

SENATE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR

SENATE BILL NO. 1232

(As passed the Senate, June 27, 2002)

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, and 319b 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 2002 PA 422,
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

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as amended by 1995 PA 248, section 732 as amended by 2002 PA 422, section 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

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,

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.

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,

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.

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 warding 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 gratuity
12 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 ~~mercial 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.

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

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

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

(A) THE APPLICANT MEETS 1 OF THE FOLLOWING:

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

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

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

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

~~(d) The commercial motor vehicle for which the seasonal restricted vehicle group designation is issued shall not transport a quantity of hazardous materials on which a placard is required except for the following:~~

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

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

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

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

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

(ii) THE COMMERCIAL MOTOR VEHICLE DOES NOT TRANSPORT A QUANTITY OF HAZARDOUS MATERIALS ON WHICH A PLACARD IS REQUIRED EXCEPT FOR THE FOLLOWING:

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

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

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

(iii) THE COMMERCIAL MOTOR VEHICLE DOES NOT REQUIRE THE H, 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.

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

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:

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.

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) For a violation or attempted violation of
11 section 411a(2) of the Michigan penal code, 1931 PA 328,
12 MCL 750.411a, involving a school, the secretary of state shall
13 suspend the license of a person 14 years of age or over but less
14 than 21 years of age until 3 years after the date of the convic-
15 tion or juvenile disposition for the violation. The secretary of
16 state may issue the person a restricted license after the first
17 365 days of suspension.

18 (12) Except as provided in subsection (14), a suspension
19 under this section shall be imposed notwithstanding a court order
20 unless the court order complies with section 323.

21 (13) If the secretary of state receives records of more than
22 1 conviction of a person resulting from the same incident, a sus-
23 pension shall be imposed only for the violation to which the
24 longest period of suspension applies under this section.

25 (14) The secretary of state may waive a RESTRICTION,
26 suspension, OR REVOCATION of a person's license imposed under
27 this act if the person submits proof that a court in another

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1 state revoked, suspended, or restricted his or her license for a
2 period equal to or greater than the period of a RESTRICTION,
3 suspension, OR REVOCATION prescribed under this act for the vio-
4 lation and that the revocation, suspension, or restriction was
5 served for the violation, or may grant a restricted license.

6 (15) The secretary of state shall not issue a restricted
7 license to a person whose license is suspended under this section
8 unless a restricted license is authorized under this section and
9 the person is otherwise eligible for a license.

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

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

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

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

21 (i) The person's residence.

22 (ii) The person's work location.

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

25 (iv) The court probation department.

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

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

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

6 (18) While driving with a restricted license, the person
7 shall carry proof of his or her destination and the hours of any
8 employment, class, or other reason for traveling and shall dis-
9 play that proof upon a peace officer's request.

10 (19) Subject to subsection (21), as used in subsection (8),
11 "prior conviction" means a conviction for any of the following,
12 whether under a law of this state, a local ordinance substan-
13 tially corresponding to a law of this state, or a law of another
14 state substantially corresponding to a law of this state:

15 (a) Except as provided in subsection (20), a violation or
16 attempted violation of section 625(1), (3), (4), (5), (6), or
17 (7), section 625m, former section 625(1) or (2), or former sec-
18 tion 625b.

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

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

1 (21) If 2 or more convictions described in subsection (19)
2 are convictions for violations arising out of the same transac-
3 tion, only 1 conviction shall be used to determine whether the
4 person has a prior conviction.

5 Sec. 319b. (1) The secretary of state shall immediately
6 suspend or revoke, as applicable, all vehicle group designations
7 on the operator's or chauffeur's license of a person upon receiv-
8 ing notice of a conviction, bond forfeiture, or civil infraction
9 determination of the person, or notice that a court or adminis-
10 trative tribunal has found the person responsible, for a viola-
11 tion described in this subsection of a law of this state, a local
12 ordinance substantially corresponding to a law of this state, or
13 a law of another state substantially corresponding to a law of
14 this state, or notice that the person has refused to submit to a
15 chemical test of his or her blood, breath, or urine for the pur-
16 pose of determining the amount of alcohol or presence of a con-
17 trolled substance or both in the person's blood, breath, or urine
18 while the person was operating a commercial motor vehicle as
19 required by a law or local ordinance of this or another state.
20 The period of suspension or revocation is as follows:

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

25 ~~(b) Suspension for 120 days if the licensee is convicted of~~
26 ~~or found responsible for 3 serious traffic violations while~~

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1 ~~operating a commercial motor vehicle arising from separate~~
2 ~~incidents within 36 months.~~

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

6 (i) TWO SERIOUS TRAFFIC VIOLATIONS ARISING FROM SEPARATE
7 INCIDENTS WITHIN 36 MONTHS.

