS OR MORE INCLUDING A TOWED  
18 UNIT with a gross vehicle weight rating of more than 10,000  
19 pounds; or a motor vehicle carrying hazardous material and on  
20 which is required to be posted a placard as defined and required  
21 under 49 C.F.R. parts 100 to 199. A commercial motor vehicle  
22 does not include a vehicle used exclusively to transport personal  
23 possessions or family members for nonbusiness purposes.

24 Sec. 212. If the secretary of state is authorized or  
25 required to give notice under this act or other law regulating  
26 the operation of a vehicle, unless a different method of giving  
27 notice is otherwise expressly prescribed, notice shall be given

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1 either by personal delivery to the person to be notified or by  
2 ~~deposit in the~~ FIRST-CLASS United States mail ~~of the notice in~~  
3 ~~an envelope with first class postage prepaid,~~ addressed to the  
4 person at the address shown by the record of the secretary of  
5 state. The giving of notice by mail is complete upon the expira-  
6 tion of 5 days after ~~the deposit of~~ MAILING the notice. Proof  
7 of the giving of notice in either manner may be made by the cer-  
8 tificate ~~of an officer or employee of the secretary of state or~~  
9 of a person 18 years of age or older, naming the person to whom  
10 notice was given and specifying the time, place, and manner of  
11 the giving of notice.

12       Sec. 306. (1) The secretary of state, upon receiving an  
13 application for a temporary instruction permit from a person who  
14 is 18 years of age or older, may issue that permit entitling the  
15 applicant, while carrying the permit, to drive a motor vehicle  
16 other than a motor vehicle requiring an indorsement under section  
17 312a or a vehicle group designation under section 312e upon the  
18 highways for a period of 180 days when accompanied by a licensed  
19 adult operator or chauffeur who is actually occupying a seat  
20 beside the driver.

21       (2) The secretary of state may issue an original operator's  
22 license and designate level 1, 2, or 3 graduated licensing provi-  
23 sions to a person who is less than 18 years of age, has been  
24 licensed in another state or country, and has satisfied the  
25 applicable requirements of section 310e.

26       (3) A student enrolled in a driver education program or a  
27 motorcycle safety course approved by the department of education

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1 may operate a motor vehicle without holding an operator's license  
2 or permit while under the direct supervision of the program  
3 instructor.

4 (4) A student enrolled in an approved driver education pro-  
5 gram and who has successfully completed 10 hours of classroom  
6 instruction and the equivalent of 2 hours of behind-the-wheel  
7 training may be issued a temporary driver education certificate  
8 furnished by the department of education that authorizes a stu-  
9 dent to drive a motor vehicle, other than a motor vehicle requir-  
10 ing an indorsement pursuant to section 312a or a vehicle group  
11 designation pursuant to section 312e, when accompanied by a  
12 licensed parent or guardian, or when accompanied by a nonlicensed  
13 parent or guardian and a licensed adult for the purpose of  
14 receiving additional instruction until the end of the student's  
15 driver education course.

16 (5) The secretary of state, upon receiving proper applica-  
17 tion from a person 16 or 17 years of age who is enrolled in or  
18 has successfully completed an approved motorcycle safety course  
19 under section 811a, or a person who is 18 years of age or older  
20 and who holds a valid operator's or chauffeur's license, may  
21 issue a motorcycle temporary instruction permit entitling the  
22 applicant, while carrying the permit, to operate a motorcycle  
23 upon the public streets and highways for a period of ~~150~~ 180  
24 days, but only when under the constant visual supervision of a  
25 licensed motorcycle operator at least 18 years of age. The  
26 applicant shall not operate the motorcycle at night or with a  
27 passenger.

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1           (6) The secretary of state, upon receiving proper  
2 application from a person who is 18 years of age or older, who  
3 holds a valid operator's or chauffeur's license, AND WHO HAS  
4 PASSED THE KNOWLEDGE TEST FOR AN ORIGINAL VEHICLE GROUP DESIGNA-  
5 TION OR INDORSEMENT, may issue a temporary instruction permit  
6 entitling the person, while carrying the permit, to drive a vehi-  
7 cle requiring a vehicle group designation or vehicle group  
8 indorsement under section 312e upon the streets and highways for  
9 a period of ~~150~~ 180 days, but only when accompanied by a  
10 licensed adult operator or chauffeur who is licensed with the  
11 appropriate vehicle group designation and indorsement for the  
12 vehicle group being driven and who is actually occupying a seat  
13 beside the driver, or behind the driver if the permittee is driv-  
14 ing a bus or school bus. In addition, if a permittee is enrolled  
15 in a driver training program for drivers of motor vehicles  
16 requiring a vehicle group designation or vehicle group indorse-  
17 ment under section 312e, which program is conducted by a college,  
18 university, commercial driver training school licensed by the  
19 department under 1974 PA 369, MCL 256.601 to 256.609, or a local  
20 or intermediate school district, the permittee may drive a vehi-  
21 cle requiring a vehicle group designation or vehicle group  
22 indorsement on the streets and highways of this state for a  
23 period of ~~150~~ 180 days when accompanied by an instructor  
24 licensed with the appropriate vehicle group designation and  
25 indorsement for the vehicle being driven who is either occupying  
26 the seat beside the driver or in direct visual and audio  
27 communication with the permittee. A PERSON ISSUED A TEMPORARY

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1 INSTRUCTION PERMIT UNDER THIS SECTION SHALL NOT OPERATE A VEHICLE  
2 DESIGNED TO CARRY 16 OR MORE PASSENGERS THAT IS TRANSPORTING PAS-  
3 SENGERS EXCEPT WITH AN INSTRUCTOR LICENSED WITH THE APPROPRIATE  
4 VEHICLE GROUP DESIGNATION AND INDORSEMENT FOR THE VEHICLE BEING  
5 DRIVEN OR A DRIVER SKILLS TEST EXAMINER.

6       Sec. 307. (1) AN APPLICANT FOR AN OPERATOR'S OR CHAUFFEUR'S  
7 LICENSE SHALL SUPPLY A BIRTH CERTIFICATE ATTESTING TO HIS OR HER  
8 AGE OR OTHER SUFFICIENT DOCUMENTS OR IDENTIFICATION AS THE SECRE-  
9 TARY OF STATE MAY REQUIRE. An application for an operator's or  
10 chauffeur's license shall be made in a manner prescribed by the  
11 secretary of state and shall contain all of the following:

12       (a) The applicant's full name, date of birth, residence  
13 address, height, sex, eye color, signature, other information  
14 required or permitted on the license under this chapter, and, to  
15 the extent required to comply with federal law, the applicant's  
16 social security number. The applicant may provide a mailing  
17 address if the applicant receives mail at an address different  
18 from his or her residence address.

19       (b) The following notice shall be included to inform the  
20 applicant that under sections 509o and 509r of the Michigan elec-  
21 tion law, 1954 PA 116, MCL 168.509o and 168.509r, the secretary  
22 of state is required to use the residence address provided on  
23 this application as the applicant's residence address on the  
24 qualified voter file for voter registration and voting:

25       "NOTICE: Michigan law requires that the same address be used  
26 for voter registration and driver license purposes. Therefore,

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1 if the residence address you provide in this application  
2 differs from your voter registration address as it appears on  
3 the qualified voter file, the secretary of state will automati-  
4 cally change your voter registration to match the residence  
5 address on this application, after which your voter registra-  
6 tion at your former address will no longer be valid for voting  
7 purposes. A new voter registration card, containing the infor-  
8 mation of your polling place, will be provided to you by the  
9 clerk of the jurisdiction where your residence address is  
10 located.".

11 (c) For an operator's or chauffeur's license with a vehicle  
12 group designation or indorsement, the following certifications by  
13 the applicant:

14 (i) The applicant meets the applicable federal ~~physical~~  
15 driver qualification requirements under 49 C.F.R. part 391 if the  
16 applicant operates or intends to operate in interstate commerce  
17 or meets the applicable ~~physical~~ qualifications under the rules  
18 promulgated by the department of state police under the motor  
19 carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.22, if  
20 the applicant operates or intends to operate in intrastate  
21 commerce.

22 (ii) The vehicle in which the applicant will take the driv-  
23 ing skills tests is representative of the type of vehicle the  
24 applicant operates or intends to operate.

25 (iii) The applicant ~~has~~ IS not ~~been convicted~~ SUBJECT TO  
26 DISQUALIFICATION, SUSPENSION, REVOCATION, OR CANCELLATION FOR  
27 CONVICTION of an offense ~~as~~ described in section 312f or 319b.

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1           (iv) The applicant does not have a driver's license from  
2 more than 1 state.

3           ~~(d) For an operator's or chauffeur's license with a vehicle  
4 group designation or indorsement and for which the applicant  
5 claims a waiver of the driving test as provided in section 312f,  
6 the following additional certifications by the applicant concern-  
7 ing the 2-year period immediately before application:~~

8           ~~(i) The applicant has not had more than 1 license.~~

9           ~~(ii) The applicant has not had any license suspended,  
10 revoked, or canceled.~~

11           ~~(iii) The applicant has not been convicted of any offense  
12 described in section 319b while operating a motor vehicle.~~

13           ~~(iv) The applicant has not been convicted of a moving viola-  
14 tion under state or local law relating to motor vehicle traffic  
15 control arising in connection with a traffic accident.~~

16           ~~(v) The applicant is regularly employed in a job requiring  
17 the operation of a commercial motor vehicle.~~

18           ~~(vi) The applicant qualifies under either of the following:~~

19           ~~(A) He or she has passed a behind-the-wheel driving test  
20 given by a state with a commercial motor vehicle driver licensing  
21 and testing system and taken in a representative vehicle for that  
22 applicant's driver's license vehicle group designation.~~

23           ~~(B) For at least 2 years immediately preceding application,  
24 the applicant has operated a vehicle representative of the com-  
25 mercial motor vehicle group or passenger vehicle for which he or  
26 she is applying. The applicant's employer or the applicant, if  
27 self-employed, shall provide evidence of this requirement.~~

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1           (D) ~~(e)~~ An applicant for an operator's or chauffeur's  
2 license with a vehicle group designation and a hazardous material  
3 indorsement (H vehicle indorsement) shall provide his or her fin-  
4 gerprints which shall have been taken by a law enforcement offi-  
5 cial or a designated representative for investigation as required  
6 by the uniting and strengthening America by providing appropriate  
7 tools required to intercept and obstruct terrorism (USA PATRIOT  
8 ACT) Act of 2001, Public Law 107-56, 115 Stat. 272.

9           (2) Except as provided in this subsection, an applicant for  
10 an operator's or chauffeur's license may have his or her image  
11 captured or reproduced when the application for the license is  
12 made. An applicant required under section 5a of the sex offend-  
13 ers registration act, 1994 PA 295, MCL 28.725a, to maintain a  
14 valid operator's or chauffeur's license or official state per-  
15 sonal identification card shall have his or her image AND  
16 SIGNATURE captured or reproduced when the application for the  
17 license is made. The secretary of state shall acquire by pur-  
18 chase or lease the equipment for capturing the images AND  
19 SIGNATURES and may furnish the equipment to a local unit autho-  
20 rized by the secretary of state to license drivers. The secre-  
21 tary of state shall acquire equipment purchased or leased pursu-  
22 ant to this section under standard purchasing procedures of the  
23 department of management and budget based on standards and speci-  
24 fications established by the secretary of state. The secretary  
25 of state shall not purchase or lease equipment until an appropri-  
26 ation for the equipment has been made by the legislature. An  
27 image AND SIGNATURE captured pursuant to this section shall

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1 appear on the applicant's operator's or chauffeur's license.  
2 Except as provided in this subsection, the secretary of state may  
3 retain and use a person's image described in this subsection only  
4 for programs administered by the secretary of state. Except as  
5 provided in this subsection, the secretary of state shall not use  
6 a person's image unless the person grants written permission for  
7 that purpose to the secretary of state or specific enabling leg-  
8 islation permitting the use is enacted into law. A law enforce-  
9 ment agency of this state has access to information retained by  
10 the secretary of state under this subsection. The information  
11 may be utilized for any law enforcement purpose unless otherwise  
12 prohibited by law. The department of state police shall provide  
13 to the secretary of state updated lists of persons required to be  
14 registered under the sex offenders registration act, 1994 PA 295,  
15 MCL 28.721 to 28.732, and the secretary of state shall make the  
16 images of those persons available to the department of state  
17 police as provided in that act.

18 (3) An application shall contain a signature and certifica-  
19 tion by the applicant and shall be accompanied by the proper  
20 fee. The examiner shall collect the application fee and shall  
21 forward the fee to the secretary of state with the application.  
22 The secretary of state shall refund the application fee to the  
23 applicant if the license applied for is denied, but shall not  
24 refund the fee to an applicant who fails to complete the examina-  
25 tion requirements of the secretary of state within 90 days after  
26 the date of application for a license. A service fee of \$1.00  
27 shall be added to each fee collected for an original, renewal,

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1 duplicate, or corrected operator's or chauffeur's license. The  
2 service fee received and collected under this subsection shall be  
3 deposited in the state treasury to the credit of the general  
4 fund. The service fee shall be used to defray the expenses of  
5 the secretary of state. Appropriations from the Michigan trans-  
6 portation fund shall not be used to compensate the secretary of  
7 state for costs incurred and services performed under this  
8 section.

9 (4) In conjunction with the issuance of an operator's or  
10 chauffeur's license, the secretary of state shall do all of the  
11 following:

12 (a) Provide the applicant with all of the following:

13 (i) Written information explaining the applicant's right to  
14 make an anatomical gift in the event of death in accordance with  
15 section 310.

16 (ii) Written information describing the organ donation reg-  
17 istry program maintained by Michigan's federally designated organ  
18 procurement organization or its successor organization. The  
19 written information required under this subparagraph shall  
20 include, in a type size and format that is conspicuous in rela-  
21 tion to the surrounding material, the address and telephone  
22 number of Michigan's federally designated organ procurement  
23 organization or its successor organization, along with an  
24 advisory to call Michigan's federally designated organ procure-  
25 ment organization or its successor organization with questions  
26 about the organ donor registry program.

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1           (iii) Written information giving the applicant the  
2 opportunity to be placed on the organ donation registry described  
3 in subparagraph (ii).

4           (b) Provide the applicant with the opportunity to specify on  
5 his or her operator's or chauffeur's license that he or she is  
6 willing to make an anatomical gift in the event of death in  
7 accordance with section 310.

