

**SUBSTITUTE FOR  
HOUSE BILL NO. 5802**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 8a, 65, 204a, 208, 303, 306, 307, 309, 310e, 312b, 312e, 312f, 313, 314, 316, 317, 319, 319b, 319c, 320a, 321a, 323c, 708b, 732, 812, and 904 (MCL 257.8a, 257.65, 257.204a, 257.208, 257.303, 257.306, 257.307, 257.309, 257.310e, 257.312b, 257.312e, 257.312f, 257.313, 257.314, 257.316, 257.317, 257.319, 257.319b, 257.319c, 257.320a, 257.321a, 257.323c, 257.708b, 257.732, 257.812, and 257.904), section 8a as amended by 1998 PA 356, sections 65, 319b, 320a, 321a, and 732 as amended by 2004 PA 62, section 204a as amended by 1999 PA 73, section 208 as amended by 1997 PA 100, sections 303 and 319 as amended by 2003 PA 61, sections 306 and 310e as amended by 2004 PA 71, section 307 as amended by 2004 PA 52, sections 309, 312f, 319c, 323c, and 904 as amended by 2002 PA 534, section 312b as amended

by 2003 PA 103, sections 312e and 812 as amended by 2003 PA 152, section 313 as amended by 1991 PA 99, section 314 as amended by 2002 PA 554, section 317 as amended by 1993 PA 359, and section 708b as added by 1991 PA 55; and to repeal acts and parts of acts.

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

1       Sec. 8a. "Conviction" means ~~a~~ **any of the following:**

2       **(a) A final conviction, the payment of a fine, a plea of**  
 3 **guilty or nolo contendere if accepted by the court, or a finding**  
 4 **of guilt for a criminal law violation or a juvenile adjudication,**  
 5 **probate court disposition, or juvenile disposition for a**  
 6 **violation that if committed by an adult would be a crime,**  
 7 **regardless of whether the penalty is rebated or suspended.**

8       **(b) A conviction defined in federal law under 49 CFR 383.5,**  
 9 **regarding the operation of a commercial motor vehicle or the**  
 10 **operation of a noncommercial motor vehicle operated by a person**  
 11 **licensed to operate a commercial motor vehicle.**

12       Sec. 65. "State" means any state, territory, or possession  
 13 of the United States, Indian country as defined in 18 USC 1151,  
 14 the District of Columbia, the Dominion of Canada, or any province  
 15 **or territory** of the Dominion of Canada.

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

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

21       (b) A conviction, ~~or~~ civil infraction determination, **or**

1 **other licensing action that is** entered against the person for a  
2 violation of this act or a local ordinance substantially  
3 corresponding to a provision of this act, **or that is reported to**  
4 **the secretary of state by another jurisdiction.**

5 (c) A failure of the person, **including a nonresident,** to  
6 comply with a suspension issued pursuant to section 321a.

7 (d) A cancellation, denial, revocation, suspension, or  
8 restriction of the person's operating privilege, **a failure to pay**  
9 **a department of state driver responsibility fee, or other**  
10 **licensing action regarding that person,** under this act **or that is**  
11 **reported to the secretary of state by another jurisdiction. This**  
12 **subdivision also applies to nonresidents.**

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

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

16 (g) **Any driving record requested and received by the**  
17 **secretary of state under section 307.**

18 (h) **Any notice given by the secretary of state and the**  
19 **information provided in that notice under section 317(3) or (4).**

20 (i) ~~(g)~~ Any other information received by the secretary of  
21 state regarding the person that is required to be maintained as  
22 part of the person's driving record as provided by law.

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

1           (3) An order, record, or paper generated by the computerized  
2 central file of the secretary of state may be certified  
3 electronically by the generating computer. The certification  
4 shall be a certification of the order, record, or paper as it  
5 appeared on a specific date.

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

17           (5) After receiving a request for information contained in  
18 records maintained under this section, the secretary of state  
19 shall provide the information, in a form prescribed by the  
20 secretary of state, to any of the following:

21           (a) Another state.

22           (b) The United States secretary of transportation.

23           (c) The person who is the subject of the record.

24           (d) A motor carrier employer or prospective motor carrier  
25 employer, but only if the person who is the subject of the record  
26 is first notified of the request as prescribed by the secretary  
27 of state.

1           (e) An authorized agent of a person or entity listed in  
2 subdivisions (a) to (d).

3           Sec. 208. (1) Except as otherwise specified in this  
4 section, the secretary of state may destroy any department  
5 records maintained on file for 7 years, including the information  
6 contained in the central file maintained under section 204a.

7           (2) ~~Records~~ **Except as otherwise provided in this section,**  
8 **records** of convictions of any offense for which points are  
9 provided under section 320a(1)(a), (b), (c), or (g) or section  
10 320a(8) may be destroyed after being maintained on file for 10  
11 years.

12           (3) If a person who is a commercial license holder or a  
13 noncommercial license holder who operates a commercial motor  
14 vehicle is convicted, under a law of this state, a local  
15 ordinance substantially corresponding to a law of this state, or  
16 a law of another state substantially corresponding to a law of  
17 this state, of any of the following violations, the record of  
18 that conviction shall be maintained for the life of the person or  
19 until the person moves to another jurisdiction:

20           (a) Operating a vehicle in violation of section 625.

21           (b) Operating a commercial motor vehicle in violation of  
22 section 625m.

23           (c) Leaving the scene of an accident.

24           (d) Using a vehicle to commit a felony.

25           (e) Refusing to take an alcohol or controlled substance test  
26 required under this act.

27           (f) Operating a commercial motor vehicle when the person's

1 operator's or chauffeur's license or vehicle group designation is  
2 suspended, revoked, or canceled as a result of prior violations  
3 committed while operating a commercial motor vehicle.

4 (g) Operating a commercial motor vehicle when the person is  
5 disqualified from operating a commercial motor vehicle.

6 (h) Causing any fatality through the negligent operation of a  
7 commercial motor vehicle.

8 (4) ~~-(3)-~~ Records of stolen vehicles reported in section 253  
9 may be destroyed after being maintained on file for the year of  
10 entry plus 4 years.

11 (5) ~~-(4)-~~ Except as otherwise specified in this act, records  
12 the secretary of state considers obsolete and of no further  
13 service in carrying out the department's powers and duties may be  
14 destroyed upon that determination.

15 (6) ~~-(5)-~~ If a record of suspension under section 321a does  
16 not contain a conviction for a violation of section 904 or a  
17 local ordinance substantially corresponding to section 904 during  
18 the period of suspension, the secretary of state may destroy the  
19 record 180 days after the suspension terminates or as provided in  
20 subsections (1) to ~~-(4)-~~ (5).

21 (7) ~~-(6)-~~ The secretary of state may destroy a record of  
22 receipt of the notice provided for in section 321a(7) after the  
23 court involved informs the secretary of state that all  
24 outstanding matters regarding section 321a(7) have been  
25 resolved.

26 (8) ~~-(7)-~~ The secretary of state may destroy a record  
27 maintained pursuant to section 204a 180 days after the

1 nonresident driver against whom a civil infraction determination  
2 is entered complies with an order or judgment issued pursuant to  
3 section 907.

4 Sec. 303. (1) The secretary of state shall not issue a  
5 license under this act to any of the following persons:

6 ~~described in subdivisions (a) through (l):~~

7 (a) A person, as an operator, who is less than 18 years of  
8 age, except as otherwise provided in this act.

9 (b) A person, as a chauffeur, who is less than 18 years of  
10 age, except as otherwise provided in this act.

11 (c) A person whose license is suspended, revoked, denied, or  
12 canceled in any state. If the suspension, revocation, denial, or  
13 cancellation is not from the jurisdiction that issued the last  
14 license to the person, the secretary of state may issue a license  
15 after the expiration of 5 years from the effective date of the  
16 most recent suspension, revocation, denial, or cancellation.

17 (d) A person who in the opinion of the secretary of state is  
18 afflicted with or suffering from a physical or mental disability  
19 or disease preventing that person from exercising reasonable and  
20 ordinary control over a motor vehicle while operating the motor  
21 vehicle upon the highways.

22 (e) A person who is unable to understand highway warning or  
23 direction signs in the English language.

24 (f) A person who is unable to pass a knowledge, skill, or  
25 ability test administered by the secretary of state in connection  
26 with the issuance of an original operator's or chauffeur's  
27 license, original motorcycle indorsement, or an original or

1 renewal of a vehicle group designation or vehicle indorsement.

2 (g) A person who has been convicted of, has received a  
3 juvenile disposition for, or has been determined responsible for  
4 2 or more moving violations under a law of this state, a local  
5 ordinance substantially corresponding to a law of this state, or  
6 a law of another state substantially corresponding to a law of  
7 this state within the preceding 3 years, if the violations  
8 occurred before issuance of an original license to the person in  
9 this or another state.

10 (h) A nonresident including a foreign exchange student.

11 (i) A person who has failed to answer a citation or notice to  
12 appear in court or for any matter pending or fails to comply with  
13 an order or judgment of the court, including, but not limited to,  
14 paying all fines, costs, fees, and assessments, in violation of  
15 section 321a, until that person answers the citation or notice to  
16 appear in court or for any matter pending or complies with an  
17 order or judgment of the court, including, but not limited to,  
18 paying all fines, costs, fees, and assessments, as provided under  
19 section 321a.

20 (j) A person not licensed under this act who has been  
21 convicted of, has received a juvenile disposition for, or has  
22 been determined responsible for a crime or civil infraction  
23 described in section 319, 324, or 904. A person shall be denied  
24 a license under this subdivision for the length of time  
25 corresponding to the period of the licensing sanction that would  
26 have been imposed under section 319, 324, or 904 if the person  
27 had been licensed at the time of the violation.

1           (k) A person not licensed under this act who has been  
2 convicted of or received a juvenile disposition for committing a  
3 crime described in section 319e. A person shall be denied a  
4 license under this subdivision for the length of time that  
5 corresponds to the period of the licensing sanction that would  
6 have been imposed under section 319e if the person had been  
7 licensed at the time of the violation.

8           (l) A person not licensed under this act who is determined to  
9 have violated section 33b(1) of former 1933 (Ex Sess) PA 8,  
10 section 703(1) of the Michigan liquor control code of 1998, 1998  
11 PA 58, MCL 436.1703, or section 624a or 624b of this act. The  
12 person shall be denied a license under this subdivision for a  
13 period of time that corresponds to the period of the licensing  
14 sanction that would have been imposed under those sections had  
15 the person been licensed at the time of the violation.

16           (2) ~~-(m)-~~ The secretary of state may deny issuance of an  
17 operator's license until the age of 17 to a person not licensed  
18 under this act who was convicted of or received a juvenile  
19 disposition for violating or attempting to violate  
20 section 411a(2) of the Michigan penal code, 1931 PA 328, MCL  
21 750.411a, involving a school when he or she was less than 14  
22 years of age. A person not issued a license under this  
23 subdivision is not eligible to begin graduated licensing training  
24 until he or she attains 16 years of age.

25           (3) ~~-(n)-~~ The secretary of state may deny issuance of an  
26 operator's license to a person less than 21 years of age not  
27 licensed under this act who was convicted of or has received a

1 juvenile disposition for violating or attempting to violate  
2 section 411a(2) of the Michigan penal code, 1931 PA 328, MCL  
3 750.411a, involving a school when he or she was 14 years of age  
4 or older, until 3 years after the date of the conviction or  
5 juvenile disposition. A person not issued a license under this  
6 subdivision is not eligible to begin graduated licensing training  
7 or otherwise obtain an original operator's or chauffeur's license  
8 until 3 years after the date of the conviction or juvenile  
9 disposition.

10 **(4) The secretary of state shall deny issuance of a vehicle**  
11 **group designation to a person if the person has been disqualified**  
12 **by the United States secretary of transportation from operating a**  
13 **commercial motor vehicle.**

14 **(5) —(2)—** Upon receiving the appropriate records of  
15 conviction, the secretary of state shall revoke the operator's or  
16 chauffeur's license of a person and deny issuance of an  
17 operator's or chauffeur's license to a person having any of the  
18 following, whether under a law of this state, a local ordinance  
19 substantially corresponding to a law of this state, or a law of  
20 another state substantially corresponding to a law of this  
21 state:

22 (a) Any combination of 2 convictions within 7 years for  
23 reckless driving in violation of section 626.

24 (b) Any combination of 2 or more convictions within 7 years  
25 for any of the following:

26 (i) A felony in which a motor vehicle was used.

27 (ii) A violation or attempted violation of section 601b(2) or

1 (3), section 601c(1) or (2), section 602a(4) or (5), section 617,  
2 section 653a(3) or (4), or section 904(4) or (5).

3 (iii) Negligent homicide, manslaughter, or murder resulting  
4 from the operation of a vehicle or an attempt to commit any of  
5 those crimes.