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

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

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

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

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

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

25 (i) THREE SERIOUS TRAFFIC VIOLATIONS.

26 (ii) ANY COMBINATION OF 2 VIOLATIONS DESCRIBED IN
27 SUBDIVISION (A)(ii).

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

(i) A violation of section 625(1), (3), (4), (5), (6), or (7), section 625m, or former section 625(1) or (2), or former section 625b, ~~or a local ordinance substantially corresponding to section 625(1) or (3), section 625m, or former section 625(1) or (2), or former section 625b, or a law of another state substantially corresponding to section 625(1), (3), (4), (5), (6), or (7), section 625m, or former section 625(1) or (2), or former section 625b,~~ while operating a commercial motor vehicle.

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

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

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

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

(vi) ANY COMBINATION OF 3 VIOLATIONS DESCRIBED IN SUBDIVISION (A)(ii) ARISING FROM SEPARATE INCIDENTS WITHIN 36 MONTHS WHILE OPERATING A COMMERCIAL MOTOR VEHICLE.

(d) Suspension for 3 years if the licensee is convicted of or found responsible for an offense enumerated in subdivision

1 (c)(i) to (v) in which a commercial motor vehicle was used if the
2 vehicle was carrying hazardous material required to have a plac-
3 ard pursuant to 49 C.F.R. parts 100 to 199.

4 (e) Revocation for not less than 10 years and until the
5 person is approved for the issuance of a vehicle group designa-
6 tion if a licensee is convicted of or found responsible for 1 of
7 the following:

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

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

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

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

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

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

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

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

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

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

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

26 (3) The secretary of state shall immediately suspend all
27 vehicle group designations on the operator's or chauffeur's

1 license of a person upon receiving notice of a conviction, bond
2 forfeiture, or civil infraction determination of the person, or
3 notice that a court or administrative tribunal has found the
4 person responsible, for a violation of section 319d(4) or 319f, a
5 local ordinance substantially corresponding to section 319d(4) or
6 319f, or a law or local ordinance of another state, the United
7 States, Canada, Mexico, or a local jurisdiction of either of
8 these countries substantially corresponding to section 319d(4) or
9 319f, while operating a commercial motor vehicle. ~~as defined in~~
10 ~~section 7a.~~ The period of suspension or revocation is as
11 follows:

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

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

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

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

1 combination, of section 319d(4) or 319f while operating a
2 commercial motor vehicle arising from 3 or more separate inci-
3 dents during a 10-year period.

4 (e) Suspension for 3 years if the licensee is convicted of
5 or found responsible for 2 or more violations, in any combina-
6 tion, of section 319d(4) or 319f while operating a commercial
7 motor vehicle carrying hazardous material required to have a
8 placard pursuant to 49 C.F.R. parts 100 to 199, or designed to
9 carry 16 or more passengers, including the driver, arising from 2
10 or more separate incidents during a 10-year period.

11 (4) As used in this section:

12 (a) "Felony in which a commercial motor vehicle was used"
13 means a felony during the commission of which the person con-
14 victed operated a commercial motor vehicle and while the person
15 was operating the vehicle 1 or more of the following circum-
16 stances 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 (b) "Serious traffic violation" means a traffic violation
24 that occurs in connection with an accident in which a person
25 died, careless driving, excessive speeding as defined in ~~the~~
26 ~~federal administrative regulations promulgated to implement the~~
27 ~~commercial motor vehicle safety act of 1986, title XII of Public~~

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1 ~~Law 99-570, 100 Stat. 3207-170~~ UNDER CHAPTER 313 OF TITLE 49 OF
2 THE UNITED STATES CODE, 49 U.S.C. 31301 TO 31317, improper lane
3 use, following too closely, or any other serious traffic viola-
4 tion as defined in 49 C.F.R. 383.5 or as prescribed under this
5 act.