8           (c) Inform the applicant in writing that, if he or she indi-  
9 cates to the secretary of state under this section a willingness  
10 to have his or her name placed on the organ donor registry  
11 described in subdivision (a)(ii), the secretary of state will  
12 forward the applicant's name and address to the organ donation  
13 registry maintained by Michigan's federally designated organ pro-  
14 curement organization or its successor organization, as required  
15 by subsection (6).

16           (5) The secretary of state may fulfill the requirements of  
17 subsection (4) by 1 or more of the following methods:

18           (a) Providing printed material enclosed with a mailed notice  
19 for an operator's or chauffeur's license renewal or the issuance  
20 of an operator's or chauffeur's license.

21           (b) Providing printed material to an applicant who person-  
22 ally appears at a secretary of state branch office.

23           (c) Through electronic information transmittals for  
24 operator's and chauffeur's licenses processed by electronic  
25 means.

26           (6) If an applicant indicates a willingness under this  
27 section to have his or her name placed on the organ donor

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1 registry described in subsection (4)(a)(ii), the secretary of  
2 state shall within 10 days forward the applicant's name and  
3 address to the organ donor registry maintained by Michigan's fed-  
4 erally designated organ procurement organization or its successor  
5 organization. The secretary of state may forward information  
6 under this subsection by mail or by electronic means. The secre-  
7 tary of state shall not maintain a record of the name or address  
8 of an individual who indicates a willingness to have his or her  
9 name placed on the organ donor registry after forwarding that  
10 information to the organ donor registry under this subsection.  
11 Information about an applicant's indication of a willingness to  
12 have his or her name placed on the organ donor registry that is  
13 obtained by the secretary of state under subsection (4) and for-  
14 warded under this subsection is exempt from disclosure under the  
15 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246,  
16 pursuant to section 13(1)(d) of the freedom of information act,  
17 1976 PA 442, MCL 15.243.

18 (7) If an application is received from a person previously  
19 licensed in another jurisdiction, the secretary of state shall  
20 request a copy of the applicant's driving record and other avail-  
21 able information from the national driver register. When  
22 received, the driving record and other available information  
23 become a part of the driver's record in this state. If the  
24 application is for an original, renewal, or upgrade of a vehicle  
25 group designation or indorsement, the secretary of state shall  
26 ~~also~~ check the applicant's driving record with the NATIONAL  
27 DRIVER REGISTER AND THE federal commercial driver license

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1 information system before issuing that group designation or  
2 indorsement.

3 (8) Except for a vehicle group designation or indorsement or  
4 as provided in this subsection, the secretary of state may issue  
5 a renewal operator's or chauffeur's license for 1 additional  
6 4-year period by mail or by other methods prescribed by the sec-  
7 retary of state. The secretary of state shall issue a renewal  
8 license only in person ~~if the licensee has a driving record with~~  
9 ~~a conviction or civil infraction determination obtained in the 48~~  
10 ~~months preceding renewal or~~ if the person is a person required  
11 under section 5a of the sex offenders registration act, 1994  
12 PA 295, MCL 28.725a, to maintain a valid operator's or  
13 chauffeur's license or official state personal identification  
14 card. ~~However, the secretary of state shall not refuse to issue~~  
15 ~~a renewal license by mail or by other method because of a convic-~~  
16 ~~tion or civil infraction determination for which fines and costs~~  
17 ~~were waived under section 901a or section 907.~~ If a license is  
18 renewed by mail or by other method, the secretary of state shall  
19 issue evidence of renewal to indicate the date the license  
20 expires in the future. The department of state police shall pro-  
21 vide to the secretary of state updated lists of persons required  
22 under section 5a of the sex offenders registration act, 1994  
23 PA 295, MCL 28.725a, to maintain a valid operator's or  
24 chauffeur's license or official state personal identification  
25 card.

26 (9) Upon request, the secretary of state shall provide an  
27 information manual to an applicant explaining how to obtain a

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1 vehicle group designation or indorsement. The manual shall  
2 contain the information required under 49 C.F.R. part 383.

3 (10) The secretary of state shall not disclose a social  
4 security number obtained under subsection (1) to another person  
5 except for use for 1 or more of the following purposes:

6 (a) Compliance with chapter 313 of title 49 of the United  
7 States Code, 49 U.S.C. 31301 to 31317, and regulations and state  
8 law and rules related to this chapter.

9 (b) Through the law enforcement information network, to  
10 carry out the purposes of section 466(a) of part D of title IV of  
11 the social security act, 42 U.S.C. 666, in connection with mat-  
12 ters relating to paternity, child support, or overdue child  
13 support.

14 (c) As otherwise required by law.

15 (11) The secretary of state shall not display a person's  
16 social security number on the person's operator's or chauffeur's  
17 license.

18 (12) A requirement under this section to include a social  
19 security number on an application does not apply to an applicant  
20 who demonstrates he or she is exempt under law from obtaining a  
21 social security number or to an applicant who for religious con-  
22 victions is exempt under law from disclosure of his or her social  
23 security number under these circumstances. The secretary of  
24 state shall inform the applicant of this possible exemption.

25 Sec. 309. (1) Before issuing a license, the secretary of  
26 state shall examine each applicant for an operator's or  
27 chauffeur's license who at the time of the application is not the

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1 holder of a valid, unrevoked operator's or chauffeur's license  
2 under a law of this state providing for the licensing of  
3 drivers. In all other cases, the secretary of state may waive  
4 the examination, except that an examination shall not be waived  
5 if it appears from the application, from the apparent physical or  
6 mental condition of the applicant, or from any other information  
7 which has come to the secretary of state from another source,  
8 that the applicant does not possess the physical, mental, or  
9 other qualifications necessary to operate a motor vehicle in a  
10 manner as not to jeopardize the safety of persons or property; or  
11 that the applicant is not entitled to a license under section  
12 303. A licensee who applies for the renewal of his or her  
13 license by mail pursuant to section 307 shall ~~be required to~~  
14 certify to his or her physical capability to operate a motor  
15 vehicle.

16 (2) ~~Sheriffs~~ THE SECRETARY OF STATE MAY APPOINT SHERIFFS,  
17 their deputies, ~~and~~ the chiefs of police of cities and villages  
18 having organized police departments within this state, ~~and~~  
19 their duly authorized representatives, ~~and~~ OR employees of the  
20 secretary of state ~~may be appointed~~ AS examining officers for  
21 the purpose of examining applicants for operator's and  
22 chauffeur's licenses. ~~by the secretary of state.~~ An examining  
23 officer shall conduct examinations of applicants for operator's  
24 and chauffeur's licenses ~~, under this chapter, and~~ in accord-  
25 ance with THIS CHAPTER AND the rules promulgated by the secretary  
26 of state under subsection (3). After conducting an examination

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1 an examining officer shall make a written report of his or her  
2 findings and recommendations to the secretary of state.

3 (3) The secretary of state shall promulgate rules pursuant  
4 to the administrative procedures act of 1969, 1969 PA 306,  
5 MCL 24.201 to 24.328, for the examination of the applicant's  
6 physical and mental qualifications to operate a motor vehicle in  
7 a manner as not to jeopardize the safety of persons or property,  
8 and shall ascertain whether facts exist that would bar the issu-  
9 ance of a license under section 303. The secretary of state  
10 shall also ascertain whether the applicant has sufficient knowl-  
11 edge of the English language to understand highway warnings or  
12 direction signs written in that language. The examination shall  
13 not include investigation of facts other than those facts  
14 directly pertaining to the ability of the applicant to operate a  
15 motor vehicle with safety or facts declared to be prerequisite to  
16 the issuance of a license under this act.

17 (4) ~~An~~ THE SECRETARY OF STATE SHALL NOT ISSUE AN original  
18 operator's or chauffeur's license without a vehicle group desig-  
19 nation or indorsement ~~shall not be issued by the secretary of~~  
20 ~~state~~ without an examination ~~which shall include a~~  
21 ~~behind-the-wheel road~~ THAT INCLUDES A DRIVING SKILLS test con-  
22 ducted by the secretary of state or by a designated examining  
23 officer under subsection (2) or section 310e. The secretary of  
24 state may enter into an agreement with another public or private  
25 person or agency to conduct a ~~behind-the-wheel road~~ DRIVING  
26 SKILLS test conducted under this section. In an agreement with  
27 another person or agency to conduct a ~~behind-the-wheel road~~

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1 DRIVING SKILLS test, the secretary of state may prescribe the  
2 method and examination criteria to be followed by the person or  
3 agency when conducting the ~~behind-the-wheel road~~ DRIVING SKILLS  
4 test and the form of the certification to be issued to a person  
5 who satisfactorily completes a ~~behind-the-wheel road~~ DRIVING  
6 SKILLS test. An original vehicle group designation or indorse-  
7 ment shall not be issued by the secretary of state without a  
8 knowledge test conducted by the secretary of state. Except as  
9 provided in section 312f(1), an original vehicle group designa-  
10 tion or passenger indorsement shall not be issued by the secre-  
11 tary of state without a ~~behind-the-wheel road~~ DRIVING SKILLS  
12 test conducted by an examiner appointed or authorized by the sec-  
13 retary of state. While in the course of taking a  
14 ~~behind-the-wheel road~~ DRIVING SKILLS test conducted by the  
15 examiner who shall occupy a seat beside the applicant, an appli-  
16 cant for an original vehicle group designation or passenger  
17 indorsement who has been issued a temporary instruction permit to  
18 operate a commercial motor vehicle ~~shall be~~ IS permitted to  
19 operate a vehicle requiring a vehicle group designation or pas-  
20 senger indorsement without a person licensed to operate a commer-  
21 cial motor vehicle occupying a seat beside him or her.

22 (5) Except as otherwise provided in this act, the secretary  
23 of state may waive the requirement of a ~~behind-the-wheel road~~  
24 DRIVING SKILLS test, knowledge test, or road sign test of an  
25 applicant for an original operator's or chauffeur's license with-  
26 out a vehicle group designation or indorsement who at the time of

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1 the application is the holder of a valid, unrevoked operator's or  
2 chauffeur's license issued by another state or country.

3 (6) A DRIVING SKILLS TEST CONDUCTED UNDER THIS SECTION SHALL  
4 INCLUDE A BEHIND-THE-WHEEL ROAD TEST. A BEHIND-THE-WHEEL ROAD  
5 TEST FOR AN ORIGINAL VEHICLE GROUP DESIGNATION OR PASSENGER  
6 INDORSEMENT SHALL NOT BE CONDUCTED UNLESS THE APPLICANT HAS BEEN  
7 ISSUED A TEMPORARY INSTRUCTION PERMIT.

8 (7) ~~(6) Beginning April 1, 2001, a~~ A person who corrupts  
9 or attempts to corrupt a designated examining officer appointed  
10 or designated by the secretary of state under this section or  
11 section 310e by giving, offering, or promising any gift or gratu-  
12 ity with the intent to influence the opinion or decision of the  
13 examining officer conducting the test is guilty of a felony.

14 (8) ~~(7) Beginning April 1, 2001, a~~ A designated examining  
15 officer appointed or designated by the secretary of state who  
16 conducts a ~~behind-the-wheel road~~ DRIVING SKILLS test under an  
17 agreement entered into under this section or section 310e and who  
18 varies from, shortens, or in any other way changes the method or  
19 examination criteria prescribed ~~to be followed under~~ IN that  
20 agreement in conducting a ~~behind-the-wheel road~~ DRIVING SKILLS  
21 test is guilty of a felony.

22 (9) ~~(8) Beginning April 1, 2001, a~~ A person who forges,  
23 counterfeits, or alters a satisfactorily completed  
24 ~~behind-the-wheel road~~ DRIVING SKILLS test certification issued  
25 by a designated examining officer appointed or designated by the  
26 secretary of state under this section or section 310e is guilty  
27 of a felony.

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1           Sec. 312e. (1) Except as OTHERWISE provided in  
2 ~~subsections (4), (5), (6), (7), and (8)~~ THIS SECTION, a person,  
3 before operating a COMMERCIAL MOTOR vehicle, ~~towing a vehicle~~  
4 ~~having~~ SHALL OBTAIN THE REQUIRED VEHICLE GROUP DESIGNATION AS  
5 FOLLOWS:

6           (A) A PERSON, BEFORE OPERATING A COMBINATION OF VEHICLES  
7 WITH A GROSS COMBINATION WEIGHT RATING OF 26,001 POUNDS OR MORE  
8 INCLUDING A TOWED VEHICLE WITH a gross vehicle weight rating  
9 ~~over~~ OF MORE THAN 10,000 pounds, shall procure a group A vehi-  
10 cle designation on his or her operator's or chauffeur's license.  
11 Unless an indorsement OR THE REMOVAL OF RESTRICTIONS is required,  
12 a person licensed to operate a group A vehicle may operate a  
13 group B or C vehicle without taking another test.

14           (B) A person, before operating a single vehicle having a  
15 gross vehicle weight rating of 26,001 pounds or more, ~~or any~~  
16 ~~combination of vehicles having a gross combination weight rating~~  
17 ~~of 26,001 pounds or more if the vehicle being towed does not have~~  
18 ~~a gross vehicle weight rating over 10,000 pounds,~~ shall procure  
19 a group B vehicle designation on his or her operator's or  
20 chauffeur's license. Unless an indorsement OR THE REMOVAL OF  
21 RESTRICTIONS is required, a person licensed to operate a group B  
22 vehicle may operate a group C vehicle without taking another  
23 test.

24           (C) A person, before operating a ~~school transportation~~  
25 ~~vehicle or a~~ single vehicle having a gross vehicle weight rating  
26 under 26,001 pounds or a combination of vehicles having a gross  
27 combination weight rating under 26,001 pounds if the vehicle

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1 being towed does not have a gross vehicle weight rating over  
2 10,000 pounds and carrying hazardous materials on which a placard  
3 is required under 49 C.F.R. parts 100 to 199, or designed to  
4 transport 16 or more passengers including the driver, shall pro-  
5 cure a group C vehicle designation and a hazardous material or  
6 passenger vehicle indorsement on his or her operator's or  
7 chauffeur's license.

8 (2) An applicant for a vehicle group designation shall take  
9 knowledge and driving skills tests that comply with minimum fed-  
10 eral standards prescribed in 49 C.F.R. part 383 as required under  
11 this act.

12 (3) The license shall be issued, suspended, revoked,  
13 canceled, or renewed in accordance with this act.