6 (iv) A violation or attempted violation of section 479a(4) or  
7 (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a.

8 (c) Any combination of 2 convictions within 7 years for any  
9 of the following or a combination of 1 conviction for a violation  
10 or attempted violation of section 625(6) and 1 conviction for any  
11 of the following within 7 years:

12 (i) A violation or attempted violation of section 625, except  
13 a violation of section 625(2), or a violation of any prior  
14 enactment of section 625 in which the defendant operated a  
15 vehicle while under the influence of intoxicating or alcoholic  
16 liquor or a controlled substance, or a combination of  
17 intoxicating or alcoholic liquor and a controlled substance, or  
18 while visibly impaired, or with an unlawful bodily alcohol  
19 content.

20 (ii) A violation or attempted violation of section 625m.

21 (iii) Former section 625b.

22 (d) One conviction for a violation or attempted violation of  
23 section 315(5), section 601b(3), section 601c(2), section 602a(4)  
24 or (5), section 617, section 625(4) or (5), section 653a(4), or  
25 section 904(4) or (5).

26 (e) One conviction of negligent homicide, manslaughter, or  
27 murder resulting from the operation of a vehicle or an attempt to

1 commit any of those crimes.

2 (f) One conviction for a violation or attempted violation of  
3 section 479a(4) or (5) of the Michigan penal code, 1931 PA 328,  
4 MCL 750.479a.

5 (g) Any combination of 3 convictions within 10 years for any  
6 of the following or 1 conviction for a violation or attempted  
7 violation of section 625(6) and any combination of 2 convictions  
8 for any of the following within 10 years, if any of the  
9 convictions resulted from an arrest on or after January 1, 1992:

10 (i) A violation or attempted violation of section 625, except  
11 a violation of section 625(2), or a violation of any prior  
12 enactment of section 625 in which the defendant operated a  
13 vehicle while under the influence of intoxicating or alcoholic  
14 liquor or a controlled substance, or a combination of  
15 intoxicating or alcoholic liquor and a controlled substance, or  
16 while visibly impaired, or with an unlawful bodily alcohol  
17 content.

18 (ii) A violation or attempted violation of section 625m.

19 (iii) Former section 625b.

20 (6) ~~-(3)-~~ The secretary of state shall revoke a license under  
21 subsection ~~-(2)-~~ (5) notwithstanding a court order unless the  
22 court order complies with section 323.

23 (7) ~~-(4)-~~ The secretary of state shall not issue a license  
24 under this act to a person whose license has been revoked under  
25 this act or revoked and denied under subsection ~~-(2)-~~ (5) until  
26 all of the following occur, as applicable:

27 (a) The later of the following:

1 (i) The expiration of not less than 1 year after the license  
2 was revoked or denied.

3 (ii) The expiration of not less than 5 years after the date  
4 of a subsequent revocation or denial occurring within 7 years  
5 after the date of any prior revocation or denial.

6 (b) For a denial under subsection ~~-(2)(a)-~~ **(5)(a)**, (b), (c),  
7 and (g), the person rebuts by clear and convincing evidence the  
8 presumption resulting from the prima facie evidence that he or  
9 she is a habitual offender. The convictions that resulted in the  
10 revocation and denial constitute prima facie evidence that he or  
11 she is a habitual offender.

12 (c) The person meets the requirements of the department.

13 **(8)** ~~-(5)-~~ Multiple convictions or civil infraction  
14 determinations resulting from the same incident shall be treated  
15 as a single violation for purposes of denial or revocation of a  
16 license under this section.

17 **(9)** ~~-(6)-~~ As used in this section, "felony in which a motor  
18 vehicle was used" means a felony during the commission of which  
19 the person operated a motor vehicle and while operating the  
20 vehicle presented real or potential harm to persons or property  
21 and 1 or more of the following circumstances existed:

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

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

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

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

1           Sec. 306. (1) The secretary of state, upon receiving an  
2 application for a temporary instruction permit from a person who  
3 is 18 years of age or older, may issue that permit entitling the  
4 applicant, while carrying the permit, to drive a motor vehicle  
5 other than a motor vehicle requiring an indorsement under section  
6 312a or a vehicle group designation under section 312e upon the  
7 highways for a period of 180 days when accompanied by a licensed  
8 adult operator or chauffeur who is actually occupying a seat  
9 beside the driver.

10           (2) The secretary of state may issue an original operator's  
11 license and designate level 1, 2, or 3 graduated licensing  
12 provisions to a person who is less than 18 years of age, has been  
13 licensed in another state or country, and has satisfied the  
14 applicable requirements of section 310e.

15           (3) A student enrolled in a driver education course as that  
16 term is defined in section 1 of the driver education and training  
17 schools act, 1974 PA 369, MCL 256.601, or a motorcycle safety  
18 course approved by the department of state may operate a motor  
19 vehicle without holding an operator's license or permit while  
20 under the direct supervision of the program instructor.

21           (4) A student enrolled in a driver education course as that  
22 term is defined in section 1 of the driver education and training  
23 schools act, 1974 PA 369, MCL 256.601, and who has successfully  
24 completed 10 hours of classroom instruction and the equivalent of  
25 2 hours of behind-the-wheel training may be issued a temporary  
26 driver education certificate furnished by the department of state  
27 that authorizes a student to drive a motor vehicle, other than a

1 motor vehicle requiring an indorsement pursuant to section 312a  
2 or a vehicle group designation pursuant to section 312e, when  
3 accompanied by a licensed parent or guardian, or when accompanied  
4 by a nonlicensed parent or guardian and a licensed adult for the  
5 purpose of receiving additional instruction until the end of the  
6 student's driver education course.

7 (5) The secretary of state, upon receiving proper application  
8 from a person 16 or 17 years of age who is enrolled in or has  
9 successfully completed an approved motorcycle safety course under  
10 section 811a, or a person who is 18 years of age or older and who  
11 holds a valid operator's or chauffeur's license, may issue a  
12 motorcycle temporary instruction permit entitling the applicant,  
13 while carrying the permit, to operate a motorcycle upon the  
14 public streets and highways for a period of 180 days, but only  
15 when under the constant visual supervision of a licensed  
16 motorcycle operator at least 18 years of age. The applicant  
17 shall not operate the motorcycle at night or with a passenger.

18 (6) The secretary of state, upon receiving proper application  
19 from a person who is 18 years of age or older, who holds a valid  
20 operator's or chauffeur's license **other than a restricted**  
21 **license**, and who has passed the knowledge test for an original  
22 vehicle group designation or indorsement, may issue a temporary  
23 instruction permit entitling the person, while carrying the  
24 permit, to drive a vehicle requiring a vehicle group designation  
25 or vehicle group indorsement under section 312e upon the streets  
26 and highways for a period of 180 days, but only when accompanied  
27 by a licensed adult operator or chauffeur who is licensed with

1 the appropriate vehicle group designation and indorsement for the  
2 vehicle group being driven and who is actually occupying a seat  
3 beside the driver, or behind the driver if the permittee is  
4 driving a bus or school bus. In addition, if a permittee is  
5 enrolled in a driver training program for drivers of motor  
6 vehicles requiring a vehicle group designation or vehicle group  
7 indorsement under section 312e, which program is conducted by a  
8 college, a university, a school licensed by the department under  
9 the driver education and training schools act, 1974 PA 369,  
10 MCL 256.601 to 256.612, or a local or intermediate school  
11 district, the permittee may drive a vehicle requiring a vehicle  
12 group designation or vehicle group indorsement on the streets and  
13 highways of this state for a period of 180 days when accompanied  
14 by an instructor licensed with the appropriate vehicle group  
15 designation and indorsement for the vehicle being driven who is  
16 either occupying the seat beside the driver or in direct visual  
17 and audio communication with the permittee. A person issued a  
18 temporary instruction permit under this section shall not operate  
19 a vehicle designed to carry 16 or more passengers that is  
20 transporting passengers except with an instructor licensed with  
21 the appropriate vehicle group designation and indorsement for the  
22 vehicle being driven or a driver skills test examiner.

23       Sec. 307. (1) An applicant for an operator's or chauffeur's  
24 license shall supply a birth certificate attesting to his or her  
25 age or other sufficient documents or identification as the  
26 secretary of state may require. An application for an operator's  
27 or chauffeur's license shall be made in a manner prescribed by

1 the secretary of state and shall contain all of the following:

2 (a) The applicant's full name, date of birth, residence  
3 address, height, sex, eye color, signature, other information  
4 required or permitted on the license under this chapter, and, to  
5 the extent required to comply with federal law, the applicant's  
6 social security number. The applicant may provide a mailing  
7 address if the applicant receives mail at an address different  
8 from his or her residence address.

9 (b) The following notice shall be included to inform the  
10 applicant that under sections 509o and 509r of the Michigan  
11 election law, 1954 PA 116, MCL 168.509o and 168.509r, the  
12 secretary of state is required to use the residence address  
13 provided on this application as the applicant's residence address  
14 on the qualified voter file for voter registration and voting:

15 "NOTICE: Michigan law requires that the same address be used  
16 for voter registration and driver license purposes. Therefore,  
17 if the residence address you provide in this application  
18 differs from your voter registration address as it appears on  
19 the qualified voter file, the secretary of state will  
20 automatically change your voter registration to match the  
21 residence address on this application, after which your voter  
22 registration at your former address will no longer be valid for  
23 voting purposes. A new voter registration card, containing the  
24 information of your polling place, will be provided to you by  
25 the clerk of the jurisdiction where your residence address is  
26 located.".

1           (c) For an original or renewal operator's or chauffeur's  
2 license with a vehicle group designation or indorsement, the  
3 names of all states where the applicant has been licensed to  
4 drive any type of motor vehicle during the previous 10 years.

5           (d) ~~-(e)-~~ For an operator's or chauffeur's license with a  
6 vehicle group designation or indorsement, the following  
7 certifications by the applicant:

8           (i) The applicant meets the applicable federal driver  
9 qualification requirements under 49 CFR part 391 if the applicant  
10 operates or intends to operate in interstate commerce or meets  
11 the applicable qualifications under the rules promulgated by the  
12 department of state police under the motor carrier safety act of  
13 1963, 1963 PA 181, MCL 480.11 to 480.22, if the applicant  
14 operates or intends to operate in intrastate commerce.

15           (ii) The vehicle in which the applicant will take the driving  
16 skills tests is representative of the type of vehicle the  
17 applicant operates or intends to operate.

18           (iii) The applicant is not subject to disqualification **by the**  
19 **United States secretary of transportation, or a** suspension,  
20 revocation, or cancellation **under any state law** for conviction of  
21 an offense described in section 312f or 319b.

22           (iv) The applicant does not have a driver's license from more  
23 than 1 state **or jurisdiction.**

24           (e) ~~-(d)-~~ An applicant for an operator's or chauffeur's  
25 license with a vehicle group designation and a hazardous material  
26 indorsement (H vehicle indorsement) shall provide his or her  
27 fingerprints that were taken by a law enforcement official or a

1 designated representative for investigation as required by the  
2 uniting and strengthening America by providing appropriate tools  
3 required to intercept and obstruct terrorism (USA PATRIOT ACT)  
4 Act of 2001, Public Law 107-56.

5 (2) Except as provided in this subsection, an applicant for  
6 an operator's or chauffeur's license may have his or her image  
7 and signature captured or reproduced when the application for the  
8 license is made. An applicant required under section 5a of the  
9 sex offenders registration act, 1994 PA 295, MCL 28.725a, to  
10 maintain a valid operator's or chauffeur's license or official  
11 state personal identification card shall have his or her image  
12 and signature captured or reproduced when the application for the  
13 license is made. The secretary of state shall acquire by  
14 purchase or lease the equipment for capturing the images and  
15 signatures and may furnish the equipment to a local unit  
16 authorized by the secretary of state to license drivers. The  
17 secretary of state shall acquire equipment purchased or leased  
18 pursuant to this section under standard purchasing procedures of  
19 the department of management and budget based on standards and  
20 specifications established by the secretary of state. The  
21 secretary of state shall not purchase or lease equipment until an  
22 appropriation for the equipment has been made by the  
23 legislature. An image and signature captured pursuant to this  
24 section shall appear on the applicant's operator's or chauffeur's  
25 license. Except as provided in this subsection, the secretary of  
26 state may retain and use a person's image and signature described  
27 in this subsection only for programs administered by the

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

16 (3) An application shall contain a signature or verification  
17 and certification by the applicant, as determined by the  
18 secretary of state, and shall be accompanied by the proper fee.  
19 The secretary of state shall collect the application fee with the  
20 application. The secretary of state shall refund the application  
21 fee to the applicant if the license applied for is denied, but  
22 shall not refund the fee to an applicant who fails to complete  
23 the examination requirements of the secretary of state within 90  
24 days after the date of application for a license.