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

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

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

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

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

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1 (b) A notice of a suspension, revocation, or denial of a
2 license within 10 days after the suspension, revocation, or
3 denial. If the licensee is a nonresident, a notice of the state
4 ~~which~~ THAT issued the suspension, revocation, or denial of the
5 license shall also be provided.

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

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

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

17 (B) MOTOR CARRIER SAFETY REGULATIONS 49 C.F.R. 392.10 OR
18 392.11, AS ADOPTED BY SECTION 1A OF THE MOTOR CARRIER SAFETY ACT
19 OF 1963, 1963 PA 181, MCL 480.11A.

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

22 (D) MOTOR CARRIER SAFETY REGULATIONS 49 C.F.R. 392.10 OR
23 392.11, AS ADOPTED BY SECTION 31 OF THE MOTOR BUS TRANSPORTATION
24 ACT, 1982 PA 432, MCL 474.131.

25 (E) MOTOR CARRIER SAFETY REGULATIONS 49 C.F.R. 392.10 OR
26 392.11 WHILE OPERATING A COMMERCIAL MOTOR VEHICLE OTHER THAN A
27 VEHICLE COVERED UNDER SUBDIVISION (B), (C), OR (D).

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

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

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

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

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

1 (2) If the person's license has been suspended pursuant to
2 section 625f within the immediately preceding 7-year period, a
3 restricted license shall not be issued.

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

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

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

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

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

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

25 (2) A person shall not drive a vehicle through, around, or
26 under a crossing gate or barrier at a railroad crossing while the

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1 gate or barrier is closed or is being opened or closed OR AGAINST
2 THE DIRECTION OF A POLICE OFFICER.

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

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

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

26 (3) A sworn statement of a police officer from the state or
27 local authority having jurisdiction over the highway or street

1 upon which the railroad grade crossing described in
2 subsection (1) is located, based upon inspection of photographs,
3 microphotographs, videotape, or other recorded images produced by
4 an unmanned traffic monitoring device, shall be prima facie evi-
5 dence of the facts contained therein. Any photographs, micropho-
6 tographs, videotape, or other recorded images indicating such a
7 violation shall be available for inspection in any proceeding to
8 adjudicate the responsibility for a violation of section 667.
9 Any photographs, videotape, or digital images evidencing such a
10 violation shall be destroyed 90 days after final disposition of
11 the citation.

12 (4) In a prosecution for a violation of section 667 estab-
13 lished by an unmanned traffic monitoring device under this sec-
14 tion, prima facie evidence that the vehicle described in the
15 citation issued was operated in violation of section 667,
16 together with proof that the defendant was at the time of the
17 violation the registered owner of the vehicle, shall constitute
18 in evidence a rebuttable presumption that the registered owner of
19 the vehicle was the person who committed the violation. The pre-
20 sumption ~~may be~~ IS rebutted if the registered owner of the
21 vehicle files an affidavit by regular mail with the clerk of the
22 court that he or she was not the operator of the vehicle at the
23 time of the alleged violation or testifies in open court under
24 oath that he or she was not the operator of the vehicle at the
25 time of the alleged violation. The presumption also ~~may be~~ IS
26 rebutted if a certified copy of a police report, showing that the
27 vehicle had been reported to the police as stolen before the time

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1 of the alleged violation of this section, is presented before the
2 appearance date established on the citation. For purposes of
3 this subsection, the owner of a leased or rental vehicle shall
4 provide the name and address of the person to whom the vehicle
5 was leased or rented at the time of the violation.

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

22 (6) If there is a fatality at a railroad grade crossing in a
23 city, VILLAGE, OR TOWNSHIP with population of 60,000 or more, OR
24 IN A COUNTY WITH A POPULATION 150,000 OR MORE, the state trans-
25 portation department shall undertake a diagnostic review, IF
26 THERE HAS NOT BEEN A DIAGNOSTIC REVIEW AT THE CROSSING IN THE
27 LAST 2 YEARS. The diagnostic review shall be scheduled within

1 120 days. If the diagnostic review confirms that warning devices
2 such as flashing lights and gates are needed, the state transpor-
3 tation department shall order such improvements. The cost for
4 the improvements shall be financed consistent with the financing
5 of similar projects by the state transportation department
6 according to its annual prioritization of grade crossing safety
7 improvements.