14 (4) Except as provided in this subsection, all of the fol-  
15 lowing apply:

16 (a) ~~A person who takes the driving test required under~~  
17 ~~section 312f for a group A vehicle designation in a combination~~  
18 ~~of vehicles having a gross combination weight rating under 26,001~~  
19 ~~pounds shall not operate a single vehicle having a gross vehicle~~  
20 ~~weight rating of 26,001 pounds or more, or any combination of~~  
21 ~~vehicles having a gross combination weight rating of 26,001~~  
22 ~~pounds or more if the vehicle being towed has a gross vehicle~~  
23 ~~weight rating of 10,001 pounds or more or the towing vehicle has~~  
24 ~~a gross vehicle weight rating of 26,001 pounds or more. IF A~~  
25 ~~PERSON OPERATES A GROUP B PASSENGER VEHICLE WHILE TAKING HIS OR~~  
26 ~~HER DRIVING SKILLS TEST FOR A P INDORSEMENT, HE OR SHE IS~~

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1 RESTRICTED TO OPERATING ONLY GROUP B OR C PASSENGER VEHICLES  
2 UNDER THAT P INDORSEMENT.

3       (b) ~~A person who has a group B vehicle designation that is~~  
4 ~~not restricted under this subsection and who takes the driving~~  
5 ~~test required under section 312f for a group A vehicle designa-~~  
6 ~~tion in a combination of vehicles having a gross combination~~  
7 ~~weight rating under 26,001 pounds shall not operate any combina-~~  
8 ~~tion of vehicles having a gross combination weight rating of~~  
9 ~~26,001 pounds or more if the vehicle being towed has a gross~~  
10 ~~vehicle weight rating of 10,001 pounds or more.~~ IF A PERSON  
11 OPERATES A GROUP C PASSENGER VEHICLE WHILE TAKING HIS OR HER  
12 DRIVING SKILLS TEST FOR A P INDORSEMENT, HE OR SHE IS RESTRICTED  
13 TO OPERATING ONLY GROUP C PASSENGER VEHICLES UNDER THAT P  
14 INDORSEMENT.

15       (c) ~~A person who takes the driving test required under~~  
16 ~~section 312f for a group B vehicle designation in a combination~~  
17 ~~of vehicles in which the towing vehicle has a gross vehicle~~  
18 ~~weight rating under 26,001 pounds shall not operate a single~~  
19 ~~vehicle having a gross vehicle weight rating of 26,001 pounds or~~  
20 ~~more, or any combination of vehicles if the towing vehicle has a~~  
21 ~~gross vehicle weight rating of 26,001 pounds or more.~~ A PERSON  
22 WHO FAILS THE AIR BRAKE PORTION OF THE WRITTEN OR DRIVING SKILLS  
23 TEST PROVIDED UNDER SECTION 312F OR WHO TAKES THE DRIVING SKILLS  
24 TEST PROVIDED UNDER THAT SECTION IN A COMMERCIAL MOTOR VEHICLE  
25 THAT IS NOT EQUIPPED WITH AIR BRAKES SHALL NOT OPERATE A COMMER-  
26 CIAL MOTOR VEHICLE EQUIPPED WITH AIR BRAKES.

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1           (5) ~~-(2)-~~ A person, before operating a commercial motor  
2 vehicle, SHALL OBTAIN REQUIRED VEHICLE INDORSEMENTS AS FOLLOWS:

3           (A) A PERSON, BEFORE OPERATING A COMMERCIAL MOTOR VEHICLE  
4 pulling double trailers, shall procure the appropriate vehicle  
5 group designation and a T vehicle indorsement under this act.

6           (B) A person, before operating a commercial motor vehicle  
7 that is a tank vehicle, shall procure the appropriate vehicle  
8 group designation and an N vehicle indorsement under this act.

9           (C) A person, before operating a commercial motor vehicle  
10 carrying hazardous materials on which a placard is required under  
11 49 C.F.R. parts 100 to 199, shall procure the appropriate vehicle  
12 group designation and an H vehicle indorsement under this act.

13           (D) A person, before operating a commercial motor vehicle  
14 that is a tank vehicle carrying hazardous material, shall procure  
15 the appropriate vehicle group designation and both an N and H  
16 vehicle indorsement, which ~~combination vehicle indorsement~~  
17 shall be designated by the code letter X on the person's  
18 operator's or chauffeur's license.

19           (E) A person, before operating a ~~bus, school bus, or school~~  
20 ~~transportation~~ vehicle DESIGNED TO TRANSPORT 16 OR MORE PASSEN-  
21 GERS INCLUDING THE DRIVER, shall procure the appropriate vehicle  
22 group designation and a P vehicle indorsement under this act. ~~-A~~  
23 ~~person who fails the air brake portion of the written or driving~~  
24 ~~tests provided under section 312f or who takes the driving test~~  
25 ~~provided under that section in a commercial motor vehicle that is~~  
26 ~~not equipped with air brakes shall not operate a commercial motor~~  
27 ~~vehicle equipped with air brakes. One or more indorsements may~~

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1 ~~be necessary to operate a commercial motor vehicle.~~ AN APPLICANT  
2 FOR A P VEHICLE INDORSEMENT SHALL TAKE THE DRIVING SKILLS TEST IN  
3 A VEHICLE DESIGNED TO TRANSPORT 16 OR MORE PASSENGERS INCLUDING  
4 THE DRIVER.

5 (6) An applicant for an indorsement shall take the knowledge  
6 and driving skills tests described and required pursuant to  
7 49 C.F.R. part 383. ~~Knowledge tests shall be limited to that~~  
8 ~~which a driver must have for the safe operation of a commercial~~  
9 ~~motor vehicle. The driver is not expected to have knowledge of~~  
10 ~~subjects, such as vehicle mechanics, that go beyond the scope of~~  
11 ~~the information necessary for safe operation of his or her com-~~  
12 ~~mmercial motor vehicle. An applicant for a P vehicle indorsement~~  
13 ~~shall take the driving skills test in a bus or school bus.~~

14 (7) ~~(3)~~ The holder of an unexpired operator's or  
15 chauffeur's license may be issued a vehicle group designation and  
16 indorsement valid for the remainder of the license upon meeting  
17 the qualifications of section 312f and payment of the original  
18 vehicle group designation fee of \$20.00 and an indorsement fee of  
19 \$5.00 per indorsement, ~~for a 4-year operator's or chauffeur's~~  
20 ~~license, payment of a vehicle group designation fee of \$20.00 for~~  
21 ~~a 2-year operator's or chauffeur's license under section 314b and~~  
22 ~~an indorsement fee of \$5.00 per indorsement,~~ and a corrected  
23 license fee of \$6.00. A person required to procure an F vehicle  
24 indorsement pursuant to subsection ~~(5)~~ (9) shall pay an  
25 indorsement fee of \$5.00.

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1           (8) ~~-(4)-~~ Except as otherwise provided in subsections ~~-(5)-~~  
2           (9) and ~~-(6)-~~ (10), this section does not apply to a driver or  
3           operator of a vehicle under all of the following conditions:

4           (a) The vehicle is controlled and operated by a farmer or an  
5           employee or family member of the farmer.

6           (b) The vehicle is used to transport agricultural products,  
7           farm machinery, farm supplies, or a combination of these items,  
8           to or from a farm.

9           (c) The vehicle is not used in the operation of a common or  
10          contract motor carrier.

11          (d) The vehicle is operated within 150 miles of the farm.

12          (9) ~~-(5)-~~ A person, before driving or operating a combina-  
13          tion of vehicles having a gross vehicle weight rating of 26,001  
14          pounds or more on the power unit that is used as described in  
15          subsection ~~-(4)(a)-~~ (8)(A) to (d), shall obtain an F vehicle  
16          indorsement. The F vehicle indorsement shall be issued upon suc-  
17          cessful completion of a knowledge test only.

18          (10) ~~-(6)-~~ A person, before driving or operating a single  
19          vehicle truck having a gross vehicle weight rating of 26,001  
20          pounds or more or a combination of vehicles having a gross vehi-  
21          cle weight rating of 26,001 pounds or more on the power unit that  
22          is used as described in subsection ~~-(4)(a)-~~ (8)(A) to (d) for  
23          carrying hazardous materials on which a placard is required under  
24          49 C.F.R. parts 100 to 199, shall successfully complete both a  
25          knowledge test and a driving skills test. Upon successful com-  
26          pletion of the knowledge test and driving skills test, the person

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1 shall be issued the appropriate vehicle group designation and any  
2 vehicle indorsement necessary under this act.

3 (11) ~~(7)~~ This section does not apply to a police officer  
4 operating an authorized emergency vehicle or to a firefighter  
5 operating an authorized emergency vehicle who has met the driver  
6 training standards of the Michigan fire fighters' training  
7 council.

8 (12) ~~(8)~~ This section does not apply to a person operating  
9 a motor home or a vehicle used exclusively to transport personal  
10 possessions or family members for nonbusiness purposes.

11 (13) ~~(9)~~ The money received and collected under subsection  
12 ~~(3)~~ (7) for a vehicle group designation or indorsement shall be  
13 deposited in the state treasury to the credit of the general  
14 fund. The secretary of state shall refund out of the fees col-  
15 lected to each county or municipality acting as an examining  
16 officer or examining bureau \$3.00 for each applicant examined for  
17 a first designation or indorsement to ~~a 4-year~~ AN operator's or  
18 chauffeur's license ~~, \$2.50 for each original designation or~~  
19 ~~indorsement to a 2-year operator's or chauffeur's license,~~ AND  
20 \$1.50 for each renewal designation or indorsement to ~~a 2- or~~  
21 ~~4-year~~ AN operator's or chauffeur's license, whose application  
22 is not denied, on the condition that the money refunded shall be  
23 paid to the county or local treasurer and is appropriated to the  
24 county, municipality, or officer or bureau receiving that money  
25 for the purpose of carrying out this act.

26 (14) ~~(10)~~ Notwithstanding any other provision of this  
27 section, a person operating a vehicle described in subsections

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1 ~~(4)~~ (8) and ~~(5)~~ (9) is subject to the provisions of  
2 sections 303 and 319b.

3       Sec. 312f. (1) Except as otherwise provided in this sec-  
4 tion, a person shall be at least 18 years of age before he or she  
5 is issued a vehicle group designation or indorsement, other than  
6 a motorcycle indorsement, on an operator's or chauffeur's license  
7 and, as provided in this section, the person shall pass knowledge  
8 and driving skills tests that comply with minimum federal stan-  
9 dards prescribed in 49 C.F.R. part 383. A person operating a  
10 vehicle to be used for farming purposes only may obtain ~~a group~~  
11 ~~A, a group B,~~ AN A OR B VEHICLE GROUP DESIGNATION or an F vehi-  
12 cle ~~group designation~~ INDORSEMENT if he or she is at least 16  
13 years of age. Each written examination given an applicant for a  
14 vehicle group designation or indorsement ~~on an operator's or~~  
15 ~~chauffeur's license~~ shall include subjects designed to cover the  
16 type or general class of vehicle to be operated. A person shall  
17 pass an examination that includes a driving SKILLS test designed  
18 to test competency of the applicant for an original vehicle group  
19 designation and passenger indorsement on an operator's or  
20 chauffeur's license to drive that type or general class of vehi-  
21 cle upon the highways of this state with safety to ~~that person~~  
22 ~~and other~~ persons and property. The secretary of state shall  
23 waive the driving skills test for a person operating a vehicle  
24 that is used under the conditions described in section  
25 ~~312e(4)(a)~~ 312E(8)(A) to (d) unless the vehicle has a gross  
26 vehicle weight rating of 26,001 pounds or more on the power unit  
27 and is to be used to carry hazardous materials on which a placard

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1 is required under 49 C.F.R. parts 100 to 199. The driving SKILLS  
2 test may be waived if the applicant has a valid license ~~—~~,  
3 ~~indorsement, or vehicle group designation to operate that type or~~  
4 ~~group of vehicle in another state, except that the driving test~~  
5 ~~for a vehicle group designation or passenger vehicle indorsement~~  
6 ~~may not be waived unless the applicant has a valid license with~~  
7 ~~the appropriate vehicle group designation or passenger vehicle~~  
8 ~~indorsement in another state issued in compliance with the com-~~  
9 ~~mmercial motor vehicle safety act of 1986, title XII of Public Law~~  
10 ~~99-570, 100 Stat. 3207-170~~ CHAPTER 313 OF TITLE 49 OF THE UNITED  
11 STATES CODE, 49 U.S.C. 31301 TO 31317.

12 (2) ~~The~~ EXCEPT FOR A PERSON WHO HAS HELD AN OPERATOR'S OR  
13 CHAUFFEUR'S LICENSE FOR LESS THAN 1 YEAR, THE secretary of state  
14 shall waive the knowledge test and the driving skills test and  
15 issue a 1-year seasonal restricted vehicle group designation  
16 ~~for~~ TO an otherwise qualified ~~person who desires~~ APPLICANT to  
17 operate a group B or a group C vehicle for a farm related service  
18 industry ~~under~~ IF ALL OF the following conditions ARE MET:

19 ~~(a) An applicant shall possess a good driving record.~~  
20 ~~However, an applicant who has not held an operator's or~~  
21 ~~chauffeur's license for at least 1 year is not eligible for a~~  
22 ~~waiver. An applicant who has between 1 and 2 years of driving~~  
23 ~~experience shall possess a good driving record for his or her~~  
24 ~~entire driving history. An applicant who has more than 2 years~~  
25 ~~of driving experience shall possess a good driving record for the~~  
26 ~~2 years immediately preceding application for a waiver.~~

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1       ~~(b) The seasons for which the seasonal restricted vehicle~~  
2 ~~group designation is issued shall be from April 2 to June 30 and~~  
3 ~~from September 2 to November 30 only of a 12-month period or, at~~  
4 ~~the option of the applicant, for not more than 180 days from the~~  
5 ~~date of issuance in a 12-month period subsequent to 1992. A sea-~~  
6 ~~sonal restricted vehicle group designation under this subsection~~  
7 ~~shall be issued, suspended, revoked, canceled, or renewed in~~  
8 ~~accordance with this act. The good driving record shall be con-~~  
9 ~~firmed before each season and 180-day period.~~

10       (A) THE APPLICANT MEETS 1 OF THE FOLLOWING:

11       (i) AN APPLICANT WHO HAS BETWEEN 1 AND 2 YEARS OF DRIVING  
12 EXPERIENCE SHALL POSSESS A GOOD DRIVING RECORD FOR HIS OR HER  
13 ENTIRE DRIVING HISTORY.

14       (ii) AN APPLICANT WHO HAS MORE THAN 2 YEARS OF DRIVING  
15 EXPERIENCE SHALL POSSESS A GOOD DRIVING RECORD FOR THE 2 YEARS  
16 IMMEDIATELY PRECEDING APPLICATION.