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

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

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

5 (ii) Written information describing the organ donation  
6 registry program maintained by Michigan's federally designated  
7 organ procurement organization or its successor organization.  
8 The written information required under this subparagraph shall  
9 include, in a type size and format that is conspicuous in  
10 relation to the surrounding material, the address and telephone  
11 number of Michigan's federally designated organ procurement  
12 organization or its successor organization, along with an  
13 advisory to call Michigan's federally designated organ  
14 procurement organization or its successor organization with  
15 questions about the organ donor registry program.

16 (iii) Written information giving the applicant the  
17 opportunity to be placed on the organ donation registry described  
18 in subparagraph (ii).

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

23 (c) Inform the applicant in writing that, if he or she  
24 indicates to the secretary of state under this section a  
25 willingness to have his or her name placed on the organ donor  
26 registry described in subdivision (a)(ii), the secretary of state  
27 will forward the applicant's name and address to the organ

1 donation registry maintained by Michigan's federally designated  
2 organ procurement organization or its successor organization, as  
3 required by subsection (6).

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

6 (a) Providing printed material enclosed with a mailed notice  
7 for an operator's or chauffeur's license renewal or the issuance  
8 of an operator's or chauffeur's license.

9 (b) Providing printed material to an applicant who personally  
10 appears at a secretary of state branch office.

11 (c) Through electronic information transmittals for  
12 operator's and chauffeur's licenses processed by electronic  
13 means.

14 (6) If an applicant indicates a willingness under this  
15 section to have his or her name placed on the organ donor  
16 registry described in subsection (4)(a)(ii), the secretary of  
17 state shall within 10 days forward the applicant's name and  
18 address to the organ donor registry maintained by Michigan's  
19 federally designated organ procurement organization or its  
20 successor organization. The secretary of state may forward  
21 information under this subsection by mail or by electronic  
22 means. The secretary of state shall not maintain a record of the  
23 name or address of an individual who indicates a willingness to  
24 have his or her name placed on the organ donor registry after  
25 forwarding that information to the organ donor registry under  
26 this subsection. Information about an applicant's indication of  
27 a willingness to have his or her name placed on the organ donor

1 registry that is obtained by the secretary of state under  
2 subsection (4) and forwarded under this subsection is exempt from  
3 disclosure under the freedom of information act, 1976 PA 442,  
4 MCL 15.231 to 15.246, pursuant to section 13(1)(d) of the freedom  
5 of information act, 1976 PA 442, MCL 15.243.

6 (7) If an application is received from a person previously  
7 licensed in another jurisdiction, the secretary of state shall  
8 request a copy of the applicant's driving record and other  
9 available information from the national driver register. When  
10 received, the driving record and other available information  
11 become a part of the driver's record in this state.

12 (8) If ~~the~~ **an** application is **received** for an original,  
13 renewal, or upgrade of a vehicle group designation or  
14 indorsement, the secretary of state shall **request the person's**  
15 **complete driving record from all states where the applicant was**  
16 **previously licensed to drive any type of motor vehicle over the**  
17 **last 10 years before issuing a vehicle group designation or**  
18 **indorsement to the applicant. If the applicant does not hold a**  
19 **valid commercial motor vehicle driver license from a state where**  
20 **he or she was licensed in the last 10 years, this complete**  
21 **driving record request must be made not earlier than 24 hours**  
22 **before the secretary of state issues the applicant a vehicle**  
23 **group designation or indorsement. For all other drivers, this**  
24 **request must be made not earlier than 10 days before the**  
25 **secretary of state issues the applicant a vehicle group**  
26 **designation or indorsement. The secretary of state shall also**  
27 check the applicant's driving record with the national driver

1 register and the federal commercial driver license information  
2 system before issuing that group designation or indorsement. If  
3 the application is for the renewal of a vehicle group designation  
4 or indorsement, and if the secretary of state enters on the  
5 person's historical driving record maintained under section 204a  
6 a notation that the request was made and the date of the request,  
7 the secretary of state is required to request the applicant's  
8 complete driving record from other states only once under this  
9 section.

10       (9) ~~-(8)-~~ Except for a vehicle group designation or  
11 indorsement or as provided in this subsection, the secretary of  
12 state may issue a renewal operator's or chauffeur's license for 1  
13 additional 4-year period by mail or by other methods prescribed  
14 by the secretary of state. The secretary of state shall issue a  
15 renewal license only in person if the person is a person required  
16 under section 5a of the sex offenders registration act, 1994  
17 PA 295, MCL 28.725a, to maintain a valid operator's or  
18 chauffeur's license or official state personal identification  
19 card. If a license is renewed by mail or by other method, the  
20 secretary of state shall issue evidence of renewal to indicate  
21 the date the license expires in the future. The department of  
22 state police shall provide to the secretary of state updated  
23 lists of persons required under section 5a of the sex offenders  
24 registration act, 1994 PA 295, MCL 28.725a, to maintain a valid  
25 operator's or chauffeur's license or official state personal  
26 identification card.

27       (10) ~~-(9)-~~ Upon request, the secretary of state shall provide

1 an information manual to an applicant explaining how to obtain a  
2 vehicle group designation or indorsement. The manual shall  
3 contain the information required under 49 CFR part 383.

4 **(11)** ~~-(10)-~~ The secretary of state shall not disclose a  
5 social security number obtained under subsection (1) to another  
6 person except for use for 1 or more of the following purposes:

7 (a) Compliance with 49 USC 31301 to 31317 and regulations and  
8 state law and rules related to this chapter.

9 (b) Through the law enforcement information network, to carry  
10 out the purposes of section 466(a) of the social security act, 42  
11 USC 666, in connection with matters relating to paternity, child  
12 support, or overdue child support.

13 **(c) For programs administered by the secretary of state.**

14 **(d)** ~~-(e)-~~ As otherwise required by law.

15 **(12)** ~~-(11)-~~ The secretary of state shall not display a  
16 person's social security number on the person's operator's or  
17 chauffeur's license.

18 **(13)** ~~-(12)-~~ A requirement under this section to include a  
19 social security number on an application does not apply to an  
20 applicant who demonstrates he or she is exempt under law from  
21 obtaining a social security number or to an applicant who for  
22 religious convictions is exempt under law from disclosure of his  
23 or her social security number under these circumstances. The  
24 secretary of state shall inform the applicant of this possible  
25 exemption.

26 Sec. 309. (1) Before issuing a license, the secretary of  
27 state shall examine each applicant for an operator's or

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

16 (2) The secretary of state may appoint sheriffs, their  
17 deputies, the chiefs of police of cities and villages having  
18 organized police departments within this state, their duly  
19 authorized representatives, or employees of the secretary of  
20 state as examining officers for the purpose of examining  
21 applicants for operator's and chauffeur's licenses. An examining  
22 officer shall conduct examinations of applicants for operator's  
23 and chauffeur's licenses in accordance with this chapter and the  
24 rules promulgated by the secretary of state under subsection  
25 (3). After conducting an examination an examining officer shall  
26 make a written report of his or her findings and recommendations  
27 to the secretary of state.

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

15           (4) The secretary of state shall not issue an original  
16 operator's or chauffeur's license without a vehicle group  
17 designation or indorsement without an examination that includes a  
18 driving skills test conducted by the secretary of state or by a  
19 designated examining officer under subsection (2) or  
20 section 310e. The secretary of state may enter into an agreement  
21 with another public or private ~~person~~ **corporation** or agency to  
22 conduct a driving skills test conducted under this section.  
23 **Before the secretary of state authorizes a person to administer a**  
24 **corporation's or agency's driver skills testing operations or**  
25 **authorizes an examiner to conduct a driving skills test, that**  
26 **person or examiner must complete both a state and federal bureau**  
27 **of investigation fingerprint based criminal history check through**

1 **the department of state police.** In an agreement with another  
2 ~~person~~ **public or private corporation** or agency to conduct a  
3 driving skills test, the secretary of state ~~may~~ **shall** prescribe  
4 the method and examination criteria to be followed by the ~~person~~  
5 ~~or~~ **corporation, agency, or examiner** when conducting the driving  
6 skills test and the form of the certification to be issued to a  
7 person who satisfactorily completes a driving skills test. An  
8 original vehicle group designation or indorsement shall not be  
9 issued by the secretary of state without a knowledge test  
10 conducted by the secretary of state. Except as provided in  
11 section 312f(1), an original vehicle group designation or  
12 passenger **or school bus** indorsement shall not be issued by the  
13 secretary of state without a driving skills test conducted by an  
14 examiner appointed or authorized by the secretary of state.  
15 ~~While in the course of taking a driving skills test conducted by~~  
16 ~~the examiner who shall occupy a seat beside the applicant, an~~  
17 ~~applicant for an original vehicle group designation or passenger~~  
18 ~~indorsement who has been issued a temporary instruction permit to~~  
19 ~~operate a commercial motor vehicle is permitted to operate a~~  
20 ~~vehicle requiring a vehicle group designation or passenger~~  
21 ~~indorsement without a person licensed to operate a commercial~~  
22 ~~motor vehicle occupying a seat beside him or her.~~

23 (5) Except as otherwise provided in this act, the secretary  
24 of state may waive the requirement of a driving skills test,  
25 knowledge test, or road sign test of an applicant for an original  
26 operator's or chauffeur's license without a vehicle group  
27 designation or indorsement who at the time of the application is

1 the holder of a valid, unrevoked operator's or chauffeur's  
2 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) A person who corrupts or attempts to corrupt a designated  
9 examining officer appointed or designated by the secretary of  
10 state under this section or section 310e by giving, offering, or  
11 promising any gift or gratuity with the intent to influence the  
12 opinion or decision of the examining officer conducting the test  
13 is guilty of a felony.

14 (8) A designated examining officer appointed or designated by  
15 the secretary of state who conducts a driving skills test under  
16 an agreement entered into under this section or section 310e and  
17 who varies from, shortens, or in any other way changes the method  
18 or examination criteria prescribed in that agreement in  
19 conducting a driving skills test is guilty of a felony.

20 (9) A person who forges, counterfeits, or alters a  
21 satisfactorily completed driving skills test certification issued  
22 by a designated examining officer appointed or designated by the  
23 secretary of state under this section or section 310e is guilty  
24 of a felony.

25 Sec. 310e. (1) Except as otherwise provided in this act, an  
26 operator's or chauffeur's license issued to a person who is 17  
27 years of age or less shall be in a form as prescribed in section

1 310 beginning July 1, 2003, and is valid only upon the issuance  
2 of a graduated driver license.

3 (2) The secretary of state shall designate graduated  
4 licensing provisions in a manner that clearly indicates that the  
5 person is subject to the appropriate provisions described in this  
6 section.

7 (3) Except as otherwise provided in section 303, a person who  
8 is not less than 14 years and 9 months of age may be issued a  
9 level 1 graduated licensing status to operate a motor vehicle if  
10 the person has satisfied all of the following conditions:

11 (a) Passed a vision test and met health standards as  
12 prescribed by the secretary of state.

13 (b) Successfully completed segment 1 of a driver education  
14 course as that term is defined in section 1 of the driver  
15 education and training schools act, 1974 PA 369, MCL 256.601,  
16 including a minimum of 6 hours of on-the-road driving time with  
17 the instructor.

18 (c) Received written approval of a parent or legal guardian.

19 (4) A person issued a level 1 graduated licensing status may  
20 operate a motor vehicle only when accompanied either by a  
21 licensed parent or legal guardian or, with the permission of the  
22 parent or legal guardian, a licensed driver 21 years of age or  
23 older. Except as otherwise provided in this section, a person is  
24 restricted to operating a motor vehicle with a level 1 graduated  
25 licensing status for not less than 6 months.

26 (5) A person may be issued a level 2 graduated licensing  
27 status to operate a motor vehicle if the person has satisfied all

1 of the following conditions:

2 (a) Had a level 1 graduated licensing status for not less  
3 than 6 months.

4 (b) Successfully completed segment 2 of a driver education  
5 course as that term is defined in section 1 of the driver  
6 education and training schools act, 1974 PA 369, MCL 256.601.

7 (c) Not incurred a moving violation resulting in a conviction  
8 or civil infraction determination or been involved in an accident  
9 for which the official police report indicates a moving violation  
10 on the part of the person during the 90-day period immediately  
11 preceding application.

12 (d) Presented a certification by the parent or guardian that  
13 he or she, accompanied by his or her licensed parent or legal  
14 guardian or, with the permission of the parent or legal guardian,  
15 any licensed driver 21 years of age or older, has accumulated a  
16 total of not less than 50 hours of behind-the-wheel experience  
17 including not less than 10 nighttime hours.