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

19 (2) The state transportation department with respect to
20 highways under its jurisdiction, the county road commissions, and
21 local authorities with reference to highways under their juris-
22 diction, may designate certain grade crossings of railways by
23 highways as yield crossings, and erect signs at the crossings
24 notifying drivers of vehicles upon the highway to yield. Yield
25 signs may be mounted on the same post as is the crossbuck sign.
26 Drivers of vehicles approaching a yield sign at the grade
27 crossing of a railway shall maintain a reasonable speed based

1 upon existing conditions and shall yield the right-of-way. The
2 cost of yield sign installations shall be borne equally by the
3 railroad and the governmental authority under whose jurisdiction
4 the highway rests. The erection of or failure to erect, replace,
5 or maintain a stop or yield sign or other railroad warning
6 device, unless such devices or signs were ordered by public
7 authority, shall not be a basis for an action of negligence
8 against the state transportation department, county road commis-
9 sions, the railroads, or local authorities.

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

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

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1 The driver shall not shift gears while crossing the track or
2 tracks.

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

6 (3) A stop need not be made at an abandoned railroad track
7 grade crossing. As used in this subsection, "abandoned railroad
8 track" means a railroad track which meets all of the following
9 requirements:

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

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

12 (iii) All signs, signals, and other warning devices are
13 removed.

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

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

22 SEC. 669A. (1) THIS STATE ADOPTS MOTOR CARRIER SAFETY REGU-
23 LATIONS 49 C.F.R. 392.10 AND 392.11 ON FILE WITH THE OFFICE OF
24 THE SECRETARY OF STATE, TO PROVIDE FOR THE SAFE TRANSPORTATION OF
25 PERSONS AND PROPERTY OVER RAILROAD-HIGHWAY GRADE CROSSINGS WITH
26 THE INTENT OF FOLLOWING THE POLICIES AND PROCEDURES OF THE UNITED
27 STATES DEPARTMENT OF TRANSPORTATION'S FEDERAL MOTOR CARRIER

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1 SAFETY ADMINISTRATION AS THEY RELATE TO TITLE 49 OF THE CODE OF
2 FEDERAL REGULATIONS. FOR PURPOSES OF THIS SUBSECTION,
3 "COMMERCIAL MOTOR VEHICLE" MEANS THAT TERM AS DEFINED IN
4 SECTION 7A.

5 (2) THE DRIVER OF A COMMERCIAL MOTOR VEHICLE SHALL COMPLY
6 WITH A LAWFUL ORDER OR DIRECTION OF A POLICE OFFICER GUIDING,
7 DIRECTING, CONTROLLING, OR REGULATING TRAFFIC AT A
8 RAILROAD-HIGHWAY GRADE CROSSING.

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

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

15 (5) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A
16 CIVIL INFRACTION.

17 Sec. 670. (1) A person shall not operate or move a cater-
18 pillar tractor, ~~steam~~ shovel, derrick, roller, boiler, machin-
19 ery, or other structure or object upon rollers, or other equip-
20 ment or structure, which, because of ~~the~~ ITS limited power,
21 ~~thereof,~~ or ~~the~~ weight, ~~or~~ character, ~~thereof, or of the~~
22 ~~load thereon~~ OR LOAD, has a normal operating speed of 4 miles
23 per hour or less, or which has a vertical load or body clearance
24 of less than 9 inches above the level surface of the roadway,
25 upon or across the tracks of a ~~steam~~ railroad at grade level
26 without first complying with this section, except this section

1 shall not apply to the movement of electrically propelled cars on
2 fixed rails ~~nor~~ OR to their loads.