17       (B) THE SEASONS FOR WHICH THE SEASONAL RESTRICTED VEHICLE  
18 GROUP DESIGNATION IS ISSUED SHALL BE FROM APRIL 2 TO JUNE 30 AND  
19 FROM SEPTEMBER 2 TO NOVEMBER 30 ONLY OF A 12-MONTH PERIOD OR, AT  
20 THE OPTION OF THE APPLICANT, FOR NOT MORE THAN 180 DAYS FROM THE  
21 DATE OF ISSUANCE IN A 12-MONTH PERIOD. THE GOOD DRIVING RECORD  
22 SHALL BE CONFIRMED BEFORE EACH SEASON AND 180-DAY PERIOD.

23       (c) The commercial motor vehicle for which the seasonal  
24 restricted vehicle group designation is issued shall be operated  
25 only ~~on routes within 150 miles from the place of business to~~  
26 ~~the farm or farms being served.~~ IF ALL THE FOLLOWING CONDITIONS  
27 ARE MET:

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1       ~~-(d) The commercial motor vehicle for which the seasonal~~  
2 ~~restricted vehicle group designation is issued shall not trans-~~  
3 ~~port a quantity of hazardous materials on which a placard is~~  
4 ~~required except for the following:~~

5       ~~(i) Diesel motor fuel in quantities of 1,000 gallons or~~  
6 ~~less.~~

7       ~~(ii) Liquid fertilizers in quantities of 3,000 gallons or~~  
8 ~~less.~~

9       ~~(iii) Solid fertilizers that are not transported with any~~  
10 ~~organic substance.~~

11       ~~(e) The commercial motor vehicle for which a seasonal~~  
12 ~~restricted vehicle group designation is issued shall not include~~  
13 ~~a bus or school bus.~~

14       (i) THE COMMERCIAL MOTOR VEHICLE IS OPERATED ONLY ON ROUTES  
15 WITHIN 150 MILES FROM THE PLACE OF BUSINESS TO THE FARM OR FARMS  
16 BEING SERVED.

17       (ii) THE COMMERCIAL MOTOR VEHICLE DOES NOT TRANSPORT A QUAN-  
18 TITY OF HAZARDOUS MATERIALS ON WHICH A PLACARD IS REQUIRED EXCEPT  
19 FOR THE FOLLOWING:

20       (A) DIESEL MOTOR FUEL IN QUANTITIES OF 1,000 GALLONS OR  
21 LESS.

22       (B) LIQUID FERTILIZERS IN QUANTITIES OF 3,000 GALLONS OR  
23 LESS.

24       (C) SOLID FERTILIZERS THAT ARE NOT TRANSPORTED WITH ANY  
25 ORGANIC SUBSTANCE.

26       (iii) THE COMMERCIAL MOTOR VEHICLE DOES NOT REQUIRE THE H,  
27 N, P, T, OR X VEHICLE INDORSEMENT.

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1           (3) A SEASONAL RESTRICTED VEHICLE GROUP DESIGNATION UNDER  
2 THIS SUBSECTION SHALL BE ISSUED, SUSPENDED, REVOKED, CANCELED, OR  
3 RENEWED IN ACCORDANCE WITH THIS ACT.

4           (4) ~~-(3)-~~ The secretary of state may enter into an agreement  
5 with another public or private person or agency to conduct a  
6 skills test required under this section, section 312e, or  
7 49 C.F.R. part 383.

8           (5) ~~-(4)-~~ The secretary of state shall not issue a vehicle  
9 group designation or a vehicle indorsement to an applicant for an  
10 original vehicle group designation or vehicle indorsement under  
11 section 312e to whom 1 or more of the following apply:

12           (a) The applicant has had his or her license suspended or  
13 revoked for a reason other than as provided in section 321a, 515,  
14 or 801c in the 36 months immediately preceding application,  
15 except that a vehicle group designation may be issued if the sus-  
16 pension or revocation was due to a temporary medical condition or  
17 failure to appear at a reexamination as provided in section 320.

18           (b) The applicant was convicted of or incurred a bond for-  
19 feiture in relation to a 6-point violation as provided in section  
20 320a in the 24 months immediately preceding application, or a  
21 violation of section 625(3) or former section 625b, or a local  
22 ordinance substantially corresponding to section 625(3) or former  
23 section 625b in the 24 months immediately preceding application,  
24 if the violation occurred while the applicant was operating a  
25 ~~type of vehicle that is operated under a vehicle group~~  
26 ~~designation~~ COMMERCIAL MOTOR VEHICLE.

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1           (c) The applicant is listed on the national driver register,  
2 the commercial driver license information system, or the driving  
3 records of the state in which the applicant was previously  
4 licensed as being disqualified from operating a commercial motor  
5 vehicle or as having a license OR DRIVING PRIVILEGE suspended,  
6 revoked, canceled, or denied.

7           (d) The applicant is listed on the national driver register,  
8 the commercial driver license information system, or the driving  
9 records of the state in which the applicant was previously  
10 licensed as having had a license suspended, revoked, or canceled  
11 in the 36 months immediately preceding application if a suspen-  
12 sion or revocation would have been imposed under this act had the  
13 applicant been licensed in this state in the original instance.  
14 This subdivision does not apply to a suspension or revocation  
15 that would have been imposed due to a temporary medical condition  
16 or pursuant to section 321a, 515, or 801c.

17           (e) The applicant is subject to a suspension or revocation  
18 under section 319b or would have been subject to a suspension or  
19 revocation under section 319b if the applicant had been issued a  
20 vehicle group designation or vehicle indorsement.

21           (f) The applicant has been disqualified from operating a  
22 commercial motor vehicle under ~~title XII of Public Law 99-570,~~  
23 ~~100 Stat. 3207-170~~ CHAPTER 313 OF TITLE 49 OF THE UNITED STATES  
24 CODE, 49 U.S.C. 31301 TO 31317 or the applicant's license to  
25 operate a commercial motor vehicle has been suspended, revoked,  
26 denied, or canceled within 36 months immediately preceding the  
27 date of application.

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1           (6) THE SECRETARY OF STATE SHALL NOT ISSUE A VEHICLE GROUP  
2 DESIGNATION TO AN APPLICANT TO RENEW OR UPGRADE A VEHICLE GROUP  
3 DESIGNATION IF THE APPLICANT IS LISTED ON THE NATIONAL DRIVER  
4 REGISTER OR THE COMMERCIAL DRIVER LICENSE INFORMATION SYSTEM AS  
5 BEING DISQUALIFIED FROM OPERATING A COMMERCIAL MOTOR VEHICLE OR  
6 AS HAVING A DRIVER LICENSE OR DRIVING PRIVILEGE SUSPENDED,  
7 REVOKED, CANCELED, OR DENIED.

8           (7) ~~(5)~~ The secretary of state shall only consider bond  
9 forfeitures under subsection ~~(4)(b)~~ (5)(B) for violations that  
10 occurred on or after January 1, 1990 when determining the appli-  
11 cability of subsection ~~(4)~~ (5).

12           (8) ~~(6)~~ If an applicant for an original vehicle group des-  
13 ignation was previously licensed in another jurisdiction, the  
14 secretary of state shall request a copy of the applicant's driv-  
15 ing record from that jurisdiction. If 1 or more of the condi-  
16 tions described in subsection ~~(4)~~ (5) exist in that jurisdic-  
17 tion when the secretary of state receives the copy, the secretary  
18 of state shall cancel all vehicle group designations on the  
19 person's operator's or chauffeur's license.

20           (9) THE SECRETARY OF STATE SHALL CANCEL ALL VEHICLE GROUP  
21 DESIGNATIONS ON A PERSON'S OPERATOR'S OR CHAUFFEUR'S LICENSE UPON  
22 RECEIVING NOTICE FROM THE NATIONAL DRIVER REGISTER, THE COMMER-  
23 CIAL DRIVER LICENSE SYSTEM, OR ANOTHER STATE OR JURISDICTION THAT  
24 1 OR MORE OF THE CONDITIONS DESCRIBED IN SUBSECTION (5) EXISTED  
25 AT THE TIME OF THE PERSON'S APPLICATION IN THIS STATE.

26           (10) THE SECRETARY OF STATE SHALL CANCEL ALL VEHICLE GROUP  
27 DESIGNATIONS ON THE PERSON'S OPERATOR'S OR CHAUFFEUR'S LICENSE

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1 UPON RECEIVING PROPER NOTICE THAT THE PERSON NO LONGER MEETS THE  
2 FEDERAL DRIVER QUALIFICATION REQUIREMENTS UNDER 49  
3 C.F.R. PART 391 TO OPERATE A COMMERCIAL MOTOR VEHICLE IN INTER-  
4 STATE COMMERCE, OR THE PERSON NO LONGER MEETS THE DRIVER QUALIFI-  
5 CATION REQUIREMENTS TO OPERATE A COMMERCIAL MOTOR VEHICLE IN  
6 INTRASTATE COMMERCE UNDER THE MOTOR CARRIER SAFETY ACT OF 1963,  
7 1963 PA 181, MCL 480.11 TO 480.22.

8 (11) ~~(7)~~ Subsection ~~(4)(a)~~ (5)(A), (b), (d), and (f) do  
9 not apply to an applicant for an original vehicle group designa-  
10 tion who at the time of application has a valid ~~class 1, class~~  
11 ~~2, or class 3 indorsement under this act or a valid~~ license to  
12 operate a commercial motor vehicle issued by any state in compli-  
13 ance with ~~title XII of Public Law 99-570~~ CHAPTER 313 OF TITLE  
14 49 OF THE UNITED STATES CODE, 49 U.S.C. 31301 TO 31317.

15 (12) ~~(8)~~ As used in this section:

16 (a) "Farm related service industry" means custom harvesters,  
17 farm retail outlets and suppliers, agri-chemical business, or  
18 livestock feeders.

19 (b) "Good driving record" means the criteria required under  
20 regulations described at 49 C.F.R. 383.77 and 57 F.R. 75, P.  
21 13650 (April 17, 1992).

22 Sec. 319. (1) The secretary of state shall immediately sus-  
23 pend a person's license as provided in this section upon receiv-  
24 ing a record of the person's conviction for a crime described in  
25 this section, whether the conviction is under a law of this  
26 state, a local ordinance substantially corresponding to a law of

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1 this state, or a law of another state substantially corresponding  
2 to a law of this state.

3 (2) The secretary of state shall suspend the person's  
4 license for 1 year for any of the following crimes:

5 (a) Fraudulently altering or forging documents pertaining to  
6 motor vehicles in violation of section 257.

7 (b) A violation of section 413 of the Michigan penal code,  
8 1931 PA 328, MCL 750.413.

9 (c) A violation of section 1 of former 1931 PA 214,  
10 MCL 752.191, or section 626c.

11 (d) A felony in which a motor vehicle was used. As used in  
12 this section, "felony in which a motor vehicle was used" means a  
13 felony during the commission of which the person convicted oper-  
14 ated a motor vehicle and while operating the vehicle presented  
15 real or potential harm to persons or property and 1 or more of  
16 the following circumstances existed:

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

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

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

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

23 (e) A violation of section 602a(2) or (3) of this act or  
24 section 479a(2) or (3) of the Michigan penal code, 1931 PA 328,  
25 MCL 750.479a.

26 (3) The secretary of state shall suspend the person's  
27 license for 90 days for any of the following crimes:

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1 (a) Failing to stop and disclose identity at the scene of an  
2 accident resulting in injury in violation of section 617a.

3 (b) A violation of section 601b(2), section 601c(1), section  
4 626, or section 653a(3).

5 (c) Malicious destruction resulting from the operation of a  
6 vehicle under section 382(1)(b), (c), or (d) of the Michigan  
7 penal code, 1931 PA 328, MCL 750.382.

8 (d) A violation of section 703(2) of the Michigan liquor  
9 control code of 1998, 1998 PA 58, MCL 436.1703.

10 (4) The secretary of state shall suspend the person's  
11 license for 30 days for malicious destruction resulting from the  
12 operation of a vehicle under section 382(1)(a) of the Michigan  
13 penal code, 1931 PA 328, MCL 750.382.

14 (5) For perjury or making a false certification to the sec-  
15 retary of state under any law requiring the registration of a  
16 motor vehicle or regulating the operation of a vehicle on a high-  
17 way, or for conduct prohibited under section 324(1) or a local  
18 ordinance substantially corresponding to section 324(1), the sec-  
19 retary shall suspend the person's license as follows:

20 (a) If the person has no prior conviction for an offense  
21 described in this subsection within 7 years, for 90 days.

22 (b) If the person has 1 or more prior convictions for an  
23 offense described in this subsection within 7 years, for 1 year.

24 (6) For a violation of section 414 of the Michigan penal  
25 code, 1931 PA 328, MCL 750.414, the secretary of state shall sus-  
26 pend the person's license as follows:

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1 (a) If the person has no prior conviction for that offense  
2 within 7 years, for 90 days.

3 (b) If the person has 1 or more prior convictions for that  
4 offense within 7 years, for 1 year.

5 (7) For a violation of section 624a or 624b of this act or  
6 section 703(1) of the Michigan liquor control code of 1998, 1998  
7 PA 58, MCL 436.1703, the secretary of state shall suspend the  
8 person's license as follows:

9 (a) If the person has 1 prior conviction for an offense  
10 described in this subsection or section 33b(1) of former 1933 (Ex  
11 Sess) PA 8, for 90 days. The secretary of state may issue the  
12 person a restricted license after the first 30 days of  
13 suspension.

14 (b) If the person has 2 or more prior convictions for an  
15 offense described in this subsection or section 33b(1) of former  
16 1933 (Ex Sess) PA 8, for 1 year. The secretary of state may  
17 issue the person a restricted license after the first 60 days of  
18 suspension.

19 (8) The secretary of state shall suspend the person's  
20 license for a violation of section 625 or 625m as follows:

21 (a) For 180 days for a violation of section 625(1) if the  
22 person has no prior convictions within 7 years. The secretary of  
23 state may issue the person a restricted license during all or a  
24 specified portion of the suspension, except that the secretary of  
25 state shall not issue a restricted license during the first 30  
26 days of suspension.

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1           (b) For 90 days for a violation of section 625(3) if the  
2 person has no prior convictions within 7 years. However, if the  
3 person is convicted of a violation of section 625(3), for operat-  
4 ing a vehicle when, due to the consumption of a controlled sub-  
5 stance or a combination of intoxicating liquor and a controlled  
6 substance, the person's ability to operate the vehicle was visi-  
7 bly impaired, the secretary of state shall suspend the person's  
8 license under this subdivision for 180 days. The secretary of  
9 state may issue the person a restricted license during all or a  
10 specified portion of the suspension.