18 (e) Successfully completed a secretary of state approved  
19 ~~performance road~~ **driving skills** test. The secretary of state  
20 may enter into an agreement with another public or private  
21 ~~person~~ **corporation** or agency ~~, including a city, village, or~~  
22 ~~township,~~ to conduct this ~~performance road~~ **driving skills**  
23 test. **Before the secretary of state authorizes a person to**  
24 **administer a corporation's or agency's driver skills testing**  
25 **operations or authorizes an examiner to conduct a driving skills**  
26 **test, that person or examiner must complete both a state and**  
27 **federal bureau of investigation fingerprint based criminal**

1 **history check through the department of state police.** This  
2 subdivision applies to a person 16 years of age or over only if  
3 the person has satisfied subdivisions (a), (b), (c), and (d).

4 (6) A person issued a level 2 graduated licensing status  
5 under subsection (5) shall remain at level 2 for not less than 6  
6 months and shall not operate a motor vehicle within this state  
7 from 12 midnight to 5 a.m. unless accompanied by a parent or  
8 legal guardian or a licensed driver over the age of 21 designated  
9 by the parent or legal guardian, or except when going to or from  
10 employment.

11 (7) The provisions and provisional period described in  
12 subsection (4) or (6) shall be expanded or extended, or both,  
13 beyond the periods described in subsection (4) or (6) if any of  
14 the following occur and are recorded on the licensee's driving  
15 record during the provisional periods described in subsection (4)  
16 or (6) or any additional periods imposed under this subsection:

17 (a) A moving violation resulting in a conviction, civil  
18 infraction determination, or probate court disposition.

19 (b) An accident for which the official police report  
20 indicates a moving violation on the part of the licensee.

21 (c) A license suspension for a reason other than a mental or  
22 physical disability.

23 (d) A violation of subsection (4) or (6).

24 (8) The provisional period described in subsection (4) shall  
25 be extended under subsection (7) until the licensee completes 90  
26 consecutive days without a moving violation, an accident in which  
27 a moving violation resulted, accident, suspension, or provisional

1 period violation listed in subsection (7) or until age 18,  
2 whichever occurs first. The provisional period described in  
3 subsection (6) shall be extended under subsection (7) until the  
4 licensee completes 12 consecutive months without a moving  
5 violation, accident, suspension, or restricted period violation  
6 listed in subsection (7) or until age 18, whichever occurs  
7 first.

8 (9) A person who is not less than 17 years of age may be  
9 issued a level 3 graduated licensing status under this subsection  
10 if the person has completed 12 consecutive months without a  
11 moving violation, an accident in which a moving violation  
12 resulted, accident, suspension, or restricted period violation  
13 listed in subsection (7) while the person was issued a level 2  
14 graduated licensing status under subsection (5).

15 (10) Notice shall be given by first-class mail to the last  
16 known address of a licensee if the provisions are expanded or  
17 extended as described in subsection (7).

18 (11) A person who violates subsection (4) or (6) is  
19 responsible for a civil infraction.

20 (12) If a person is determined responsible for a violation of  
21 subsection (4) or (6), the secretary of state shall send written  
22 notification of any conviction or moving violation to a  
23 designated parent or guardian of the person.

24 (13) For purposes of this section:

25 (a) Upon conviction for a moving violation, the date of the  
26 arrest for the violation shall be used in determining whether the  
27 conviction occurred within a provisional licensure period under

1 this section.

2 (b) Upon entry of a civil infraction determination for a  
3 moving violation, the date of issuance of a citation for a civil  
4 infraction shall be used in determining whether the civil  
5 infraction determination occurred within a provisional licensure  
6 period under this section.

7 (c) The date of the official police report shall be used in  
8 determining whether a licensee was driving a motor vehicle  
9 involved in an accident for which the official police report  
10 indicates a moving violation on the part of the licensee or  
11 indicates the licensee had been drinking alcoholic liquor.

12 (14) A person shall have his or her graduated licensing  
13 status in his or her immediate possession at all times when  
14 operating a motor vehicle, and shall display the card upon demand  
15 of a police officer. A person who violates this subsection is  
16 responsible for a civil infraction.

17 ~~(15) This section does not apply to a person 15 years of age~~  
18 ~~or older who is currently enrolled but has not completed a driver~~  
19 ~~education course on April 1, 1997 or who has completed a driver~~  
20 ~~education course but has not acquired his or her driver license~~  
21 ~~on April 1, 1997.~~

22 Sec. 312b. (1) Before a person who is less than 18 years of  
23 age is issued an original motorcycle endorsement on an operator's  
24 or chauffeur's license, the person shall pass an examination as  
25 required by this section and a motorcycle safety course as  
26 provided in section 811a or 811b.

27 (2) Before a person who is 18 years of age or older is issued

1 an original motorcycle endorsement on an operator's or  
2 chauffeur's license, the person shall pass an examination as  
3 required by this section. A person who fails this examination 2  
4 or more times is required to successfully complete a motorcycle  
5 safety course as provided in section 811a or 811b. Each written  
6 examination given an applicant for a motorcycle endorsement on an  
7 operator's or chauffeur's license as provided in section 309  
8 shall also include subjects designed to cover a motorcycle. A  
9 person shall pass an examination that shall include a driving  
10 test designed to test the competency of the applicant for the  
11 first motorcycle endorsement on an operator's or chauffeur's  
12 license to operate a motorcycle upon the roads and highways of  
13 this state with safety to himself or herself and other persons  
14 and property. All examinations shall be administered as provided  
15 in this act. The requirement of a motorcycle driving **skills** test  
16 shall be waived for an applicant who has successfully completed a  
17 motorcycle safety course conducted by a school or business  
18 enterprise as provided in section 811a or 811b. The motorcycle  
19 safety course skills test shall meet or exceed the motorcycle  
20 skills test from the secretary of state. The requirement of a  
21 motorcycle driving **skills** test may be waived if the applicant has  
22 a valid license or endorsement to operate a motorcycle from  
23 another state.

24 (3) A motorcycle endorsement issued to a person who operates  
25 a 3-wheeled motorcycle or an autocycle shall be restricted to  
26 operation of that type of motorcycle and does not permit  
27 operation of a 2-wheeled motorcycle. The secretary of state

1 shall develop a driving test specifically pertaining to an  
2 autocycle or a 3-wheeled motorcycle.

3 (4) The secretary of state is responsible for establishing  
4 and conducting the motorcycle operator driving **skills** test and  
5 shall promulgate rules under the administrative procedures act of  
6 1969, 1969 PA 306, MCL 24.201 to 24.328, for purposes of this  
7 subsection. An audit of the motorcycle safety fund shall be  
8 conducted by the office of the auditor general to determine  
9 compliance with the requirement that funds are being withdrawn  
10 only in relation to this act. A copy of the audit shall be  
11 transmitted to the legislature upon completion.

12 (5) The secretary of state may enter into an agreement with  
13 another public or private ~~person~~ **corporation** or agency to  
14 conduct a driving **skills** test required under this section.  
15 **Before the secretary of state authorizes a person to administer a**  
16 **corporation's or agency's driver skills testing operations or**  
17 **authorizes an examiner to conduct a driving skills test, that**  
18 **person or examiner must complete both a state and federal bureau**  
19 **of investigation fingerprint based criminal history check through**  
20 **the department of state police.** In an agreement with another  
21 ~~person~~ **public or private corporation** or agency to conduct a  
22 driving **skills** test under this section, the secretary of state  
23 ~~may~~ **shall** prescribe the method and examination criteria to be  
24 followed by the ~~person or~~ **corporation, agency, or examiner** when  
25 conducting the driving **skills** test and the form of the  
26 certification to be issued to a person who satisfactorily  
27 completes a driving **skills** test. For administering and

1 overseeing a third party motorcycle testing program, the  
2 secretary of state shall be reimbursed from the motorcycle safety  
3 fund a total amount that does not exceed 50% of the department's  
4 1995-1996 fiscal year appropriation for motorcycle testing under  
5 this section.

6 (6) A person who corrupts or attempts to corrupt a ~~person~~  
7 ~~or~~ **corporation, agency, or examiner** that conducts a driving  
8 **skills** test under an agreement entered into with the secretary of  
9 state under this section by giving, offering, or promising any  
10 gift or gratuity with the intent to influence the opinion or  
11 decision of the ~~person or~~ **corporation, agency, or examiner**  
12 conducting the driving **skills** test is guilty of a felony.

13 (7) A designated examining officer appointed or designated by  
14 the secretary of state who conducts a driving **skills** test under  
15 an agreement entered into under this section and who varies from,  
16 shortens, or in any other way changes the method or examination  
17 criteria prescribed to be followed under that agreement in  
18 conducting a driving **skills** test under this section is guilty of  
19 a felony.

20 (8) A person who forges, counterfeits, or alters a  
21 satisfactorily completed driving **skills** test certification issued  
22 by a designated examining officer appointed or designated by the  
23 secretary of state under this section is guilty of a felony.

24 Sec. 312e. (1) Except as otherwise provided in this  
25 section, a person, before operating a commercial motor vehicle,  
26 shall obtain the required vehicle group designation as follows:

27 (a) A person, before operating a combination of vehicles with

1 a gross combination weight rating of 26,001 pounds or more  
2 including a towed vehicle with a gross vehicle weight rating of  
3 more than 10,000 pounds, shall procure a group A vehicle  
4 designation on his or her operator's or chauffeur's license.  
5 Unless an indorsement or the removal of restrictions is required,  
6 a person licensed to operate a group A vehicle may operate a  
7 group B or C vehicle without taking another test.

8 (b) A person, before operating a vehicle having a gross  
9 vehicle weight rating of 26,001 pounds or more, shall procure a  
10 group B vehicle designation on his or her operator's or  
11 chauffeur's license. Unless an indorsement or the removal of  
12 restrictions is required, a person licensed to operate a group B  
13 vehicle may operate a group C vehicle without taking another  
14 test.

15 (c) A person, before operating a single vehicle having a  
16 gross vehicle weight rating under 26,001 pounds or a vehicle  
17 having a gross vehicle weight rating under 26,001 pounds towing a  
18 trailer or other vehicle and carrying hazardous materials on  
19 which a placard is required under ~~49 C.F.R.~~ **49 CFR** parts 100 to  
20 199, or designed to transport 16 or more passengers including the  
21 driver, shall procure a group C vehicle designation and a  
22 hazardous material or passenger vehicle indorsement on his or her  
23 operator's or chauffeur's license.

24 (2) An applicant for a vehicle group designation shall take  
25 knowledge and driving skills tests that comply with minimum  
26 federal standards prescribed in ~~49 C.F.R.~~ **49 CFR** part 383 as  
27 required under this act.

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

3           (4) Except as provided in this subsection, all of the  
4 following apply:

5           (a) If a person operates a group B passenger vehicle while  
6 taking his or her driving skills test for a P indorsement, he or  
7 she is restricted to operating only group B or C passenger  
8 vehicles under that P indorsement. **If a person operates a group**  
9 **B school bus while taking his or her driving skills test for an S**  
10 **indorsement, he or she is restricted to operating only group B or**  
11 **C school buses under that S indorsement.**

12           (b) If a person operates a group C passenger vehicle while  
13 taking his or her driving skills test for a P indorsement, he or  
14 she is restricted to operating only group C passenger vehicles  
15 under that P indorsement. **If a person operates a group C school**  
16 **bus while taking his or her driving skills test for an S**  
17 **indorsement, he or she is restricted to operating only group C**  
18 **school buses under that S indorsement.**

19           (c) A person who fails the air brake portion of the written  
20 or driving skills test provided under section 312f or who takes  
21 the driving skills test provided under that section in a  
22 commercial motor vehicle that is not equipped with air brakes  
23 shall not operate a commercial motor vehicle equipped with air  
24 brakes.

25           (5) A person, before operating a commercial motor vehicle,  
26 shall obtain required vehicle indorsements as follows:

27           (a) A person, before operating a commercial motor vehicle

1 pulling double trailers, shall procure the appropriate vehicle  
2 group designation and a T vehicle indorsement under this act.

3 (b) A person, before operating a commercial motor vehicle  
4 that is a tank vehicle, shall procure the appropriate vehicle  
5 group designation and an N vehicle indorsement under this act.

6 (c) A person, before operating a commercial motor vehicle  
7 carrying hazardous materials on which a placard is required under  
8 ~~49 C.F.R.~~ **49 CFR** parts 100 to 199, shall procure the  
9 appropriate vehicle group designation and an H vehicle  
10 indorsement under this act.

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

16 (e) A person, before operating a vehicle **that is** designed to  
17 transport 16 or more passengers including the driver ~~—~~ **but is**  
18 **not a school bus** shall procure the appropriate vehicle group  
19 designation and a P vehicle indorsement under this act. An  
20 applicant for a P vehicle indorsement shall take the driving  
21 skills test in a vehicle designed to transport 16 or more  
22 passengers including the driver.