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

7 (3) Before making the crossing, the person operating or
8 moving the vehicle or equipment shall first stop not less than
9 ~~10~~ 15 feet ~~nor~~ OR more than 50 feet from the nearest rail of
10 the track and while stopped shall listen and look in both direc-
11 tions along the track for an approaching train and for signals
12 indicating the approach of a train, and shall not proceed until
13 the crossing can be made safely.

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

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

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

1 court of record shall prepare and forward to the secretary of
2 state an abstract of the court record as follows:

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

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

13 (c) Immediately for each case charging a violation of sec-
14 tion 82127(1) or (3), 81134, or 81135 of the natural resources
15 and environmental protection act, 1994 PA 451, MCL 324.82127,
16 324.81134, and 324.81135, or a local ordinance substantially cor-
17 responding to those sections.

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

26 (3) The abstract or report required under this section shall
27 be made upon a form furnished by the secretary of state. An

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1 abstract shall be certified by signature, stamp, or facsimile
2 signature of the person required to prepare the abstract as
3 correct. An abstract or report shall include all of the
4 following:

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

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

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

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

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

15 (f) Whether bail was forfeited.

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

18 (h) The vehicle identification number and registration plate
19 number of all vehicles that are ordered immobilized or
20 forfeited.

21 (i) Other information considered necessary to the secretary
22 of state.

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

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

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

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

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

7 (e) A violation of section 411a(2) of the Michigan penal
8 code, 1931 PA 328, MCL 750.411a.

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

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

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

17 (I) ~~-(f)-~~ An attempt to violate, a conspiracy to violate, or
18 a violation of part 74 of the public health code, 1978 PA 368,
19 MCL 333.7401 to 333.7461, or a local ordinance that prohibits
20 conduct prohibited under part 74 of the public health code, 1978
21 PA 368, MCL 333.7401 to 333.7461, unless the convicted person is
22 sentenced to life imprisonment or a minimum term of imprisonment
23 that exceeds 1 year for the offense.

24 (J) ~~-(g)-~~ An attempt to commit an offense described in sub-
25 divisions (a) to ~~-(e)-~~ (H).

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

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

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

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

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

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

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

17 "You are charged with the commission of a felony in which a
18 motor vehicle was used. If you are convicted and the judge finds
19 that the conviction is for a felony in which a motor vehicle was
20 used, as defined in section 319 of the Michigan vehicle code,
21 1949 PA 300, MCL 257.319, your driver's license shall be sus-
22 pended by the secretary of state.".

23 (7) If a juvenile is accused of an act, the nature of which
24 constitutes a felony in which a motor vehicle was used, other
25 than a felony specified in subsection (4) or section 319, the
26 prosecuting attorney or family division of circuit court shall

1 include the following statement on the petition filed in the
2 court:

3 "You are accused of an act the nature of which constitutes a
4 felony in which a motor vehicle was used. If the accusation is
5 found to be true and the judge or referee finds that the nature
6 of the act constitutes a felony in which a motor vehicle was
7 used, as defined in section 319 of the Michigan vehicle code,
8 1949 PA 300, MCL 257.319, your driver's license shall be sus-
9 pended by the secretary of state.".

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

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

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

22 (b) The vehicle was used to transport a victim of the
23 felony.

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

25 (d) The vehicle was necessary for the commission of the
26 felony.

1 (10) If a person is charged with a felony in which a
2 commercial motor vehicle was used and for which a vehicle group
3 designation on a license is subject to suspension or revocation
4 under section 319b(1)(c)(iii), 319b(1)(d), ~~or~~ 319b(1)(e)(iii),
5 or 319b(1)(f)(i), the prosecuting attorney shall include the fol-
6 lowing statement on the complaint and information filed in dis-
7 trict or circuit court:

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

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

21 (12) Every person required to forward abstracts to the sec-
22 retary of state under this section shall certify for the period
23 from January 1 through June 30 and for the period from July 1
24 through December 31 that all abstracts required to be forwarded
25 during the period have been forwarded. The certification shall
26 be filed with the secretary of state not later than 28 days after
27 the end of the period covered by the certification. The

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1 certification shall be made upon a form furnished by the
2 secretary of state and shall include all of the following:

3 (a) The name and title of the person required to forward
4 abstracts.

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

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

7 (d) The following statement:

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

12 (e) Other information the secretary of state considers
13 necessary.