11           (c) For 30 days for a violation of section 625(6) if the  
12 person has no prior convictions within 7 years. The secretary of  
13 state may issue the person a restricted license during all or a  
14 specified portion of the suspension.

15           (d) For 90 days for a violation of section 625(6) if the  
16 person has 1 or more prior convictions for that offense within 7  
17 years.

18           (e) For 180 days for a violation of section 625(7) if the  
19 person has no prior convictions within 7 years. The secretary of  
20 state may issue the person a restricted license after the first  
21 90 days of suspension.

22           (f) For 90 days for a violation of section 625m if the  
23 person has no prior convictions within 7 years. The secretary of  
24 state may issue the person a restricted license during all or a  
25 specified portion of the suspension.

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1           (9) For a violation of section 367c of the Michigan penal  
2 code, 1931 PA 328, MCL 750.367c, the secretary of state shall  
3 suspend the person's license as follows:

4           (a) If the person has no prior conviction for an offense  
5 described in this subsection within 7 years, for 6 months.

6           (b) If the person has 1 or more convictions for an offense  
7 described in this subsection within 7 years, for 1 year.

8           (10) For a violation of section 315(4), the secretary of  
9 state may suspend the person's license for 6 months.

10           (11) Except as provided in subsection (13), a suspension  
11 under this section shall be imposed notwithstanding a court order  
12 unless the court order complies with section 323.

13           (12) If the secretary of state receives records of more than  
14 1 conviction of a person resulting from the same incident, a sus-  
15 pension shall be imposed only for the violation to which the  
16 longest period of suspension applies under this section.

17           (13) The secretary of state may waive a RESTRICTION,  
18 suspension, OR REVOCATION of a person's license imposed under  
19 this act if the person submits proof that a court in another  
20 state revoked, suspended, or restricted his or her license for a  
21 period equal to or greater than the period of a RESTRICTION,  
22 suspension, OR REVOCATION prescribed under this act for the vio-  
23 lation and that the revocation, suspension, or restriction was  
24 served for the violation, or may grant a restricted license.

25           (14) The secretary of state shall not issue a restricted  
26 license to a person whose license is suspended under this section

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1 unless a restricted license is authorized under this section and  
2 the person is otherwise eligible for a license.

3 (15) The secretary of state shall not issue a restricted  
4 license to a person under subsection (8) that would permit the  
5 person to operate a commercial motor vehicle that ~~hauls~~  
6 TRANSPORTS hazardous material IN AMOUNTS REQUIRING A PLACARD  
7 UNDER THE HAZARDOUS MATERIALS REGULATIONS, 49 C.F.R. PARTS 100 TO  
8 199.

9 (16) A restricted license issued under this section shall  
10 permit the person to whom it is issued to drive under 1 or more  
11 of the following circumstances:

12 (a) In the course of the person's employment or occupation.

13 (b) To and from any combination of the following:

14 (i) The person's residence.

15 (ii) The person's work location.

16 (iii) An alcohol or drug education or treatment program as  
17 ordered by the court.

18 (iv) The court probation department.

19 (v) A court-ordered community service program.

20 (vi) An educational institution at which the person is  
21 enrolled as a student.

22 (vii) A place of regularly occurring medical treatment for a  
23 serious condition for the person or a member of the person's  
24 household or immediate family.

25 (17) While driving with a restricted license, the person  
26 shall carry proof of his or her destination and the hours of any

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1 employment, class, or other reason for traveling and shall  
2 display that proof upon a peace officer's request.

3 (18) Subject to subsection (20), as used in subsection (8),  
4 "prior conviction" means a conviction for any of the following,  
5 whether under a law of this state, a local ordinance substan-  
6 tially corresponding to a law of this state, or a law of another  
7 state substantially corresponding to a law of this state:

8 (a) Except as provided in subsection (19), a violation or  
9 attempted violation of section 625(1), (3), (4), (5), (6), or  
10 (7), section 625m, former section 625(1) or (2), or former sec-  
11 tion 625b.

12 (b) Negligent homicide, manslaughter, or murder resulting  
13 from the operation of a vehicle or an attempt to commit any of  
14 those crimes.

15 (19) Except for purposes of the suspensions described in  
16 subsection (8)(c) and (d), only 1 violation or attempted viola-  
17 tion of section 625(6), a local ordinance substantially corre-  
18 sponding to section 625(6), or a law of another state substan-  
19 tially corresponding to section 625(6) may be used as a prior  
20 conviction.

21 (20) If 2 or more convictions described in subsection (18)  
22 are convictions for violations arising out of the same transac-  
23 tion, only 1 conviction shall be used to determine whether the  
24 person has a prior conviction.

25 Sec. 319b. (1) The secretary of state shall immediately  
26 suspend or revoke, as applicable, all vehicle group designations  
27 on the operator's or chauffeur's license of a person upon

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1 receiving notice of a conviction, bond forfeiture, or civil  
2 infraction determination of the person, or notice that a court or  
3 administrative tribunal has found the person responsible, for a  
4 violation described in this subsection of a law of this state, a  
5 local ordinance substantially corresponding to a law of this  
6 state, or a law of another state substantially corresponding to a  
7 law of this state, or notice that the person has refused to  
8 submit to a chemical test of his or her blood, breath, or urine  
9 for the purpose of determining the amount of alcohol or presence  
10 of a controlled substance or both in the person's blood, breath,  
11 or urine while the person was operating a commercial motor vehi-  
12 cle as required by a law or local ordinance of this or another  
13 state. The period of suspension or revocation is as follows:

14 ~~(a) Suspension for 60 days if the licensee is convicted of~~  
15 ~~or found responsible for 2 serious traffic violations while oper-~~  
16 ~~ating a commercial motor vehicle arising from separate incidents~~  
17 ~~within 36 months.~~

18 ~~(b) Suspension for 120 days if the licensee is convicted of~~  
19 ~~or found responsible for 3 serious traffic violations while oper-~~  
20 ~~ating a commercial motor vehicle arising from separate incidents~~  
21 ~~within 36 months.~~

22 (A) SUSPENSION FOR 60 DAYS IF THE LICENSEE IS CONVICTED OF  
23 OR FOUND RESPONSIBLE FOR 1 OF THE FOLLOWING WHILE OPERATING A  
24 COMMERCIAL MOTOR VEHICLE:

25 (i) TWO SERIOUS TRAFFIC VIOLATIONS ARISING FROM SEPARATE  
26 INCIDENTS WITHIN 36 MONTHS.

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1 (ii) A VIOLATION OF SECTION 667, 668, 669, OR 669A.

2 (iii) A VIOLATION OF MOTOR CARRIER SAFETY REGULATIONS 49  
3 C.F.R. 392.10 OR 392.11, AS ADOPTED BY SECTION 1A OF THE MOTOR  
4 CARRIER SAFETY ACT OF 1963, 1963 PA 181, MCL 480.11A.

5 (iv) A VIOLATION OF SECTION 57 OF THE PUPIL TRANSPORTATION  
6 ACT, 1990 PA 187, MCL 257.1857.

7 (v) A VIOLATION OF MOTOR CARRIER SAFETY REGULATIONS 49  
8 C.F.R. 392.10 OR 392.11, AS ADOPTED BY SECTION 31 OF THE MOTOR  
9 BUS TRANSPORTATION ACT, 1982 PA 432, MCL 474.131.

10 (vi) A VIOLATION OF MOTOR CARRIER SAFETY REGULATIONS 49  
11 C.F.R. 392.10 OR 392.11 WHILE OPERATING A COMMERCIAL MOTOR VEHI-  
12 CLE OTHER THAN A VEHICLE COVERED UNDER SUBPARAGRAPH (iii), (iv),  
13 OR (v).

14 (B) SUSPENSION FOR 120 DAYS IF THE LICENSEE IS CONVICTED OF  
15 OR FOUND RESPONSIBLE FOR 1 OF THE FOLLOWING ARISING FROM SEPARATE  
16 INCIDENTS WITHIN 36 MONTHS WHILE OPERATING A COMMERCIAL MOTOR  
17 VEHICLE:

18 (i) THREE SERIOUS TRAFFIC VIOLATIONS.

19 (ii) ANY COMBINATION OF 2 VIOLATIONS DESCRIBED IN  
20 SUBDIVISION (A)(ii).

21 (c) Suspension for 1 year if the licensee is convicted of or  
22 found responsible for 1 of the following:

23 (i) A violation of section 625(1), (3), (4), (5), (6), or  
24 (7), section 625m, or former section 625(1) or (2), or former  
25 section 625b, ~~or a local ordinance substantially corresponding~~  
26 ~~to section 625(1) or (3), section 625m, or former section 625(1)~~  
27 ~~or (2), or former section 625b, or a law of another state~~

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1 ~~substantially corresponding to section 625(1), (3), (4), (5),~~  
2 ~~(6), or (7), section 625m, or former section 625(1) or (2), or~~  
3 ~~former section 625b,~~ while operating a commercial motor  
4 vehicle.

5 (ii) Leaving the scene of an accident involving a commercial  
6 motor vehicle operated by the licensee.

7 (iii) A felony in which a commercial motor vehicle was  
8 used.

9 (iv) A refusal of a peace officer's request to submit to a  
10 chemical test of his or her blood, breath, or urine to determine  
11 the amount of alcohol or presence of a controlled substance or  
12 both in his or her blood, breath, or urine while he or she was  
13 operating a commercial motor vehicle as required by a law or  
14 local ordinance of this state or another state.

15 (v) A 6-point violation as provided in section 320a while  
16 operating a commercial motor vehicle.

17 (vi) ANY COMBINATION OF 3 VIOLATIONS DESCRIBED IN SUBDIVI-  
18 SION (A)(ii) ARISING FROM SEPARATE INCIDENTS WITHIN 36 MONTHS  
19 WHILE OPERATING A COMMERCIAL MOTOR VEHICLE.

20 (d) Suspension for 3 years if the licensee is convicted of  
21 or found responsible for an offense enumerated in subdivision  
22 (c)(i) to (v) in which a commercial motor vehicle was used if the  
23 vehicle was carrying hazardous material required to have a plac-  
24 ard pursuant to 49 C.F.R. parts 100 to 199.

25 (e) Revocation for not less than 10 years and until the  
26 person is approved for the issuance of a vehicle group

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1 designation if a licensee is convicted of or found responsible  
2 for 1 of the following:

3       (i) Any combination of 2 violations arising from 2 or more  
4 separate incidents under section 625(1), (3), (4), (5), (6), or  
5 (7), section 625m, or former section 625(1) or (2), or former  
6 section 625b, ~~a local ordinance substantially corresponding to~~  
7 ~~section 625(1) or (3), section 625m, or former section 625(1) or~~  
8 ~~(2), or former section 625b, or a law of another state substan-~~  
9 ~~tially corresponding to section 625(1), (3), (4), (5), (6), or~~  
10 ~~(7), section 625m, or former section 625(1) or (2), or former~~  
11 ~~section 625b~~ while driving a commercial motor vehicle.

12       (ii) Two violations of leaving the scene of an accident  
13 involving a commercial motor vehicle operated by the licensee.

14       (iii) Two violations of a felony in which a commercial motor  
15 vehicle was used.

16       (iv) Two refusals of a request of a police officer to submit  
17 to a chemical test of his or her blood, breath, or urine for the  
18 purpose of determining the amount of alcohol or presence of a  
19 controlled substance or both in his or her blood while he or she  
20 was operating a commercial motor vehicle in this state or another  
21 state, which refusals occurred in separate incidents.

22       (v) Two 6-point violations as provided in section 320a while  
23 operating a commercial motor vehicle.

24       (vi) Two violations, in any combination, of the offenses  
25 enumerated under subparagraph (i), (ii), (iii), (iv), or (v)  
26 arising from 2 or more separate incidents.

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1 (f) Revocation for life if a licensee is convicted of or  
2 found responsible for any of the following:

3 (i) One violation of a felony in which a commercial motor  
4 vehicle was used and that involved the manufacture, distribution,  
5 or dispensing of a controlled substance or possession with intent  
6 to manufacture, distribute, or dispense a controlled substance.

7 (ii) A conviction of any offense described in  
8 subdivision (c) or (d) after having been approved for the issu-  
9 ance of a vehicle group designation under subdivision (e).

10 (iii) A conviction of a violation of chapter LXXXIII-A of  
11 the Michigan penal code, 1931 PA 328, MCL 750.543a to 750.543z.

12 (2) The secretary of state shall immediately revoke for life  
13 the hazardous material indorsement (H vehicle indorsement) on the  
14 operator's or chauffeur's license of a person with a vehicle  
15 group designation upon receiving notice from the U.S. department  
16 of transportation that the person poses a security risk warrant-  
17 ing denial under the uniting and strengthening America by provid-  
18 ing appropriate tools required to intercept and obstruct terror-  
19 ism (USA PATRIOT ACT) act of 2001, Public Law 107-56, 115  
20 Stat. 272.

21 (3) The secretary of state shall immediately suspend all  
22 vehicle group designations on the operator's or chauffeur's  
23 license of a person upon receiving notice of a conviction, bond  
24 forfeiture, or civil infraction determination of the person, or  
25 notice that a court or administrative tribunal has found the  
26 person responsible, for a violation of section 319d(4) or 319f, a  
27 local ordinance substantially corresponding to section 319d(4) or

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1 319f, or a law or local ordinance of another state, the United  
2 States, Canada, Mexico, or a local jurisdiction of either of  
3 these countries substantially corresponding to section 319d(4) or  
4 319f, while operating a commercial motor vehicle. ~~as defined in~~  
5 ~~section 7a.~~ The period of suspension or revocation is as  
6 follows:

7 (a) Suspension for 90 days if the licensee is convicted of  
8 or found responsible for a violation of section 319d(4) or 319f  
9 while operating a commercial motor vehicle.

10 (b) Suspension for 180 days if the licensee is convicted of  
11 or found responsible for a violation of section 319d(4) or 319f  
12 while operating a commercial motor vehicle that is either carry-  
13 ing hazardous material required to have a placard pursuant to 49  
14 C.F.R. parts 100 to 199 or designed to carry 16 or more passen-  
15 gers, including the driver.

16 (c) Suspension for 1 year if the licensee is convicted of or  
17 found responsible for 2 violations, in any combination, of sec-  
18 tion 319d(4) or 319f while operating a commercial motor vehicle  
19 arising from 2 or more separate incidents during a 10-year  
20 period.