23 (f) **Effective October 1, 2004, a person who does not**  
24 **currently possess a P indorsement, before operating a school bus**  
25 **designed to transport 16 or more passengers, including the**  
26 **driver, shall procure the appropriate vehicle group designation,**  
27 **pass the knowledge tests for the P and S indorsements, and**

1 procure the P and S vehicle indorsements under this act. An  
2 applicant for an S vehicle indorsement shall take a driving  
3 skills test in a school bus designed to transport 16 or more  
4 passengers, including the driver, that represents the same type  
5 of vehicle that the applicant intends to operate as a school  
6 bus.

7 (g) Effective October 1, 2005, a person who currently  
8 possesses a P indorsement, before operating a school bus designed  
9 to transport 16 or more passengers, including the driver, shall  
10 procure the appropriate vehicle group designation, pass the  
11 knowledge test for an S indorsement, and procure an S vehicle  
12 indorsement under this act. An applicant for an S vehicle  
13 indorsement shall take a driving skills test in a school bus  
14 designed to transport 16 or more passengers, including the  
15 driver, that represents the same type of vehicle that the  
16 applicant intends to operate as a school bus.

17 (6) Until September 30, 2005, the secretary of state may  
18 waive the driving skills test for an applicant for an S  
19 indorsement if the applicant certifies, and the secretary of  
20 state verifies, that during the 2-year period immediately prior  
21 to applying for the school bus indorsement the applicant met all  
22 of the following conditions:

23 (i) The applicant holds a valid driver license with a vehicle  
24 group designation and a P indorsement.

25 (ii) The applicant has not had an operator's, chauffeur's, or  
26 commercial motor vehicle driver license suspended, revoked,  
27 denied, or canceled.

1           (iii) The applicant has not been disqualified by the United  
2 States secretary of transportation from operating a commercial  
3 motor vehicle.

4           (iv) The applicant has not been convicted of any  
5 disqualifying offense listed in 49 CFR 383.51(b) while operating  
6 a commercial motor vehicle.

7           (v) The applicant has not been convicted of any disqualifying  
8 offense listed in 49 CFR 383.51(b) while operating a  
9 noncommercial motor vehicle that would be a disqualifying offense  
10 under 49 CFR 383.51(b) if the applicant had committed the offense  
11 while operating a commercial motor vehicle.

12           (vi) The applicant has not had more than 1 conviction for a  
13 serious traffic violation as defined in 49 CFR 383.51 while  
14 operating any type of motor vehicle.

15           (vii) Except for parking violations, the applicant has not  
16 had any conviction for a violation of any state or local motor  
17 vehicle traffic control law involving a vehicle accident.

18           (viii) The applicant has been regularly employed as a school  
19 bus driver for the past 2 years and has, for those 2 years,  
20 operated a school bus representing the type of school bus that  
21 the applicant intends to operate, and the applicant provides  
22 satisfactory evidence of that employment to the secretary of  
23 state.

24           (7) ~~-(6)-~~ An applicant for an indorsement shall take the  
25 knowledge and driving skills tests described and required  
26 pursuant to ~~49 C.F.R.~~ 49 CFR part 383.

27           (8) ~~-(7)-~~ The holder of an unexpired operator's or

1 chauffeur's license may be issued a vehicle group designation and  
2 indorsement valid for the remainder of the license upon meeting  
3 the qualifications of section 312f and payment of the original  
4 vehicle group designation fee of \$25.00 and an indorsement fee of  
5 \$5.00 per indorsement, and a corrected license fee of \$18.00. A  
6 person required to procure an F vehicle indorsement pursuant to  
7 subsection ~~(9)~~ **(10)** shall pay an indorsement fee of \$5.00.

8 **(9)** ~~(8)~~ Except as otherwise provided in subsections ~~(9)~~  
9 ~~and~~ **(10)** **and** **(11)**, this section does not apply to a driver or  
10 operator of a vehicle under all of the following conditions:

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

13 (b) The vehicle is used to transport agricultural products,  
14 farm machinery, farm supplies, or a combination of these items,  
15 to or from a farm.

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

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

19 **(10)** ~~(9)~~ A person, before driving or operating a  
20 combination of vehicles having a gross vehicle weight rating of  
21 26,001 pounds or more on the power unit that is used as described  
22 in subsection ~~(8)(a)~~ **(9)(a)** to (d), shall obtain an F vehicle  
23 indorsement. The F vehicle indorsement shall be issued upon  
24 successful completion of a knowledge test only.

25 **(11)** ~~(10)~~ A person, before driving or operating a single  
26 vehicle truck having a gross vehicle weight rating of 26,001  
27 pounds or more or a combination of vehicles having a gross

1 vehicle weight rating of 26,001 pounds or more on the power unit  
2 that is used as described in subsection ~~(8)(a)~~ **(9)(a)** to (d)  
3 for carrying hazardous materials on which a placard is required  
4 under ~~49 C.F.R.~~ **49 CFR** parts 100 to 199, shall successfully  
5 complete both a knowledge test and a driving skills test. Upon  
6 successful completion of the knowledge test and driving skills  
7 test, the person shall be issued the appropriate vehicle group  
8 designation and any vehicle indorsement necessary under this  
9 act.

10 **(12)** ~~(11)~~ This section does not apply to a police officer  
11 operating an authorized emergency vehicle or to a firefighter  
12 operating an authorized emergency vehicle who has met the driver  
13 training standards of the Michigan fire fighters' training  
14 council.

15 **(13)** ~~(12)~~ This section does not apply to a person operating  
16 a motor home or a vehicle used exclusively to transport personal  
17 possessions or family members for nonbusiness purposes.

18 **(14)** ~~(13)~~ The money collected under subsection ~~(7)~~ **(8)**  
19 for a vehicle group designation or indorsement shall be deposited  
20 in the state treasury to the credit of the general fund. The  
21 secretary of state shall refund out of the fees collected to each  
22 county or municipality acting as an examining officer or  
23 examining bureau \$3.00 for each applicant examined for a first  
24 designation or indorsement to an operator's or chauffeur's  
25 license and \$1.50 for each renewal designation or indorsement to  
26 an operator's or chauffeur's license, whose application is not  
27 denied, on the condition that the money refunded shall be paid to

1 the county or local treasurer and is appropriated to the county,  
2 municipality, or officer or bureau receiving that money for the  
3 purpose of carrying out this act.

4 (15) ~~(14)~~ Notwithstanding any other provision of this  
5 section, a person operating a vehicle described in subsections  
6 ~~(8)~~ (9) and ~~(9)~~ (10) is subject to the provisions of  
7 sections 303 and 319b.

8 Sec. 312f. (1) Except as otherwise provided in this  
9 section, a person shall be at least 18 years of age before he or  
10 she is issued a vehicle group designation or indorsement, other  
11 than a motorcycle indorsement, on an operator's or chauffeur's  
12 license and, as provided in this section, the person shall pass  
13 knowledge and driving skills tests that comply with minimum  
14 federal standards prescribed in ~~49 C.F.R.~~ 49 CFR part 383. A  
15 person operating a vehicle to be used for farming purposes only  
16 may obtain an A or B vehicle group designation or an F vehicle  
17 indorsement if he or she is at least 16 years of age. Each  
18 written examination given an applicant for a vehicle group  
19 designation or indorsement shall include subjects designed to  
20 cover the type or general class of vehicle to be operated. A  
21 person shall pass an examination that includes a driving skills  
22 test designed to test competency of the applicant for an original  
23 vehicle group designation and passenger indorsement on an  
24 operator's or chauffeur's license to drive that type or general  
25 class of vehicle upon the highways of this state with safety to  
26 persons and property. The secretary of state shall waive the  
27 driving skills test for a person operating a vehicle that is used

1 under the conditions described in section ~~312e(8)(a)~~ **312e(9)(a)**  
2 to (d) unless the vehicle has a gross vehicle weight rating of  
3 26,001 pounds or more on the power unit and is to be used to  
4 carry hazardous materials on which a placard is required under  
5 ~~49 C.F.R.~~ **49 CFR** parts 100 to 199. The driving skills test may  
6 be waived if the applicant has a valid license with the  
7 appropriate vehicle group designation, ~~or~~ passenger vehicle  
8 indorsement, **or school bus indorsement** in another state issued in  
9 compliance with ~~chapter 313 of title 49 of the United States~~  
10 ~~Code, 49 U.S.C.~~ **49 USC** 31301 to 31317.

11 (2) Except for a person who has held an operator's or  
12 chauffeur's license for less than 1 year, the secretary of state  
13 shall waive the knowledge test and the driving skills test and  
14 issue a 1-year seasonal restricted vehicle group designation to  
15 an otherwise qualified applicant to operate a group B or a group  
16 C vehicle for a farm related service industry if all of the  
17 following conditions are met:

18 (a) The applicant meets 1 of the following:

19 (i) An applicant who has between 1 and 2 years of driving  
20 experience shall possess a good driving record for his or her  
21 entire driving history.

22 (ii) An applicant who has more than 2 years of driving  
23 experience shall possess a good driving record for the 2 years  
24 immediately preceding application.

25 (b) The seasons for which the seasonal restricted vehicle  
26 group designation is issued shall be from April 2 to June 30 and  
27 from September 2 to November 30 only of a 12-month period or, at

1 the option of the applicant, for not more than 180 days from the  
2 date of issuance in a 12-month period. The good driving record  
3 shall be confirmed before each season and 180-day period.

4 (c) The commercial motor vehicle for which the seasonal  
5 restricted vehicle group designation is issued shall be operated  
6 only if all the following conditions are met:

7 (i) The commercial motor vehicle is operated only on routes  
8 within 150 miles from the place of business to the farm or farms  
9 being served.

10 (ii) The commercial motor vehicle does not transport a  
11 quantity of hazardous materials on which a placard is required  
12 except for the following:

13 (A) Diesel motor fuel in quantities of 1,000 gallons or  
14 less.

15 (B) Liquid fertilizers in quantities of 3,000 gallons or  
16 less.

17 (C) Solid fertilizers that are not transported with any  
18 organic substance.

19 (iii) The commercial motor vehicle does not require the H, N,  
20 P, **S**, T, or X vehicle indorsement.

21 (3) A seasonal restricted vehicle group designation under  
22 this subsection shall be issued, suspended, revoked, canceled,  
23 **denied**, or renewed in accordance with this act.

24 (4) The secretary of state may enter into an agreement with  
25 another public or private ~~person~~ **corporation** or agency to  
26 conduct a **driving** skills test required under this section,  
27 section 312e, or ~~49 C.F.R.~~ **49 CFR** part 383. **Before the**

1 secretary of state authorizes a person to administer a  
 2 corporation's or agency's driver skills testing operations or  
 3 authorizes an examiner to conduct a driving skills test, that  
 4 person or examiner must complete both a state and federal bureau  
 5 of investigation fingerprint based criminal history check through  
 6 the department of state police.

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

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

18 (b) The applicant was convicted of or incurred a bond  
 19 forfeiture in relation to a 6-point violation as provided in  
 20 section 320a in the 24 months immediately preceding application  
 21 **if the violation occurred while the applicant was operating a**  
 22 **commercial motor vehicle**, or a violation of section 625(3) or  
 23 former section 625b, or a local ordinance substantially  
 24 corresponding to section 625(3) or former section 625b in the 24  
 25 months immediately preceding application, if the ~~violation~~  
 26 ~~occurred while the~~ applicant was operating ~~a commercial~~ **any**  
 27 **type of** 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  
12 suspension or revocation would have been imposed under this act  
13 had the applicant been licensed in this state in the original  
14 instance. This subdivision does not apply to a suspension or  
15 revocation that would have been imposed due to a temporary  
16 medical condition 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 ~~chapter 313 of title 49 of the~~  
23 ~~United States Code, 49 U.S.C.~~ **49 USC** 31301 to 31317 or the  
24 applicant's license to operate a commercial motor vehicle has  
25 been suspended, revoked, denied, or canceled within 36 months  
26 immediately preceding the date of application.

27 (g) **The United States secretary of transportation has**

1 **disqualified the applicant from operating a commercial motor**  
2 **vehicle.**

3 (6) The secretary of state shall not ~~issue a vehicle group~~  
4 ~~designation to an applicant to~~ renew or upgrade a vehicle group  
5 designation if **the United States secretary of transportation has**  
6 **disqualified the applicant from operating a commercial motor**  
7 **vehicle, or** the applicant is listed on the national driver  
8 register or the commercial driver license information system as  
9 being disqualified from operating a commercial motor vehicle or  
10 as having a driver license or driving privilege suspended,  
11 revoked, canceled, or denied.

12 (7) The secretary of state shall only consider bond  
13 forfeitures under subsection (5)(b) for violations that occurred  
14 on or after January 1, 1990 when determining the applicability of  
15 subsection (5).

16 (8) If an applicant for an original vehicle group designation  
17 was previously licensed in another jurisdiction, the secretary of  
18 state shall request a copy of the applicant's driving record from  
19 that jurisdiction. If 1 or more of the conditions described in  
20 subsection (5) exist in that jurisdiction when the secretary of  
21 state receives the copy, the secretary of state shall cancel all  
22 vehicle group designations on the person's operator's or  
23 chauffeur's license.