14 (f) The signature of the person required to forward
15 abstracts.

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

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

25 (15) Except for controlled substance offenses described in
26 subsection (4), the court shall not submit, and the secretary of
27 state shall discard and not enter on the master driving record,

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1 an abstract for a conviction or civil infraction determination
2 for any of the following violations:

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

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

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

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

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

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

26 (17) The secretary of state shall inform the courts of this
27 state of the nonmoving violations and violations of chapter II

1 that are used by the secretary of state as the basis for the
2 suspension, restriction, revocation, or denial of an operator's
3 or chauffeur's license.

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

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

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

26 Sec. 904. (1) A person whose operator's or chauffeur's
27 license or registration certificate has been suspended or revoked

1 and who has been notified as provided in section 212 of that
2 suspension or revocation, whose application for license has been
3 denied, or who has never applied for a license, shall not operate
4 a motor vehicle upon a highway or other place open to the general
5 public or generally accessible to motor vehicles, including an
6 area designated for the parking of motor vehicles, within this
7 state.

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

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

19 (a) For a first violation, by imprisonment for not more than
20 93 days or a fine of not more than \$500.00, or both. Unless the
21 vehicle was stolen or used with the permission of a person who
22 did not knowingly permit an unlicensed driver to operate the
23 vehicle, the registration plates of the vehicle shall be canceled
24 by the secretary of state upon notification by a peace officer.

25 (b) For a violation that occurs after a prior conviction, by
26 imprisonment for not more than 1 year or a fine of not more than
27 \$1,000.00, or both. Unless the vehicle was stolen, the

1 registration plates of the vehicle shall be canceled by the
2 secretary of state upon notification by a peace officer.

3 (4) A person who operates a motor vehicle in violation of
4 subsection (1) and who, by operation of that motor vehicle,
5 causes the death of another person is guilty of a felony punish-
6 able by imprisonment for not more than 15 years or a fine of not
7 less than \$2,500.00 or more than \$10,000.00, or both. This sub-
8 section does not apply to a person whose operator's or
9 chauffeur's license was suspended because that person failed to
10 answer a citation or comply with an order or judgment pursuant to
11 section 321a.

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

24 (a) Loss of a limb or loss of use of a limb.

25 (b) Loss of a foot, hand, finger, or thumb or loss of use of
26 a foot, hand, finger, or thumb.

(c) Loss of an eye or ear or loss of use of an eye or ear.

(d) Loss or substantial impairment of a bodily function.

(e) Serious visible disfigurement.

(f) A comatose state that lasts for more than 3 days.

(g) Measurable brain or mental impairment.

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

(i) Subdural hemorrhage or subdural hematoma.

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

(7) A person shall not knowingly permit a motor vehicle owned by the person to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state, by a person whose license or registration certificate is suspended or revoked, whose application for license has been denied, or who has never been licensed except as permitted by this act. If a person permitted to operate a motor vehicle in violation of this subsection causes the serious impairment of a body function of another person by operation of that motor vehicle, the person knowingly permitting the operation of that motor vehicle is guilty of a felony punishable by imprisonment for not more than 2 years, or a fine of not less than \$1,000.00 or more than \$5,000.00, or both. If a person permitted to

1 operate a motor vehicle in violation of this subsection causes
2 the death of another person by operation of that motor vehicle,
3 the person knowingly permitting the operation of that motor vehi-
4 cle is guilty of a felony punishable by imprisonment for not more
5 than 5 years, or a fine of not less than \$1,000.00 or more than
6 \$5,000.00, or both.

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

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

16 (a) An abstract of conviction.

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

18 (c) An admission by the defendant.

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

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1 (11) Upon receiving a record of a person's conviction or
2 civil infraction determination for the unlawful operation of a
3 motor vehicle or a moving violation reportable under section 732
4 while the person's operator's or chauffeur's license is indefi-
5 nitely suspended or whose application for a license has been
6 denied, the secretary of state immediately shall impose a 30-day
7 period of suspension or denial.

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

23 (13) If the secretary of state receives records of more than
24 1 conviction or civil infraction determination resulting from the
25 same incident, all of the convictions or civil infraction deter-
26 minations shall be treated as a single violation for purposes of

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1 imposing an additional period of suspension or revocation under
2 subsection (10), (11), or (12).