21 (d) Suspension for 3 years if the licensee is convicted of  
22 or found responsible for 3 or more violations, in any combina-  
23 tion, of section 319d(4) or 319f while operating a commercial  
24 motor vehicle arising from 3 or more separate incidents during a  
25 10-year period.

26 (e) Suspension for 3 years if the licensee is convicted of  
27 or found responsible for 2 or more violations, in any

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1 combination, of section 319d(4) or 319f while operating a  
2 commercial motor vehicle carrying hazardous material required to  
3 have a placard pursuant to 49 C.F.R. parts 100 to 199, or  
4 designed to carry 16 or more passengers, including the driver,  
5 arising from 2 or more separate incidents during a 10-year  
6 period.

7 (4) As used in this section:

8 (a) "Felony in which a commercial motor vehicle was used"  
9 means a felony during the commission of which the person con-  
10 victed operated a commercial motor vehicle and while the person  
11 was operating the vehicle 1 or more of the following circum-  
12 stances existed:

13 (i) The vehicle was used as an instrument of the felony.

14 (ii) The vehicle was used to transport a victim of the  
15 felony.

16 (iii) The vehicle was used to flee the scene of the felony.

17 (iv) The vehicle was necessary for the commission of the  
18 felony.

19 (b) "Serious traffic violation" means a traffic violation  
20 that occurs in connection with an accident in which a person  
21 died, careless driving, excessive speeding as defined in ~~the~~  
22 ~~federal administrative~~ regulations promulgated ~~to implement the~~  
23 ~~commercial motor vehicle safety act of 1986, title XII of Public~~  
24 ~~Law 99-570, 100 Stat. 3207-170~~ UNDER CHAPTER 313 OF TITLE 49 OF  
25 THE UNITED STATES CODE, 49 U.S.C. 31301 TO 31317, improper lane  
26 use, following too closely, or any other serious traffic

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1 violation as defined in 49 C.F.R. 383.5 or as prescribed under  
2 this act.

3 (5) For the purpose of this section only, a bond forfeiture  
4 or a determination by a court of original jurisdiction or an  
5 authorized administrative tribunal that a person has violated the  
6 law is considered a conviction.

7 (6) The secretary of state shall suspend or revoke a vehicle  
8 group designation under subsection (1) notwithstanding a suspen-  
9 sion, restriction, revocation, or denial of an operator's or  
10 chauffeur's license or vehicle group designation under another  
11 section of this act or a court order issued under another section  
12 of this act or a local ordinance substantially corresponding to  
13 another section of this act.

14 (7) When determining the applicability of conditions listed  
15 in this section, the secretary of state shall only consider vio-  
16 lations that occurred after January 1, 1990.

17 Sec. 319c. (1) The secretary of state shall provide the  
18 United States department of transportation with the following  
19 information pertaining to an operator's or chauffeur's license  
20 with a vehicle group designation:

21 (a) A notice of the issuance of an operator's or chauffeur's  
22 ~~licensed~~ LICENSE with a vehicle group designation within 10  
23 days after the issuance of the license.

24 (b) A notice of a suspension, revocation, or denial of a  
25 license within 10 days after the suspension, revocation, or  
26 denial. If the licensee is a nonresident, a notice of the state

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1 ~~which~~ THAT issued the suspension, revocation, or denial of the  
2 license shall also be provided.

3 (2) Within 10 days after receiving a record of conviction,  
4 civil infraction determination, or forfeiture of bail in this  
5 state of a nonresident driver of a commercial motor vehicle for a  
6 violation under the motor vehicle laws of this state, other than  
7 a parking violation, the secretary of state shall notify the  
8 motor vehicle administrator or other appropriate officer in the  
9 state in which the person is licensed.

10 SEC. 319G. (1) AN EMPLOYER SHALL NOT KNOWINGLY ALLOW,  
11 PERMIT, AUTHORIZE, OR REQUIRE A DRIVER TO OPERATE A COMMERCIAL  
12 MOTOR VEHICLE IN VIOLATION OF ANY OF THE FOLLOWING:

13 (A) SECTION 667, 668, 669, OR 669A.

14 (B) MOTOR CARRIER SAFETY REGULATIONS 49 C.F.R. 392.10 OR  
15 392.11, AS ADOPTED BY SECTION 1A OF THE MOTOR CARRIER SAFETY ACT  
16 OF 1963, 1963 PA 181, MCL 480.11A.

17 (C) SECTION 57 OF THE PUPIL TRANSPORTATION ACT, 1990 PA 187,  
18 MCL 257.1857.

19 (D) MOTOR CARRIER SAFETY REGULATIONS 49 C.F.R. 392.10 OR  
20 392.11, AS ADOPTED BY SECTION 31 OF THE MOTOR BUS TRANSPORTATION  
21 ACT, 1982 PA 432, MCL 474.131.

22 (E) MOTOR CARRIER SAFETY REGULATIONS 49 C.F.R. 392.10 OR  
23 392.11 WHILE OPERATING A COMMERCIAL MOTOR VEHICLE OTHER THAN A  
24 VEHICLE COVERED UNDER SUBDIVISION (B), (C), OR (D).

25 (2) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A  
26 CIVIL INFRACTION.

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1           Sec. 321. ~~The department upon~~ UPON suspending or revoking  
2 a license, THE DEPARTMENT shall require that ~~such~~ THE license  
3 ~~shall~~ be surrendered to and be ~~retained~~ DESTROYED by the  
4 department. ~~, except that at~~ AT the end of the ~~period of~~ sus-  
5 pension ~~such license so surrendered shall be returned to the~~  
6 ~~licensee~~ PERIOD, THE LICENSEE MAY OBTAIN A REPLACEMENT LICENSE.

7           Sec. 321b. Any policeman, law enforcing agent, or judicial  
8 officer who is informed by an official communication from the  
9 secretary of state that the SECRETARY OF STATE HAS SUSPENDED OR  
10 REVOKED AN OPERATOR'S, MOPED, OR CHAUFFEUR'S license ~~of an oper-~~  
11 ~~ator or chauffeur has been suspended or revoked~~ under the provi-  
12 sions of this act, shall obtain ~~such~~ AND DESTROY THE suspended  
13 or revoked license. ~~from the operator or chauffeur and forward~~  
14 ~~it to the secretary of state.~~

15           Sec. 323c. (1) A person denied a license to operate a motor  
16 vehicle or whose license for that purpose has been suspended by  
17 the secretary of state under section 625f has a right to a review  
18 of the matter in circuit court as provided in sections 323 and  
19 323a. Except as provided in this section, the court may order  
20 the secretary of state to issue to the person a restricted  
21 license permitting the person to drive only to and from the  
22 person's residence and work location; in the course of the  
23 person's employment or occupation; to and from an alcohol or drug  
24 education program or treatment program as ordered by a court; to  
25 and from the person's residence and the court probation depart-  
26 ment, or a court-ordered community service program, or both; to  
27 and from the person's residence and an educational institution at

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1 which the person is enrolled as a student; or pursuant to a  
2 combination of these restrictions. If the denial, suspension, or  
3 revocation of a person's license or vehicle group designation  
4 under section 625f occurred in connection with the operation of a  
5 commercial motor vehicle, the court shall not order the secretary  
6 of state to issue a restricted license that would permit the  
7 person to operate a commercial motor vehicle. The court shall  
8 not order the secretary of state to issue a restricted OPERATOR'S  
9 OR chauffeur's license that would permit a person to operate a  
10 ~~truck or truck tractor, including a trailer, that hauls~~  
11 COMMERCIAL MOTOR VEHICLE HAULING hazardous material. The court  
12 shall not order the secretary of state to issue a restricted  
13 license unless the person states under oath and the court finds  
14 that the person is unable to take public transportation to and  
15 from his or her work location, place of alcohol or drug education  
16 or treatment, or educational institution, and does not have a  
17 family member or other person able to provide transportation.  
18 The court order and license shall indicate the person's work  
19 location and the approved route or routes and permitted times of  
20 travel. For purposes of this section, "work location" includes,  
21 as applicable, either or both of the following:  
22 (a) The specific place or places of employment.  
23 (b) The territory or territories regularly visited by the  
24 person in pursuance of the person's occupation.  
25 (2) If the person's license has been suspended pursuant to  
26 section 625f within the immediately preceding 7-year period, a  
27 restricted license shall not be issued.

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1 (3) Notwithstanding any other provision of this section, the  
2 court shall not issue a restricted license to a person who has  
3 accumulated over 24 points, as provided in section 320a, within  
4 the 2-year period preceding the date of the suspension of his or  
5 her license.

6 Sec. 667. (1) When a person driving a vehicle approaches a  
7 railroad grade crossing under any of the following circumstances,  
8 the driver shall stop the vehicle not more than 50 feet but not  
9 less than 15 feet from the nearest rail of the railroad, and  
10 shall not proceed until the driver can do so safely:

11 (a) A clearly visible electric or mechanical signal device  
12 gives warning of the immediate approach of a railroad train.

13 (b) A crossing gate is lowered or a flagman gives or contin-  
14 ues to give a signal of the approach or passage of a railroad  
15 train.

16 (c) A railroad train approaching within approximately 1,500  
17 feet of the highway crossing gives a signal audible from that  
18 distance, and the train by reason of its speed or nearness to the  
19 crossing is an immediate hazard.

20 (d) An approaching railroad train is plainly visible and is  
21 in hazardous proximity to the crossing.

22 (2) A person shall not drive a vehicle through, around, or  
23 under a crossing gate or barrier at a railroad crossing while the  
24 gate or barrier is closed or is being opened or closed OR AGAINST  
25 THE DIRECTION OF A POLICE OFFICER.

26 (3) A person who violates this section is responsible for a  
27 civil infraction.

[Sec. 667a. (1) The department of state police or the state  
transportation department; the county board of commissioners, board of  
county road commissioners, or county sheriff; or other local authority  
having jurisdiction over a highway or street may authorize the  
installation and use of unmanned traffic monitoring devices at a railroad  
grade crossing with flashing signals and gates on a highway or street  
under their respective jurisdictions. Each device shall be sufficiently  
marked or identified or a sign shall be placed at the approach to the  
crossing indicating that the crossing is monitored by an unmanned traffic  
monitoring device.

(2) Beginning 31 days after the installation of an unmanned traffic  
monitoring device at a railroad grade crossing described in subsection  
(1), a person is responsible for a civil infraction as provided in  
section 667 if the person violates a provision of that section on the  
basis of evidence obtained from an unmanned traffic monitoring device.  
However, for the first 30 days after the installation of an unmanned  
traffic monitoring device, a person shall be issued a written warning  
only. It shall be an affirmative defense to a charge of violating  
section 667 that the mechanical warning devices at the crossing were  
malfunctioning.

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(3) A sworn statement of a police officer from the state or local authority having jurisdiction over the highway or street upon which the railroad grade crossing described in subsection (1) is located, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by an unmanned traffic monitoring device, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images indicating such a violation shall be available for inspection in any proceeding to adjudicate the responsibility for a violation of section 667. Any photographs, videotape, or digital images evidencing such a violation shall be destroyed 90 days after final disposition of the citation.

(4) In a prosecution for a violation of section 667 established by an unmanned traffic monitoring device under this section, prima facie evidence that the vehicle described in the citation issued was operated in violation of section 667, together with proof that the defendant was at the time of the violation the registered owner of the vehicle, shall constitute in evidence a rebuttable presumption that the registered owner of the vehicle was the person who committed the violation. The presumption ~~may be~~ IS rebutted if the registered owner of the vehicle files an affidavit by regular mail with the clerk of the court that he or she was not the operator of the vehicle at the time of the alleged violation or testifies in open court under oath that he or she was not the operator of the vehicle at the time of the alleged violation. The presumption also ~~may be~~ IS rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen before the time of the alleged violation of this section, is presented before the appearance date established on the citation. For purposes of this subsection, the owner of a leased or rental vehicle shall provide the name and address of the person to whom the vehicle was leased or rented at the time of the violation.

(5) Notwithstanding section 742, a citation for a violation of section 667 on the basis of evidence obtained from an unmanned traffic monitoring device may be executed by mailing by first-class mail a copy to the address of the owner of the vehicle as shown on the records of the secretary of state. If the summoned person fails to appear on the date of return set out in the citation previously mailed by first-class mail pursuant to this subsection, a copy shall be sent by certified mail-return receipt requested. If the summoned person fails to appear on either of the dates of return set out in the copies of the citation mailed pursuant to this section, the citation shall be executed in the manner provided by law for personal service. The court may issue a warrant for the arrest of a person who fails to appear within the time limit established on the citation if a sworn complaint is filed with the court for that purpose. ~~as required for other civil infractions under section 744.~~

(6) If there is a fatality at a railroad grade crossing in a city, VILLAGE, OR TOWNSHIP with population of 60,000 or more, OR IN A COUNTY WITH A POPULATION 150,000 OR MORE, the state transportation department shall undertake a diagnostic review, IF THERE HAS NOT BEEN A DIAGNOSTIC REVIEW AT THE CROSSING IN THE LAST 2 YEARS. HOWEVER, A DIAGNOSTIC REVIEW IS NOT REQUIRED IF THE INITIAL INVESTIGATION OF THE FATALITY INDICATES THAT CONSUMPTION OF ALCOHOL OR A CONTROLLED SUBSTANCE CONTRIBUTED TO THE FATALITY OR THAT THE FATALITY WAS A SUICIDE. The diagnostic review shall be scheduled within 120 days. If the diagnostic review confirms that warning devices such as flashing lights and gates are needed, the state transportation department shall order such improvements. The cost for the improvements shall be financed consistent with the financing of similar projects by the state transportation department according to its annual

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prioritization of grade crossing safety improvements.]

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1           Sec. 668. (1) The state transportation department with  
2 respect to highways under its jurisdiction, the county road com-  
3 missions, and local authorities with reference to highways under  
4 their jurisdiction, may designate certain grade crossings of  
5 railways by highways as "stop" crossings, and erect signs at the  
6 crossings notifying drivers of vehicles upon the highway to come  
7 to a complete stop before crossing the railway tracks. When a  
8 crossing is so designated and signposted, the driver of a vehicle  
9 shall stop not more than 50 feet but not less than ~~10~~ 15 feet  
10 from the railway tracks. The driver shall then traverse the  
11 crossing when it may be done in safety.