24 (9) The secretary of state shall cancel all vehicle group  
25 designations on a person's operator's or chauffeur's license upon  
26 receiving notice from **the United States secretary of**  
27 **transportation,** the national driver register, the commercial

1 driver license system, or another state or jurisdiction that 1 or  
2 more of the conditions described in subsection (5) existed at the  
3 time of the person's application in this state.

4 (10) The secretary of state shall cancel all vehicle group  
5 designations on the person's operator's or chauffeur's license  
6 upon receiving proper notice that the person no longer meets the  
7 federal driver qualification requirements under ~~49 C.F.R.~~ **49**  
8 **CFR** part 391 to operate a commercial motor vehicle in interstate  
9 commerce, or the person no longer meets the driver qualification  
10 requirements to operate a commercial motor vehicle in intrastate  
11 commerce under the motor carrier safety act of 1963, 1963 PA 181,  
12 MCL 480.11 to 480.22.

13 (11) Subsection (5)(a), (b), (d), and (f) do not apply to an  
14 applicant for an original vehicle group designation who at the  
15 time of application has a valid license to operate a commercial  
16 motor vehicle issued by any state in compliance with ~~chapter 313~~  
17 ~~of title 49 of the United States Code, 49 U.S.C.~~ **49 USC** 31301 to  
18 31317.

19 (12) As used in this section:

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

23 (b) "Good driving record" means the criteria required under  
24 regulations described at ~~49 C.F.R.~~ **49 CFR** 383.77 and 57  
25 F.R. 75, P. 13650 (April 17, 1992).

26 Sec. 313. (1) Except as provided in subsection (2) **and**  
27 **section 812**, if an operator's or chauffeur's license issued under

1 this chapter is lost, destroyed, or mutilated, or becomes  
2 illegible, the person to whom the license was issued may obtain a  
3 duplicate upon the payment of the fee required in section 812,  
4 upon furnishing proof satisfactory to the secretary of state that  
5 the license has been lost, destroyed, or mutilated, or has become  
6 illegible, and upon certifying that the license is not being held  
7 by a court as a condition of that person's recognizance.

8 (2) Subsection (1) does not apply if the operator's or  
9 chauffeur's license is destroyed pursuant to ~~section 625b(12)~~  
10 ~~or~~ section 625g(1)(b)(iii).

11 Sec. 314. (1) Except as otherwise provided in this section,  
12 an operator's license shall expire on the birthday of the person  
13 to whom the license is issued in the fourth year following the  
14 date of the issuance of the license unless suspended or revoked  
15 before that date. ~~or issued pursuant to section 314b.~~ A license  
16 shall not be issued for a period longer than 4 years. A person  
17 holding a license at any time within 45 days before the  
18 expiration of his or her license may make application for a new  
19 license as provided for in this chapter. However, a knowledge  
20 test for an original group designation or indorsement may be  
21 taken at any time during this period and the results shall be  
22 valid for 12 months. However, if the licensee will be out of the  
23 state during the 45 days immediately preceding expiration of the  
24 license or for other good cause shown cannot apply for a license  
25 within the 45-day period, application for a new license may be  
26 made not more than 6 months before expiration of the license.  
27 This new license when granted shall expire as provided for in

1 this chapter.

2 (2) The first operator's license issued to a person who at  
3 the time of application is less than 20-1/2 years of age shall  
4 expire on the licensee's twenty-first birthday unless suspended  
5 or revoked. Until July 1, 2003, the secretary of state shall  
6 code the license in a manner which clearly identifies the  
7 licensee as being less than 21 years of age.

8 (3) The first chauffeur's license issued to a person shall  
9 expire on the licensee's birthday in the fourth year following  
10 the date of issuance unless the license is suspended or revoked  
11 before that date. ~~or is issued pursuant to section 314b.~~ The  
12 chauffeur's license of a person who at the time of application is  
13 less than 20-1/2 years of age shall expire on the licensee's  
14 twenty-first birthday unless suspended or revoked. Until July 1,  
15 2003, the secretary of state shall code the license in a manner  
16 which clearly identifies the licensee as being less than 21 years  
17 of age. A subsequent chauffeur's license shall expire on the  
18 birthday of the person to whom the license is issued in the  
19 fourth year following the date of issuance of the license unless  
20 the license is suspended or revoked before that date. ~~or is~~  
21 ~~issued pursuant to section 314b.~~

22 (4) A person may apply for an extension of his or her driving  
23 privileges if he or she is out of state on the date that his or  
24 her operator's or chauffeur's license expires. The extension may  
25 extend the license for ~~90~~ 180 days beyond the expiration date  
26 or within 2 weeks after the applicant returns to Michigan,  
27 whichever occurs first.

1           (5) A person who will be out of state for more than 90 days  
2 beyond the expiration date of his or her operator's license may  
3 apply for a ~~2-year extension~~ **4-year renewal** of his or her  
4 driving privileges. The applicant for this ~~extension~~ **renewal**  
5 shall submit a statement evidencing a vision examination in  
6 accordance with the rules promulgated by the secretary of state  
7 under section 309. ~~The fee for a 2-year extension shall be the~~  
8 ~~same as provided in section 314b(2).~~

9           Sec. 316. The secretary of state shall file each  
10 application for an operator's or chauffeur's license and index  
11 the application by name and number. The secretary of state shall  
12 maintain suitable records of licenses issued, applications for  
13 licenses denied, and a record of licenses which have been  
14 revoked, **canceled**, or suspended. The secretary of state shall  
15 note upon those records each conviction, civil infraction  
16 determination, and probate court finding of the person to whom  
17 the license is granted, as provided in this act, and shall  
18 preserve those records for not less than 6 years after the date  
19 of application.

20           Sec. 317. (1) The secretary of state may suspend, **deny**, or  
21 revoke the right of a nonresident to operate a motor vehicle in  
22 this state for a cause for which the license of a resident driver  
23 may be suspended, **denied**, or revoked. A nonresident who drives a  
24 motor vehicle upon a highway when the privilege to drive has been  
25 suspended, revoked, or denied by the secretary of state is guilty  
26 of a misdemeanor punishable as provided in section 904.

27           (2) The secretary of state, upon receiving a record of the

1 conviction, civil infraction determination, **suspension,**  
2 **revocation,** or forfeiture of bail in this state of a nonresident  
3 of a violation the record of which is required to be maintained  
4 under section 204a, ~~may~~ **shall** forward a certified copy of the  
5 record to the motor vehicle administrator or other appropriate  
6 officer in the state in which the person is a resident.

7       (3) Beginning October 1, 2005, within 30 days after an appeal  
8 is completed or the appeal period has expired if an appeal is not  
9 made in a conviction, civil infraction determination, or bond  
10 forfeiture entered against a nonresident in this state for a  
11 violation committed while operating a commercial motor vehicle or  
12 any violation for a commercial driver license holder regardless  
13 of vehicle type, except a parking violation, the secretary of  
14 state shall notify the motor vehicle administration or other  
15 appropriate officer of the state where the nonresident is  
16 licensed of that conviction, determination, or forfeiture.  
17 Beginning October 1, 2008, the secretary of state must give  
18 notice under this subsection within 10 days after an appeal is  
19 completed or the appeal period has expired if an appeal is not  
20 made.

21       (4) If the secretary of state suspends, revokes, cancels, or  
22 denies the driving privileges of a nonresident for 60 days or  
23 more and that nonresident is licensed by another state to operate  
24 a commercial motor vehicle, the secretary of state shall, within  
25 10 days after the effective date of the suspension, revocation,  
26 cancellation, or denial, forward a notification about that  
27 suspension, revocation, cancellation, or denial to the motor

1 vehicle administrator or other appropriate officer of the state  
2 where the nonresident is licensed to operate a motor vehicle. A  
3 notice given under this subsection must include both the denial,  
4 if any, and the violation that caused the suspension, revocation,  
5 cancellation, or denial of the nonresident's driving privileges.

6       Sec. 319. (1) The secretary of state shall immediately  
7 suspend a person's license as provided in this section upon  
8 receiving a record of the person's conviction for a crime  
9 described in this section, whether the conviction is under a law  
10 of this state, a local ordinance substantially corresponding to a  
11 law of this state, or a law of another state substantially  
12 corresponding to a law of this state.

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

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

17       (b) A violation of section 413 of the Michigan penal code,  
18 1931 PA 328, MCL 750.413.

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

21       (d) A felony in which a motor vehicle was used. As used in  
22 this section, "felony in which a motor vehicle was used" means a  
23 felony during the commission of which the person convicted  
24 operated a motor vehicle and while operating the vehicle  
25 presented real or potential harm to persons or property and 1 or  
26 more of the following circumstances existed:

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

1           (ii) The vehicle was used to transport a victim of the  
2 felony.

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

4           (iv) The vehicle was necessary for the commission of the  
5 felony.

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

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

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

13           (b) A violation of section 601b(2), section 601c(1), section  
14 626, or section 653a(3).

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

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

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

24           (5) For perjury or making a false certification to the  
25 secretary of state under any law requiring the registration of a  
26 motor vehicle or regulating the operation of a vehicle on a  
27 highway, or for conduct prohibited under section 324(1) or a

1 local ordinance substantially corresponding to section 324(1),  
2 the secretary shall suspend the person's license as follows:

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

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

7 (6) For a violation of section 414 of the Michigan penal  
8 code, 1931 PA 328, MCL 750.414, the secretary of state shall  
9 suspend the person's license as follows:

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

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

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

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

23 (b) If the person has 2 or more prior convictions for an  
24 offense described in this subsection or section 33b(1) of former  
25 1933 (Ex Sess) PA 8, for 1 year. The secretary of state may  
26 issue the person a restricted license after the first 60 days of  
27 suspension.

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

3 (a) For 180 days for a violation of section 625(1) or (8) if  
4 the person has no prior convictions within 7 years. The  
5 secretary of state may issue the person a restricted license  
6 during a specified portion of the suspension, except that the  
7 secretary of state shall not issue a restricted license during  
8 the first 30 days of suspension.

9 (b) For 90 days for a violation of section 625(3) if the  
10 person has no prior convictions within 7 years. However, if the  
11 person is convicted of a violation of section 625(3), for  
12 operating a vehicle when, due to the consumption of a controlled  
13 substance or a combination of alcoholic liquor and a controlled  
14 substance, the person's ability to operate the vehicle was  
15 visibly impaired, the secretary of state shall suspend the  
16 person's license under this subdivision for 180 days. The  
17 secretary of state may issue the person a restricted license  
18 during all or a specified portion of the suspension.

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

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

26 (e) For 180 days for a violation of section 625(7) if the  
27 person has no prior convictions within 7 years. The secretary of

1 state may issue the person a restricted license after the first  
2 90 days of suspension.

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

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

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

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

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

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

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

27 (13) If the secretary of state receives records of more than

1 1 conviction of a person resulting from the same incident, a  
2 suspension shall be imposed only for the violation to which the  
3 longest period of suspension applies under this section.

4 (14) The secretary of state may waive a restriction,  
5 suspension, or revocation of a person's license imposed under  
6 this act if the person submits proof that a court in another  
7 state revoked, suspended, or restricted his or her license for a  
8 period equal to or greater than the period of a restriction,  
9 suspension, or revocation prescribed under this act for the  
10 violation and that the revocation, suspension, or restriction was  
11 served for the violation, or may grant a restricted license.

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

16 (16) The secretary of state shall not issue a restricted  
17 license to a person under subsection (8) that would permit the  
18 person to operate a commercial motor vehicle. ~~that transports~~  
19 ~~hazardous material in amounts requiring a placard under the~~  
20 ~~hazardous materials regulations, 49 C.F.R. parts 100 to 199.~~

21 (17) A restricted license issued under this section shall  
22 permit the person to whom it is issued to **take any driving skills**  
23 **test required by the secretary of state and to** drive under 1 or  
24 more of the following circumstances:

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

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

27 (i) The person's residence.

1           (ii) The person's work location.

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

4           (iv) The court probation department.

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

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

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

11          (18) While driving with a restricted license, the person  
12 shall carry proof of his or her destination and the hours of any  
13 employment, class, or other reason for traveling and shall  
14 display that proof upon a peace officer's request.

15          (19) Subject to subsection (21), as used in subsection (8),  
16 "prior conviction" means a conviction for any of the following,  
17 whether under a law of this state, a local ordinance  
18 substantially corresponding to a law of this state, or a law of  
19 another state substantially corresponding to a law of this  
20 state:

21          (a) Except as provided in subsection (20), a violation or  
22 attempted violation of any of the following:

23           (i) Section 625, except a violation of section 625(2), or a  
24 violation of any prior enactment of section 625 in which the  
25 defendant operated a vehicle while under the influence of  
26 intoxicating or alcoholic liquor or a controlled substance, or a  
27 combination of intoxicating or alcoholic liquor and a controlled

1 substance, or while visibly impaired, or with an unlawful bodily  
2 alcohol content.