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

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

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

24 (17) If a person has a second or subsequent suspension or
25 revocation under this section within 7 years as indicated on the
26 person's Michigan driving record, the court shall proceed as
27 provided in section 904d.

1 (18) Any period of suspension or revocation required under
2 subsection (10), (11), or (12) does not apply to a person who has
3 only 1 currently effective suspension or denial on his or her
4 Michigan driving record under section 321a and was convicted of
5 or received a civil infraction determination for a violation that
6 occurred during that suspension or denial. This subsection may
7 only be applied once during the person's lifetime.

8 (19) For purposes of this section, a person who never
9 applied for a license includes a person who applied for a
10 license, was denied, and never applied again.

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

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

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1 and court costs ordered under this subsection shall be \$25.00.
2 For a violation of section 682 or a local ordinance substantially
3 corresponding to section 682, the person shall be ordered to pay
4 costs as provided in subsection (4) and a civil fine of not less
5 than \$100.00 or more than \$500.00. Permission may be granted for
6 payment of a civil fine and costs to be made within a specified
7 period of time or in specified installments, but unless permis-
8 sion is included in the order or judgment, the civil fine and
9 costs shall be payable immediately.

10 (3) ~~if~~ EXCEPT AS PROVIDED IN THIS SUBSECTION, IF a person
11 is determined to be responsible or responsible "with explanation"
12 for a civil infraction under this act or a local ordinance sub-
13 stantially corresponding to a provision of this act while driving
14 a commercial motor vehicle, he or she shall be ordered to pay
15 costs as provided in subsection (4) and a civil fine of not more
16 than \$250.00. IF A PERSON IS DETERMINED TO BE RESPONSIBLE OR
17 RESPONSIBLE "WITH EXPLANATION" FOR A CIVIL INFRACTION UNDER
18 SECTION 319G OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO
19 SECTION 319G, THAT PERSON SHALL BE ORDERED TO PAY COSTS AS PRO-
20 VIDED IN SUBSECTION (4) AND A CIVIL FINE OF NOT MORE THAN
21 \$10,000.00.

22 (4) If a civil fine is ordered ~~to be paid~~ under
23 subsection (2) or (3), the judge, district court referee, or dis-
24 trict court magistrate shall summarily tax and determine the
25 costs of the action, which ~~shall~~ ARE not ~~be~~ limited to the
26 costs taxable in ordinary civil actions, and may include all
27 expenses, direct and indirect, to which the plaintiff has been

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1 put in connection with the civil infraction, up to the entry of
2 judgment. Except in a civil infraction for a parking violation,
3 costs of not less than \$5.00 shall be ordered. Costs shall not
4 be ordered in excess of \$100.00. A civil fine ordered ~~to be~~
5 ~~paid~~ under subsection (2) or (3) shall not be waived unless
6 costs ordered under this subsection are waived. Except as other-
7 wise provided by law, costs ~~shall be~~ ARE payable to the general
8 fund of the plaintiff.

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

14 (6) A district court referee or district court magistrate
15 shall impose the sanctions permitted under subsections (2), (3),
16 and (5) only to the extent expressly authorized by the chief
17 judge or only judge of the district court district.

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

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1 (8) The state court administrator shall annually publish and
2 distribute to each district and court a recommended range of
3 civil fines and costs for first-time civil infractions. This
4 recommendation ~~shall~~ IS not ~~be~~ binding upon the courts having
5 jurisdiction over civil infractions but is intended to act as a
6 normative guide for judges, district court referees, and district
7 court magistrates and a basis for public evaluation of dispari-
8 ties in the imposition of civil fines and costs throughout the
9 state.

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

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

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

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1 (12) The court shall waive any civil fine or cost against a
2 person who received a civil infraction citation for a violation
3 of section 710d if the person, before the appearance date on the
4 citation, supplies the court with evidence of acquisition, pur-
5 chase, or rental of a child seating system meeting the require-
6 ments of section 710d.

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

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

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

26 Enacting section 2. This amendatory act takes effect
27 October 1, 2002.