12           (2) The state transportation department with respect to  
13 highways under its jurisdiction, the county road commissions, and  
14 local authorities with reference to highways under their juris-  
15 diction, may designate certain grade crossings of railways by  
16 highways as yield crossings, and erect signs at the crossings  
17 notifying drivers of vehicles upon the highway to yield. Yield  
18 signs may be mounted on the same post as is the crossbuck sign.  
19 Drivers of vehicles approaching a yield sign at the grade cross-  
20 ing of a railway shall maintain a reasonable speed based upon  
21 existing conditions and shall yield the right-of-way. The cost  
22 of yield sign installations shall be borne equally by the rail-  
23 road and the governmental authority under whose jurisdiction the  
24 highway rests. The erection of or failure to erect, replace, or  
25 maintain a stop or yield sign or other railroad warning device,  
26 unless such devices or signs were ordered by public authority,  
27 shall not be a basis for an action of negligence against the

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1 state transportation department, county road commissions, the  
2 railroads, or local authorities.

3 (3) A person who fails to stop or yield as required by this  
4 section is responsible for a civil infraction.

5 Sec. 669. (1) Except as provided in subsections (2), (3),  
6 and (4), the driver of a motor vehicle TRANSPORTING 16 OR MORE  
7 PASSENGERS INCLUDING THE DRIVER, A MOTOR VEHICLE carrying passen-  
8 gers for hire, or ~~the driver of~~ a motor vehicle that is  
9 required to be marked or placarded under 49 C.F.R. parts 100 to  
10 180 before crossing a railroad track at grade, shall ACTIVATE THE  
11 VEHICLE HAZARD WARNING LIGHTS AND stop the vehicle within 50 feet  
12 but not less than ~~10~~ 15 feet from the nearest rail. While  
13 stopped, the driver shall listen and look in both directions  
14 along the track for an approaching train and for signals indicat-  
15 ing the approach of a train, and shall not proceed until the  
16 driver can do so safely. After stopping as required in this sub-  
17 section, and upon proceeding when it is safe to do so, the driver  
18 of the vehicle shall cross only in a gear of the vehicle that  
19 does not require changing gears while traversing the crossing.  
20 The driver shall not shift gears while crossing the track or  
21 tracks.

22 (2) A stop need not be made at a railroad track grade cross-  
23 ing where a police officer or a traffic-control signal directs  
24 traffic to proceed.

25 (3) A stop need not be made at an abandoned railroad track  
26 grade crossing. As used in this subsection, "abandoned railroad

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1 track" means a railroad track which meets all of the following  
2 requirements:

3 (i) The track has been abandoned pursuant to federal law.

4 (ii) The track has been covered or removed.

5 (iii) All signs, signals, and other warning devices are  
6 removed.

7 (4) A stop shall not be made at an industrial or spur line  
8 railroad grade crossing marked with a sign reading "exempt".  
9 Exempt signs may be erected only by or with the consent of the  
10 state transportation department after notice to and an opportu-  
11 nity to be heard by all railroads operating over ~~such~~ THAT  
12 industrial or spur line.

13 (5) A person who violates this section is responsible for a  
14 civil infraction.

15 SEC. 669A. (1) THIS STATE ADOPTS MOTOR CARRIER SAFETY REGU-  
16 LATIONS 49 C.F.R. 392.10 AND 392.11 ON FILE WITH THE OFFICE OF  
17 THE SECRETARY OF STATE, TO PROVIDE FOR THE SAFE TRANSPORTATION OF  
18 PERSONS AND PROPERTY OVER RAILROAD-HIGHWAY GRADE CROSSINGS WITH  
19 THE INTENT OF FOLLOWING THE POLICIES AND PROCEDURES OF THE UNITED  
20 STATES DEPARTMENT OF TRANSPORTATION'S FEDERAL MOTOR CARRIER  
21 SAFETY ADMINISTRATION AS THEY RELATE TO TITLE 49 OF THE CODE OF  
22 FEDERAL REGULATIONS. FOR PURPOSES OF THIS SUBSECTION,  
23 "COMMERCIAL MOTOR VEHICLE" MEANS THAT TERM AS DEFINED IN  
24 SECTION 7A.

25 (2) THE DRIVER OF A COMMERCIAL MOTOR VEHICLE SHALL COMPLY  
26 WITH A LAWFUL ORDER OR DIRECTION OF A POLICE OFFICER GUIDING,

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1 DIRECTING, CONTROLLING, OR REGULATING TRAFFIC AT A  
2 RAILROAD-HIGHWAY GRADE CROSSING.

3 (3) THE DRIVER OF A COMMERCIAL MOTOR VEHICLE SHALL NOT CROSS  
4 A RAILROAD-HIGHWAY GRADE CROSSING UNLESS THE VEHICLE HAS SUFFI-  
5 CIENT UNDERCARRIAGE CLEARANCE.

6 (4) THE DRIVER OF A COMMERCIAL MOTOR VEHICLE SHALL NOT CROSS  
7 A RAILROAD-HIGHWAY GRADE CROSSING UNLESS THE VEHICLE CAN BE  
8 DRIVEN COMPLETELY THROUGH THE CROSSING WITHOUT STOPPING.

9 (5) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A  
10 CIVIL INFRACTION.

11 Sec. 670. (1) A person shall not operate or move a cater-  
12 pillar tractor, ~~steam~~ shovel, derrick, roller, boiler, machin-  
13 ery, or other structure or object upon rollers, or other equip-  
14 ment or structure, which, because of ~~the~~ ITS limited power,  
15 ~~thereof,~~ or ~~the~~ weight, ~~or~~ character, ~~thereof,~~ or of the  
16 ~~load thereon~~ OR LOAD, has a normal operating speed of 4 miles  
17 per hour or less, or which has a vertical load or body clearance  
18 of less than 9 inches above the level surface of the roadway,  
19 upon or across the tracks of a ~~steam~~ railroad at grade level  
20 without first complying with this section, except this section  
21 shall not apply to the movement of electrically propelled cars on  
22 fixed rails ~~nor~~ OR to their loads.

23 (2) Notice of the intended crossing described in subsection  
24 (1) shall be given to the nearest agent or officer of the ~~steam~~  
25 railroad in time to afford protection to its locomotives, trains,  
26 or cars at the crossing.

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1           (3) Before making the crossing, the person operating or  
2 moving the vehicle or equipment shall first stop not less than  
3 ~~10~~ 15 feet ~~nor~~ OR more than 50 feet from the nearest rail of  
4 the track and while stopped shall listen and look in both direc-  
5 tions along the track for an approaching train and for signals  
6 indicating the approach of a train, and shall not proceed until  
7 the crossing can be made safely.

8           (4) A crossing shall not be made when warning is given by  
9 automatic signal or crossing gates or a flagman or otherwise of  
10 the immediate approach of a railroad train or car.

11           (5) A person who violates this section is responsible for a  
12 civil

13           Sec. 732. (1) Each municipal judge and each clerk of a  
14 court of record shall keep a full record of every case in which a  
15 person is charged with or cited for a violation of this act or a  
16 local ordinance substantially corresponding to this act regulat-  
17 ing the operation of vehicles on highways and with those offenses  
18 pertaining to the operation of ORVs or snowmobiles for which  
19 points are assessed under section 320a(1)(c) or (h). Except as  
20 provided in subsection (15), the municipal judge or clerk of the  
21 court of record shall prepare and forward to the secretary of  
22 state an abstract of the court record as follows:

23           (a) Within 14 days after a conviction, forfeiture of bail,  
24 or entry of a civil infraction determination or default judgment  
25 upon a charge of or citation for violating or attempting to vio-  
26 late this act or a local ordinance substantially corresponding to  
27 this act regulating the operation of vehicles on highways.

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

6 (c) Immediately for each case charging a violation of sec-  
7 tion ~~82127(1) or (3),~~ 81134, ~~or~~ 81135, OR 82127(1) OR (3) of  
8 the natural resources and environmental protection act, 1994  
9 PA 451, MCL ~~324.82127,~~ 324.81134, ~~and~~ 324.81135, AND  
10 324.82127, or a local ordinance substantially corresponding to  
11 those sections.

12 (2) If a city or village department, bureau, or person is  
13 authorized to accept a payment of money as a settlement for a  
14 violation of a local ordinance substantially corresponding to  
15 this act, the city or village department, bureau, or person shall  
16 send a full report of each case in which a person pays any amount  
17 of money to the city or village department, bureau, or person to  
18 the secretary of state upon a form prescribed by the secretary of  
19 state.

20 (3) The abstract or report required under this section shall  
21 be made upon a form furnished by the secretary of state. An  
22 abstract shall be certified by signature, stamp, or facsimile  
23 signature of the person required to prepare the abstract as  
24 correct. An abstract or report shall include all of the  
25 following:

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

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

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

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

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

9 (f) Whether bail was forfeited.

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

12 (h) The vehicle identification number and registration plate  
13 number of all vehicles that are ordered immobilized or  
14 forfeited.

15 (i) Other information considered necessary to the secretary  
16 of state.

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

20 (a) A violation of section 413, 414, or 479a of the Michigan  
21 penal code, 1931 PA 328, MCL 750.413, 750.414, and 750.479a.

22 (b) A violation of section 1 of former 1931 PA 214.

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

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

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1 (E) A VIOLATION OF SECTION 411A(2) OF THE MICHIGAN PENAL  
2 CODE, 1931 PA 328, MCL 750.411A.

3 (F) A VIOLATION OF MOTOR CARRIER SAFETY REGULATIONS, 49  
4 C.F.R. 392.10 OR 392.11, AS ADOPTED BY SECTION 1A OF THE MOTOR  
5 CARRIER SAFETY ACT OF 1963, 1963 PA 181, MCL 480.11A.

6 (G) A VIOLATION OF SECTION 57 OF THE PUPIL TRANSPORTATION  
7 ACT, 1990 PA 187, MCL 257.1857.

8 (H) A VIOLATION OF MOTOR CARRIER SAFETY REGULATIONS, 49  
9 C.F.R. 392.10 OR 392.11, AS ADOPTED BY SECTION 31 OF THE MOTOR  
10 BUS TRANSPORTATION ACT, 1982 PA 432, MCL 474.131.

11 (I) ~~(e)~~ An attempt to violate, a conspiracy to violate, or  
12 a violation of part 74 ~~or section 17766a~~ of the public health  
13 code, 1978 PA 368, MCL 333.7401 to 333.7461, ~~and 333.17766a,~~ or  
14 a local ordinance that prohibits conduct prohibited under part 74  
15 ~~or section 17766a~~ of the public health code, 1978 PA 368,  
16 MCL 333.7401 to 333.7461, ~~and 333.17766a,~~ unless the convicted  
17 person is sentenced to life imprisonment or a minimum term of  
18 imprisonment that exceeds 1 year for the offense.

19 (J) ~~(f)~~ An attempt to commit an offense described in sub-  
20 divisions (a) to ~~(d)~~ (H).

21 (K) ~~(g)~~ A violation of chapter LXXXIII-A of the Michigan  
22 penal code, 1931 PA 328, MCL 750.543a to 750.543z.

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

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

2 (b) The vehicle was used to transport a victim of the  
3 felony.

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

5 (d) The vehicle was necessary for the commission of the  
6 felony.

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

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

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

24 "You are accused of an act the nature of which constitutes a  
25 felony in which a motor vehicle was used. If the accusation is  
26 found to be true and the judge or referee finds that the nature  
27 of the act constitutes a felony in which a motor vehicle was

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1 used, as defined in section 319 of the Michigan vehicle code,  
2 1949 PA 300, MCL 257.319, your driver's license shall be sus-  
3 pended by the secretary of state."

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

10 (9) As used in subsections (10) and (11), "felony in which a  
11 commercial motor vehicle was used" means a felony during the com-  
12 mission of which the person operated a commercial motor vehicle  
13 and while the person was operating the vehicle 1 or more of the  
14 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 (10) If a person is charged with a felony in which a commer-  
22 cial motor vehicle was used and for which a vehicle group desig-  
23 nation on a license is subject to suspension or revocation under  
24 section 319b(1)(c)(iii), 319b(1)(d), or 319b(1)(e)(iii), or  
25 319b(1)(f)(i), the prosecuting attorney shall include the follow-  
26 ing statement on the complaint and information filed in district  
27 or circuit court:

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

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

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

23 (a) The name and title of the person required to forward  
24 abstracts.

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

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

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1 (d) The following statement:

2 "I certify that all abstracts required by section 732 of the  
3 Michigan vehicle code, MCL 257.732, ~~MSA 9.2432,~~ for the  
4 period \_\_\_\_\_ through \_\_\_\_\_ have been forwarded to the  
5 secretary of state."

6 (e) Other information the secretary of state considers  
7 necessary.

8 (f) The signature of the person required to forward  
9 abstracts.

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

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

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

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

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

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

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

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

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

25 (18) If a conviction or civil infraction determination is  
26 reversed upon appeal, the person whose conviction or  
27 determination has been reversed may serve on the secretary of

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1 state a certified copy of the order of reversal. The secretary  
2 of state shall enter the order in the proper book or index in  
3 connection with the record of the conviction or civil infraction  
4 determination.

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

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

20 Sec. 904. (1) A person whose operator's or chauffeur's  
21 license or registration certificate has been suspended or revoked  
22 and who has been notified as provided in section 212 of that sus-  
23 pension or revocation, whose application for license has been  
24 denied, or who has never applied for a license, shall not operate  
25 a motor vehicle upon a highway or other place open to the general  
26 public or generally accessible to motor vehicles, including an

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1 area designated for the parking of motor vehicles, within this  
2 state.

3 (2) A person shall not knowingly permit a motor vehicle  
4 owned by the person to be operated upon a highway or other place  
5 open to the general public or generally accessible to motor vehi-  
6 cles, including an area designated for the parking of vehicles,  
7 within this state by a person whose license or registration cer-  
8 tificate is suspended or revoked, whose application for license  
9 has been denied, or who has never applied for a license, except  
10 as permitted under this act.

11 (3) Except as otherwise provided in this section, a person  
12 who violates subsection (1) or (2) is guilty of a misdemeanor  
13 punishable as follows:

14 (a) For a first violation, by imprisonment for not more than  
15 93 days or a fine of not more than \$500.00, or both. Unless the  
16 vehicle was stolen or used with the permission of a person who  
17 did not knowingly permit an unlicensed driver to operate the  
18 vehicle, the registration plates of the vehicle shall be canceled  
19 by the secretary of state upon notification by a peace officer.

20 (b) For a violation that occurs after a prior conviction, by  
21 imprisonment for not more than 1 year or a fine of not more than  
22 \$1,000.00, or both. Unless the vehicle was stolen, the registra-  
23 tion plates of the vehicle shall be canceled by the secretary of  
24 state upon notification by a peace officer.