3 (ii) Section 625m.

4 (iii) Former section 625b.

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

8 (20) Except for purposes of the suspensions described in  
9 subsection (8)(c) and (d), only 1 violation or attempted  
10 violation of section 625(6), a local ordinance substantially  
11 corresponding to section 625(6), or a law of another state  
12 substantially corresponding to section 625(6) may be used as a  
13 prior conviction.

14 (21) If 2 or more convictions described in subsection (19)  
15 are convictions for violations arising out of the same  
16 transaction, only 1 conviction shall be used to determine whether  
17 the person has a prior conviction.

18 Sec. 319b. (1) The secretary of state shall immediately  
19 suspend or revoke, as applicable, all vehicle group designations  
20 on the operator's or chauffeur's license of a person upon  
21 receiving notice of a conviction, bond forfeiture, or civil  
22 infraction determination of the person, or notice that a court or  
23 administrative tribunal has found the person responsible, for a  
24 violation described in this subsection of a law of this state, a  
25 local ordinance substantially corresponding to a law of this  
26 state **while the person was operating a commercial motor vehicle,**  
27 or a law of another state substantially corresponding to a law of

1 this state, or notice that the person has refused to submit to a  
2 chemical test of his or her blood, breath, or urine for the  
3 purpose of determining the amount of alcohol or presence of a  
4 controlled substance or both in the person's blood, breath, or  
5 urine while the person was operating a commercial motor vehicle  
6 as required by a law or local ordinance of this or another  
7 state. The period of suspension or revocation is as follows:

8 (a) Suspension for 60 days if the ~~licensee~~ **person** is  
9 convicted of or found responsible for 1 of the following while  
10 operating a commercial motor vehicle:

11 (i) Two serious traffic violations arising from separate  
12 incidents within 36 months.

13 (ii) A violation of section 667, 668, 669, or 669a.

14 (iii) A violation of motor carrier safety regulations 49 CFR  
15 392.10 or 392.11, as adopted by section 1a of the motor carrier  
16 safety act of 1963, 1963 PA 181, MCL 480.11a.

17 (iv) A violation of section 57 of the pupil transportation  
18 act, 1990 PA 187, MCL 257.1857.

19 (v) A violation of motor carrier safety regulations 49 CFR  
20 392.10 or 392.11, as adopted by section 31 of the motor bus  
21 transportation act, 1982 PA 432, MCL 474.131.

22 (vi) A violation of motor carrier safety regulations 49 CFR  
23 392.10 or 392.11 while operating a commercial motor vehicle other  
24 than a vehicle covered under subparagraph (iii), (iv), or (v).

25 (b) Suspension for 120 days if the ~~licensee~~ **person** is  
26 convicted of or found responsible for 1 of the following arising  
27 from separate incidents within 36 months while operating a

1 commercial motor vehicle:

2 (i) Three serious traffic violations.

3 (ii) Any combination of 2 violations described in  
4 subdivision (a)(ii).

5 (c) Suspension for 1 year if the ~~licensee~~ **person** is  
6 convicted of or found responsible for 1 of the following:

7 (i) A violation of section 625(1), (3), (4), (5), (6), (7),  
8 or (8), section 625m, or former section 625(1) or (2), or former  
9 section 625b, while operating a commercial motor vehicle.

10 (ii) Leaving the scene of an accident involving a commercial  
11 motor vehicle operated by the ~~licensee~~ **person**.

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

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

19 (v) **Operating a commercial motor vehicle in violation of a**  
20 **suspension, revocation, denial, or cancellation that was imposed**  
21 **for previous violations committed while operating a commercial**  
22 **motor vehicle.**

23 (vi) **Causing a fatality through the negligent or criminal**  
24 **operation of a commercial motor vehicle, including, but not**  
25 **limited to, the crimes of motor vehicle manslaughter, motor**  
26 **vehicle homicide, and negligent homicide.**

27 (vii) ~~(v)~~ A 6-point violation as provided in section 320a

1 while operating a commercial motor vehicle.

2       **(viii)** ~~-(vi)-~~ Any combination of 3 violations described in  
3 subdivision (a)(ii) arising from separate incidents within 36  
4 months while operating a commercial motor vehicle.

5       (d) Suspension for 3 years if the ~~licensee~~ **person** is  
6 convicted of or found responsible for an offense enumerated in  
7 subdivision (c)(i) to ~~-(v)-~~ **(vii)** in which a commercial motor  
8 vehicle was used if the vehicle was carrying hazardous material  
9 required to have a placard pursuant to 49 CFR parts 100 to 199.

10       (e) Revocation for **life, but with eligibility after** not less  
11 than 10 years and until the person is approved **by the secretary**  
12 **of state** for the issuance of a vehicle group designation if ~~a~~  
13 ~~licensee~~ **the person** is convicted of or found responsible for 1  
14 of the following:

15       (i) Any combination of 2 violations arising from 2 or more  
16 separate incidents under section 625(1), (3), (4), (5), (6), (7),  
17 or (8), section 625m, or former section 625(1) or (2), or former  
18 section 625b, while driving a commercial motor vehicle.

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

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

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

1 state, which refusals occurred in separate incidents.

2 (v) Operating a commercial motor vehicle in violation of a  
3 suspension, revocation, denial, or cancellation that was imposed  
4 for previous violations committed while operating a commercial  
5 motor vehicle.

6 (vi) Causing a fatality through the negligent or criminal  
7 operation of a commercial motor vehicle, including, but not  
8 limited to, the crimes of motor vehicle manslaughter, motor  
9 vehicle homicide, and negligent homicide.

10 (vii) ~~(v)~~ Two 6-point violations as provided in  
11 section 320a while operating a commercial motor vehicle.

12 (viii) ~~(vi)~~ Two violations, in any combination, of the  
13 offenses enumerated under subparagraph (i), (ii), (iii), (iv), or  
14 (v) arising from 2 or more separate incidents.

15 (f) Revocation for life if a ~~licensee~~ **person** is convicted  
16 of or found responsible for any of the following:

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

21 (ii) A conviction of any offense described in subdivision (c)  
22 or (d) after having been approved for the issuance of a vehicle  
23 group designation under subdivision (e).

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

26 (2) The secretary of state shall immediately revoke for life  
27 the hazardous material indorsement (H vehicle indorsement) on the

1 operator's or chauffeur's license of a person with a vehicle  
2 group designation upon receiving notice from the U.S. department  
3 of transportation that the person poses a security risk  
4 warranting denial under the uniting and strengthening America by  
5 providing appropriate tools required to intercept and obstruct  
6 terrorism (USA PATRIOT ACT) act of 2001, Public Law 107-56, 115  
7 Stat. 272.

8 (3) The secretary of state shall immediately suspend all  
9 vehicle group designations on the operator's or chauffeur's  
10 license of a person upon receiving notice of a conviction, bond  
11 forfeiture, or civil infraction determination of the person, or  
12 notice that a court or administrative tribunal has found the  
13 person responsible, for a violation of section 319d(4) or 319f, a  
14 local ordinance substantially corresponding to section 319d(4) or  
15 319f, or a law or local ordinance of another state, the United  
16 States, Canada, Mexico, or a local jurisdiction of either of  
17 these countries substantially corresponding to section 319d(4) or  
18 319f, while operating a commercial motor vehicle. The period of  
19 suspension or revocation is as follows:

20 (a) Suspension for 90 days if the ~~licensee~~ **person** is  
21 convicted of or found responsible for a violation of section  
22 319d(4) or 319f while operating a commercial motor vehicle.

23 (b) Suspension for 180 days if the ~~licensee~~ **person** is  
24 convicted of or found responsible for a violation of section  
25 319d(4) or 319f while operating a commercial motor vehicle that  
26 is either carrying hazardous material required to have a placard  
27 pursuant to 49 CFR parts 100 to 199 or designed to carry 16 or

1 more passengers, including the driver.

2 (c) Suspension for 1 year if the ~~licensee~~ **person** is  
3 convicted of or found responsible for 2 violations, in any  
4 combination, of section 319d(4) or 319f while operating a  
5 commercial motor vehicle arising from 2 or more separate  
6 incidents during a 10-year period.

7 (d) Suspension for 3 years if the ~~licensee~~ **person** is  
8 convicted of or found responsible for 3 or more violations, in  
9 any combination, of section 319d(4) or 319f while operating a  
10 commercial motor vehicle arising from 3 or more separate  
11 incidents during a 10-year period.

12 (e) Suspension for 3 years if the ~~licensee~~ **person** is  
13 convicted of or found responsible for 2 or more violations, in  
14 any combination, of section 319d(4) or 319f while operating a  
15 commercial motor vehicle carrying hazardous material required to  
16 have a placard pursuant to 49 CFR parts 100 to 199, or designed  
17 to carry 16 or more passengers, including the driver, arising  
18 from 2 or more separate incidents during a 10-year period.

19 (4) As used in this section:

20 (a) "Felony in which a commercial motor vehicle was used"  
21 means a felony during the commission of which the person  
22 convicted operated a commercial motor vehicle and while the  
23 person was operating the vehicle 1 or more of the following  
24 circumstances existed:

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

26 (ii) The vehicle was used to transport a victim of the  
27 felony.

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

2 (iv) The vehicle was necessary for the commission of the  
3 felony.

4 (b) "Serious traffic violation" means ~~a~~ **any of the**  
5 **following:**

6 (i) **A** traffic violation that occurs in connection with an  
7 accident in which a person died. ~~, careless~~

8 (ii) **Careless** driving. ~~, excessive~~

9 (iii) **Excessive** speeding as defined in regulations  
10 promulgated under ~~chapter 313 of title 49 of the United States~~  
11 ~~Code,~~ 49 USC 31301 to 31317. ~~, improper~~

12 (iv) **Improper** lane use. ~~, following~~

13 (v) **Following** too closely. ~~, or any~~

14 (vi) **Driving a commercial motor vehicle without obtaining any**  
15 **vehicle group designation on the person's license.**

16 (vii) **Driving a commercial motor vehicle without an**  
17 **operator's or chauffeur's license in possession. However, a**  
18 **person who, not later than the date by which the person must**  
19 **appear in court or pay any fine for a violation, provides proof**  
20 **to the law enforcement officer who issued the citation that the**  
21 **person held a valid vehicle group designation and indorsement on**  
22 **the date the citation was issued, is not guilty of this offense.**

23 (viii) **Driving a commercial motor vehicle while in possession**  
24 **of an operator's or chauffeur's license that has a vehicle group**  
25 **designation but does not have the appropriate vehicle group**  
26 **designation or indorsement required for the specific vehicle**  
27 **group being operated or the passengers or type of cargo being**

1 transported.

2 (ix) Any other serious traffic violation as defined in 49 CFR  
3 383.5 or as prescribed under this act.

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

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

15 (7) Effective October 1, 2005, a conviction, bond forfeiture,  
16 or civil infraction determination, or notice that a court or  
17 administrative tribunal has found a person responsible for a  
18 violation described in this subsection while the person was  
19 operating a noncommercial motor vehicle counts against the person  
20 who holds a license to operate a commercial motor vehicle the  
21 same as if the person had been operating a commercial motor  
22 vehicle at the time of the violation. For the purpose of this  
23 subsection, a noncommercial motor vehicle does not include a  
24 recreational vehicle used off-road. This subsection applies to  
25 the following state law violations and to a local ordinance  
26 substantially corresponding to any of those violations or a law  
27 of another state or out-of-state jurisdiction substantially

1 corresponding to any of those violations:

2 (a) Operating a vehicle in violation of section 625.

3 (b) Suspension for a refusal to submit to a chemical test of  
4 his or her blood, breath, or urine for the purpose of determining  
5 the amount of alcohol or the presence of a controlled substance  
6 or both in the person's blood, breath, or urine as required by a  
7 law or local ordinance of this or another state.

8 (c) Leaving the scene of an accident.

9 (d) Using a vehicle to commit a felony.

10 (8) ~~-(7)-~~ When determining the applicability of conditions  
11 listed in this section, the secretary of state shall only  
12 consider violations that occurred after January 1, 1990.

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

17 (a) A notice of the issuance of an operator's or chauffeur's  
18 license with a vehicle group designation within 10 days after the  
19 issuance of the license.

20 (b) A notice of a suspension, revocation, or denial of a  
21 license within 10 days after the suspension, revocation, or  
22 denial. ~~If the licensee is a nonresident, a notice of the state  
23 that issued the suspension, revocation, or denial of the license  
24 shall also be provided.~~

25 (2) Within 10 days after receiving a record of conviction,  
26 civil infraction determination, or forfeiture of bail in this  
27 state of a nonresident driver of a commercial motor vehicle for a

1 violation under the motor vehicle laws of this state, other than  
2 a parking violation, the secretary of state shall notify the  
3 motor vehicle administrator or other appropriate officer in the  
4 state in which the person is licensed.