25 (4) A person who operates a motor vehicle in violation of  
26 subsection (1) and who, by operation of that motor vehicle,  
27 causes the death of another person is guilty of a felony

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1 punishable by imprisonment for not more than 15 years or a fine  
2 of not less than \$2,500.00 or more than \$10,000.00, or both.  
3 This subsection does not apply to a person whose operator's or  
4 chauffeur's license was suspended because that person failed to  
5 answer a citation or comply with an order or judgment pursuant to  
6 section 321a.

7 (5) A person who operates a motor vehicle in violation of  
8 subsection (1) and who, by operation of that motor vehicle,  
9 causes the serious impairment of a body function of another  
10 person is guilty of a felony punishable by imprisonment for not  
11 more than 5 years or a fine of not less than \$1,000.00 or more  
12 than \$5,000.00, or both. This subsection does not apply to a  
13 person whose operator's or chauffeur's license was suspended  
14 because that person failed to answer a citation or comply with an  
15 order or judgment pursuant to section 321a. As used in this sub-  
16 section and subsection (7), "serious impairment of a body  
17 function" includes, but is not limited to, 1 or more of the  
18 following:

- 19 (a) Loss of a limb or loss of use of a limb.  
20 (b) Loss of a foot, hand, finger, or thumb or loss of use of  
21 a foot, hand, finger, or thumb.  
22 (c) Loss of an eye or ear or loss of use of an eye or ear.  
23 (d) Loss or substantial impairment of a bodily function.  
24 (e) Serious visible disfigurement.  
25 (f) A comatose state that lasts for more than 3 days.  
26 (g) Measurable brain or mental impairment.

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1 (h) A skull fracture or other serious bone fracture.

2 (i) Subdural hemorrhage or subdural hematoma.

3 (6) In addition to being subject to any other penalty pro-  
4 vided for in this act, if a person is convicted under subsection  
5 (4) or (5), the court may impose the sanction permitted under  
6 section 625n. If the vehicle is not ordered forfeited under sec-  
7 tion 625n, the court shall order vehicle immobilization under  
8 section 904d in the judgment of sentence.

9 (7) A person shall not knowingly permit a motor vehicle  
10 owned by the person to be operated upon a highway or other place  
11 open to the general public or generally accessible to motor vehi-  
12 cles, including an area designated for the parking of vehicles,  
13 within this state, by a person whose license or registration cer-  
14 tificate is suspended or revoked, whose application for license  
15 has been denied, or who has never been licensed except as permit-  
16 ted by this act. If a person permitted to operate a motor vehi-  
17 cle in violation of this subsection causes the serious impairment  
18 of a body function of another person by operation of that motor  
19 vehicle, the person knowingly permitting the operation of that  
20 motor vehicle is guilty of a felony punishable by imprisonment  
21 for not more than 2 years, or a fine of not less than \$1,000.00  
22 or more than \$5,000.00, or both. If a person permitted to oper-  
23 ate a motor vehicle in violation of this subsection causes the  
24 death of another person by operation of that motor vehicle, the  
25 person knowingly permitting the operation of that motor vehicle  
26 is guilty of a felony punishable by imprisonment for not more

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1 than 5 years, or a fine of not less than \$1,000.00 or more than  
2 \$5,000.00, or both.

3 (8) If the prosecuting attorney intends to seek an enhanced  
4 sentence under this section based upon the defendant having 1 or  
5 more prior convictions, the prosecuting attorney shall include on  
6 the complaint and information, or an amended complaint and infor-  
7 mation, filed in district court, circuit court, municipal court,  
8 or family division of circuit court, a statement listing the  
9 defendant's prior convictions.

10 (9) A prior conviction under this section shall be estab-  
11 lished at or before sentencing by 1 or more of the following:

12 (a) An abstract of conviction.

13 (b) A copy of the defendant's driving record.

14 (c) An admission by the defendant.

15 (10) Upon receiving a record of a person's conviction or  
16 civil infraction determination for the unlawful operation of a  
17 motor vehicle or a moving violation reportable under section 732  
18 while the person's operator's or chauffeur's license is suspended  
19 or revoked, the secretary of state immediately shall impose an  
20 additional like period of suspension or revocation. This subsec-  
21 tion applies only if the violation occurs during a suspension of  
22 definite length or if the violation occurs before the person is  
23 approved for a license following a revocation.

24 (11) Upon receiving a record of a person's conviction or  
25 civil infraction determination for the unlawful operation of a  
26 motor vehicle or a moving violation reportable under section 732  
27 while the person's operator's or chauffeur's license is

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1 indefinitely suspended or whose application for a license has  
2 been denied, the secretary of state immediately shall impose a  
3 30-day period of suspension or denial.

4 (12) Upon receiving a record of the conviction, bond forfei-  
5 ture, or a civil infraction determination of a person for unlaw-  
6 ful operation of a motor vehicle requiring a vehicle group desig-  
7 nation while the designation is suspended OR REVOKED pursuant to  
8 section ~~319a or~~ 319b, ~~or revoked,~~ OR WHILE THE PERSON IS DIS-  
9 QUALIFIED FROM OPERATING A COMMERCIAL MOTOR VEHICLE UNDER  
10 CHAPTER 313 OF TITLE 49 OF THE UNITED STATES CODE, 49  
11 U.S.C. 31301 TO 31317, the secretary of state immediately shall  
12 impose an additional like period of suspension or revocation.  
13 This subsection applies only if the violation occurs during a  
14 suspension of definite length ~~—~~ OR if the violation occurs  
15 before the person is approved for a license following a  
16 revocation. ~~—, or if the person operates a commercial vehicle~~  
17 ~~while disqualified under the commercial motor vehicle safety act~~  
18 ~~of 1986, title XII of Public Law 99-570, 100 Stat. 3207-170.~~

19 (13) If the secretary of state receives records of more than  
20 1 conviction or civil infraction determination resulting from the  
21 same incident, all of the convictions or civil infraction deter-  
22 minations shall be treated as a single violation for purposes of  
23 imposing an additional period of suspension or revocation under  
24 subsection (10), (11), or (12).

25 (14) Before a person is arraigned before a district court  
26 magistrate or judge on a charge of violating this section, the  
27 arresting officer shall obtain the person's driving record from

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1 the secretary of state and shall furnish the record to the  
2 court. The driving record of the person may be obtained from the  
3 secretary of state's computer information network.

4 (15) This section does not apply to a person who operates a  
5 vehicle solely for the purpose of protecting human life or prop-  
6 erty if the life or property is endangered and summoning prompt  
7 aid is essential.

8 (16) A person whose vehicle group designation is suspended  
9 or revoked and who has been notified as provided in section 212  
10 of that suspension or revocation, or whose application for a  
11 vehicle group designation has been denied as provided in this  
12 act, or who has never applied for a vehicle group designation and  
13 who operates a commercial motor vehicle within this state, except  
14 as permitted under this act, while any of those conditions exist  
15 is guilty of a misdemeanor punishable, except as otherwise pro-  
16 vided in this section, by imprisonment for not less than 3 days  
17 or more than 93 days or a fine of not more than \$100.00, or  
18 both.

19 (17) If a person has a second or subsequent suspension or  
20 revocation under this section within 7 years as indicated on the  
21 person's Michigan driving record, the court shall proceed as pro-  
22 vided in section 904d.

23 (18) Any period of suspension or revocation required under  
24 subsection (10), (11), or (12) does not apply to a person who has  
25 only 1 currently effective suspension or denial on his or her  
26 Michigan driving record under section 321a and was convicted of  
27 or received a civil infraction determination for a violation that

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1 occurred during that suspension or denial. This subsection may  
2 only be applied once during the person's lifetime.

3 (19) For purposes of this section, a person who never  
4 applied for a license includes a person who applied for a  
5 license, was denied, and never applied again.

6 Sec. 907. (1) A violation of this act, or a local ordinance  
7 substantially corresponding to a provision of this act, which is  
8 designated a civil infraction shall not be considered a lesser  
9 included offense of a criminal offense.

10 (2) If a person is determined pursuant to sections 741 to  
11 750 to be responsible or responsible "with explanation" for a  
12 civil infraction under this act or a local ordinance substan-  
13 tially corresponding to a provision of this act, the judge, dis-  
14 trict court referee, or district court magistrate may order the  
15 person to pay a civil fine of not more than \$100.00 and costs as  
16 provided in subsection (4). However, for a violation of  
17 section 674(1)(s) or a local ordinance substantially correspond-  
18 ing to section 674(1)(s), the person shall be ordered to pay  
19 costs as provided in subsection (4) and a civil fine of not less  
20 than \$50.00 or more than \$100.00. For a violation of section 328  
21 or 710d, the civil fine ordered under this subsection shall not  
22 exceed \$10.00. For a violation of section 710e, the civil fine  
23 and court costs ordered under this subsection shall be \$25.00.  
24 For a violation of section 682 or a local ordinance substantially  
25 corresponding to section 682, the person shall be ordered to pay  
26 costs as provided in subsection (4) and a civil fine of not less  
27 than \$100.00 or more than \$500.00. Permission may be granted for

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1 payment of a civil fine and costs to be made within a specified  
2 period of time or in specified installments, but unless permis-  
3 sion is included in the order or judgment, the civil fine and  
4 costs shall be payable immediately.

5 (3) ~~if~~ EXCEPT AS PROVIDED IN THIS SUBSECTION, IF a person  
6 is determined to be responsible or responsible "with explanation"  
7 for a civil infraction under this act or a local ordinance sub-  
8 stantially corresponding to a provision of this act while driving  
9 a commercial motor vehicle, he or she shall be ordered to pay  
10 costs as provided in subsection (4) and a civil fine of not more  
11 than \$250.00. IF A PERSON IS DETERMINED TO BE RESPONSIBLE OR  
12 RESPONSIBLE "WITH EXPLANATION" FOR A CIVIL INFRACTION UNDER  
13 SECTION 319G OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO  
14 SECTION 319G, THAT PERSON SHALL BE ORDERED TO PAY COSTS AS PRO-  
15 VIDED IN SUBSECTION (4) AND A CIVIL FINE OF NOT MORE THAN  
16 \$10,000.00.

17 (4) If a civil fine is ordered ~~to be paid~~ under  
18 subsection (2) or (3), the judge, district court referee, or dis-  
19 trict court magistrate shall summarily tax and determine the  
20 costs of the action, which ~~shall~~ ARE not ~~be~~ limited to the  
21 costs taxable in ordinary civil actions, and may include all  
22 expenses, direct and indirect, to which the plaintiff has been  
23 put in connection with the civil infraction, up to the entry of  
24 judgment. Except in a civil infraction for a parking violation,  
25 costs of not less than \$5.00 shall be ordered. Costs shall not  
26 be ordered in excess of \$100.00. A civil fine ordered ~~to be~~  
27 ~~paid~~ under subsection (2) or (3) shall not be waived unless

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1 costs ordered under this subsection are waived. Except as  
2 otherwise provided by law, costs ~~shall be~~ ARE payable to the  
3 general fund of the plaintiff.

4 (5) In addition to a civil fine and costs ordered under  
5 subsection (2) or (3) and subsection (4), the judge, district  
6 court referee, or district court magistrate may order the person  
7 to attend and complete a program of treatment, education, or  
8 rehabilitation.

9 (6) A district court referee or district court magistrate  
10 shall impose the sanctions permitted under subsections (2), (3),  
11 and (5) only to the extent expressly authorized by the chief  
12 judge or only judge of the district court district.

13 (7) Each district of the district court and each municipal  
14 court may establish a schedule of civil fines and costs to be  
15 imposed for civil infractions which occur within the respective  
16 district or city. If a schedule is established, it shall be  
17 prominently posted and readily available for public inspection.  
18 A schedule need not include all violations which are designated  
19 by law or ordinance as civil infractions. A schedule may exclude  
20 cases on the basis of a defendant's prior record of civil infrac-  
21 tions or traffic offenses, or a combination of civil infractions  
22 and traffic offenses.

23 (8) The state court administrator shall annually publish and  
24 distribute to each district and court a recommended range of  
25 civil fines and costs for first-time civil infractions. This  
26 recommendation ~~shall~~ IS not ~~be~~ binding upon the courts having  
27 jurisdiction over civil infractions but is intended to act as a

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1 normative guide for judges, district court referees, and district  
2 court magistrates and a basis for public evaluation of dispari-  
3 ties in the imposition of civil fines and costs throughout the  
4 state.

5 (9) If a person has received a civil infraction citation for  
6 defective safety equipment on a vehicle under section 683, the  
7 court shall waive a civil fine and costs, upon receipt of certi-  
8 fication by a law enforcement agency that repair of the defective  
9 equipment was made before the appearance date on the citation.

10 (10) A default in the payment of a civil fine or costs  
11 ordered under subsection (2), (3), or (4) or an installment of  
12 the fine or costs may be collected by a means authorized for the  
13 enforcement of a judgment under chapter 40 of the revised judica-  
14 ture act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or under  
15 chapter 60 of the revised judicature act of 1961, 1961 PA 236,  
16 MCL 600.6001 to 600.6098.

17 (11) If a person fails to comply with an order or judgment  
18 issued pursuant to this section, within the time prescribed by  
19 the court, the driver's license of that person shall be suspended  
20 pursuant to section 321a until full compliance with that order or  
21 judgment occurs. In addition to this suspension, the court may  
22 also proceed under section 908.

23 (12) The court shall waive any civil fine or cost against a  
24 person who received a civil infraction citation for a violation  
25 of section 710d if the person, before the appearance date on the  
26 citation, supplies the court with evidence of acquisition,

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1 purchase, or rental of a child seating system meeting the  
2 requirements of section 710d.

3 (13) In addition to any fines and costs ordered to be paid  
4 under this section, the judge, district court referee, or dis-  
5 trict court magistrate shall levy an assessment of \$5.00 for each  
6 civil infraction determination, except for a parking violation or  
7 a violation for which the total fine and costs imposed are \$10.00  
8 or less. Upon payment of the assessment, the clerk of the court  
9 shall transmit the assessment levied to the state treasury to be  
10 deposited into the Michigan justice training fund. An assessment  
11 levied under this subsection ~~shall not be considered~~ IS NOT a  
12 civil fine for purposes of section 909.

13 (14) If a person has received a citation for a violation of  
14 section 223, the court shall waive any fine and costs, upon  
15 receipt of certification by a law enforcement agency that the  
16 person, before the appearance date on the citation, produced a  
17 valid registration certificate that was valid on the date the  
18 violation of section 223 occurred.

19 Enacting section 1. Sections 57c and 319a of the Michigan  
20 vehicle code, 1949 PA 300, MCL 257.57c and 257.319a, are  
21 repealed.

22 Enacting section 2. This amendatory act takes effect  
23 October 1, 2002.