5       Sec. 320a. (1) The secretary of state, within ~~10~~ 5 days  
6 after the receipt of a properly prepared abstract from this state  
7 or another state, shall record the date of conviction, civil  
8 infraction determination, or probate court disposition, and the  
9 number of points for each, based on the following formula, except  
10 as otherwise provided in this section and section 629c:

11       (a) Manslaughter, negligent homicide, or a felony  
12 resulting from the operation of a motor vehicle, ORV, or  
13 snowmobile..... 6 points

14       (b) A violation of section 601b(2) or (3), 601c(1) or  
15 (2), or 653a(3) or (4)..... 6 points

16       (c) A violation of section 625(1), (4), (5), (7), or  
17 (8), section 81134 or 82127(1) of the natural resources  
18 and environmental protection act, 1994 PA 451,  
19 MCL 324.81134 and 324.82127, or a law or ordinance  
20 substantially corresponding to section 625(1), (4), (5),  
21 (7), or (8) ~~—~~ or section 81134 or 82127(1) of the  
22 natural resources and environmental protection act, 1994  
23 PA 451, MCL 324.81134 and 324.82127..... 6 points

24       (d) Failing to stop and disclose identity at the scene

- 1 of an accident when required by law..... 6 points
  
- 2 (e) Operating a motor vehicle in violation of section  
3 626..... 6 points
  
- 4 (f) Fleeing or eluding an officer..... 6 points
  
- 5 (g) A violation of section 627(9) pertaining to speed  
6 in a work zone described in that section by exceeding the  
7 lawful maximum by more than 15 miles per hour..... 5 points
  
- 8 (h) A violation of any law other than the law described  
9 in subdivision (g) or ordinance pertaining to speed by  
10 exceeding the lawful maximum by more than 15 miles per  
11 hour..... 4 points
  
- 12 (i) A violation of section 625(3) or (6), section 81135  
13 or 82127(3) of the natural resources and environmental  
14 protection act, 1994 PA 451, MCL 324.81135 and 324.82127,  
15 or a law or ordinance substantially corresponding to  
16 section 625(3) or (6) or section 81135 or 82127(3) of the  
17 natural resources and environmental protection act, 1994  
18 PA 451, MCL 324.81135 and 324.82127..... 4 points
  
- 19 (j) A violation of section 626a or a law or ordinance  
20 substantially corresponding to section 626a..... 4 points
  
- 21 (k) A violation of section 653a(2)..... 4 points

1 (l) A violation of section 627(9) pertaining to speed  
2 in a work zone described in that section by exceeding the  
3 lawful maximum by more than 10 but not more than 15 miles  
4 per hour..... 4 points

5 (m) A violation of any law other than the law described  
6 in subdivision (l) or ordinance pertaining to speed by  
7 exceeding the lawful maximum by more than 10 but not more  
8 than 15 miles per hour or careless driving in violation  
9 of section 626b or a law or ordinance substantially  
10 corresponding to section 626b..... 3 points

11 (n) A violation of section 627(9) pertaining to speed  
12 in a work zone described in that section by exceeding the  
13 lawful maximum by 10 miles per hour or less..... 3 points

14 (o) A violation of any law other than the law described  
15 in subdivision (n) or ordinance pertaining to speed by  
16 exceeding the lawful maximum by 10 miles per hour or less 2 points

17 (p) Disobeying a traffic signal or stop sign, or  
18 improper passing..... 3 points

19 (q) A violation of section 624a, 624b, or a law or  
20 ordinance substantially corresponding to section 624a or  
21 624b..... 2 points

1 (r) A violation of section 310e(4) or (6) or a law or  
2 ordinance substantially corresponding to section 310e(4)  
3 or (6)..... 2 points

4 (s) All other moving violations pertaining to the  
5 operation of motor vehicles reported under this section 2 points

6 (t) A refusal by a person less than 21 years of age to  
7 submit to a preliminary breath test required by a peace  
8 officer under section 625a..... 2 points

9 (2) Points shall not be entered for a violation of section  
10 310e(14), 311, 625m, 658, 717, 719, 719a, or 723.

11 (3) Points shall not be entered for bond forfeitures.

12 (4) Points shall not be entered for overweight loads or for  
13 defective equipment.

14 (5) If more than 1 conviction, civil infraction  
15 determination, or probate court disposition results from the same  
16 incident, points shall be entered only for the violation that  
17 receives the highest number of points under this section.

18 (6) If a person has accumulated 9 points as provided in this  
19 section, the secretary of state may call the person in for an  
20 interview as to the person's driving ability and record after due  
21 notice as to time and place of the interview. If the person  
22 fails to appear as provided in this subsection, the secretary of  
23 state shall add 3 points to the person's record.

24 (7) If a person violates a speed restriction established by  
25 an executive order issued during a state of energy emergency as

1 provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of  
2 state shall enter points for the violation pursuant to subsection  
3 (1).

4 (8) The secretary of state shall enter 6 points upon the  
5 record of a person whose license is suspended or denied pursuant  
6 to section 625f. However, if a conviction, civil infraction  
7 determination, or probate court disposition results from the same  
8 incident, additional points for that offense shall not be  
9 entered.

10 (9) If a Michigan driver commits a violation in another state  
11 that would be a civil infraction if committed in Michigan, and a  
12 conviction results solely because of the failure of the Michigan  
13 driver to appear in that state to contest the violation, upon  
14 receipt of the abstract of conviction by the secretary of state,  
15 the violation shall be noted on the driver's record, but no  
16 points shall be assessed against his or her driver's license.

17 Sec. 321a. (1) A person who fails to answer a citation, or  
18 a notice to appear in court for a violation reportable to the  
19 secretary of state under section 732 or a local ordinance  
20 substantially corresponding to a violation of a law of this state  
21 reportable to the secretary of state under section 732, or for  
22 any matter pending, or who fails to comply with an order or  
23 judgment of the court, including, but not limited to, paying all  
24 fines, costs, fees, and assessments, is guilty of a misdemeanor  
25 punishable by imprisonment for not more than 93 days or a fine of  
26 not more than \$100.00, or both. A violation of this subsection  
27 or failure to answer a citation or notice to appear for a

1 violation of section 33b(1) of former 1933 (Ex Sess) PA 8,  
2 section 703(1) of the Michigan liquor control code of 1998, 1998  
3 PA 58, MCL 436.1703, or a local ordinance substantially  
4 corresponding to either of those sections shall not be considered  
5 a violation for any purpose under section 320a.

6 (2) Except as provided in subsection (3), 28 days or more  
7 after a person fails to answer a citation, or a notice to appear  
8 in court for a violation reportable to the secretary of state  
9 under section 732 or a local ordinance substantially  
10 corresponding to a violation of a law of this state reportable to  
11 the secretary of state under section 732, or for any matter  
12 pending, or fails to comply with an order or judgment of the  
13 court, including, but not limited to, paying all fines, costs,  
14 fees, and assessments, the court shall give notice by mail at the  
15 last known address of the person that if the person fails to  
16 appear or fails to comply with the order or judgment within 14  
17 days after the notice is issued, the secretary of state shall  
18 suspend the person's operator's or chauffeur's license. If the  
19 person fails to appear or fails to comply with the order or  
20 judgment within the 14-day period, the court shall, within 14  
21 days, inform the secretary of state, who shall immediately  
22 suspend the license of the person. The secretary of state shall  
23 immediately notify the person of the suspension by regular mail  
24 at the person's last known address.

25 (3) If the person is charged with, or convicted of, a  
26 violation of section 625 or a local ordinance substantially  
27 corresponding to section 625(1), (2), (3), (6), or (8) and the

1 person fails to answer a citation or a notice to appear in court,  
2 or for any matter pending, or fails to comply with an order or  
3 judgment of the court, including, but not limited to, paying all  
4 fines, costs, and crime victim rights assessments, the court  
5 shall immediately give notice by first-class mail sent to the  
6 person's last known address that if the person fails to appear  
7 within 7 days after the notice is issued, or fails to comply with  
8 the order or judgment of the court, including, but not limited  
9 to, paying all fines, costs, and crime victim rights assessments,  
10 within 14 days after the notice is issued, the secretary of state  
11 shall suspend the person's operator's or chauffeur's license. If  
12 the person fails to appear within the 7-day period, or fails to  
13 comply with the order or judgment of the court, including, but  
14 not limited to, paying all fines, costs, and crime victim rights  
15 assessments, within the 14-day period, the court shall  
16 immediately inform the secretary of state who shall immediately  
17 suspend the person's operator's or chauffeur's license and notify  
18 the person of the suspension by first-class mail sent to the  
19 person's last known address.

20 (4) If the person is charged with, or convicted of, a  
21 violation of section 33b(1) of former 1933 (Ex Sess) PA 8,  
22 section 703(1) of the Michigan liquor control code of 1998, 1998  
23 PA 58, MCL 436.1703, section 624a, section 624b, or a local  
24 ordinance substantially corresponding to those sections and the  
25 person fails to answer a citation or a notice to appear in court  
26 issued pursuant to section 33b of former 1933 (Ex Sess) PA 8,  
27 section 703 of the Michigan liquor control code of 1998, 1998

1 PA 58, MCL 436.1703, section 624a, section 624b, or a local  
2 ordinance substantially corresponding to those sections or fails  
3 to comply with an order or judgment of the court issued pursuant  
4 to section 33b of former 1933 (Ex Sess) PA 8, section 703 of the  
5 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703,  
6 section 624a, section 624b, or a local ordinance substantially  
7 corresponding to those sections including, but not limited to,  
8 paying all fines and costs, the court shall immediately give  
9 notice by first-class mail sent to the person's last known  
10 address that if the person fails to appear within 7 days after  
11 the notice is issued, or fails to comply with the order or  
12 judgment of the court, including, but not limited to, paying all  
13 fines and costs, within 14 days after the notice is issued, the  
14 secretary of state shall suspend the person's operator's or  
15 chauffeur's license. If the person fails to appear within the  
16 7-day period, or fails to comply with the order or judgment of  
17 the court, including, but not limited to, paying all fines and  
18 costs, within the 14-day period, the court shall immediately  
19 inform the secretary of state who shall immediately suspend the  
20 person's operator's or chauffeur's license and notify the person  
21 of the suspension by first-class mail sent to the person's last  
22 known address.

23 (5) A suspension imposed under subsection (2) or (3) remains  
24 in effect until both of the following occur:

25 (a) The secretary of state is notified by each court in which  
26 the person failed to answer a citation or notice to appear or  
27 failed to pay a fine or cost that the person has answered that

1 citation or notice to appear or paid that fine or cost.

2 (b) The person has paid to the court a \$45.00 driver license  
3 clearance fee for each failure to answer a citation or failure to  
4 pay a fine or cost.

5 (6) The court shall not notify the secretary of state, and  
6 the secretary of state shall not suspend the person's license, if  
7 the person fails to appear in response to a citation issued for,  
8 or fails to comply with an order or judgment involving 1 or more  
9 of the following infractions:

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

11 (b) A pedestrian, passenger, or bicycle violation, other than  
12 a violation of section 33b(1) or (2) of former 1933 (Ex Sess)  
13 PA 8, section 703(1) or (2) of the Michigan liquor control code  
14 of 1998, 1998 PA 58, MCL 436.1703, section 624a or 624b, or a  
15 local ordinance substantially corresponding to section 33b(1) or  
16 (2) of former 1933 (Ex Sess) PA 8, section 703(1) or (2) of the  
17 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703,  
18 or section 624a or 624b.

19 (7) The court may notify a person who has done either of the  
20 following, that if the person does not appear within 10 days  
21 after the notice is issued, the court will inform the secretary  
22 of state of the person's failure to appear:

23 (a) Failed to answer 2 or more parking violation notices or  
24 citations for violating a provision of this act or an ordinance  
25 substantially corresponding to a provision of this act pertaining  
26 to parking for persons with disabilities.

27 (b) Failed to answer 6 or more parking violation notices or

1 citations regarding illegal parking.

2 (8) The secretary of state, upon being informed of the  
3 failure of a person to appear or comply as provided in subsection  
4 (7), shall not issue a license to the person or renew a license  
5 for the person until both of the following occur:

6 (a) The court informs the secretary of state that the person  
7 has resolved all outstanding matters regarding the notices or  
8 citations.

9 (b) The person has paid to the court a \$45.00 driver license  
10 clearance fee. If the court determines that the person is  
11 responsible for only 1 parking violation under subsection (7)(a)  
12 or less than 6 parking violations under subsection (7)(b) for  
13 which the person's license was not issued or renewed under this  
14 subsection, the court may waive payment of the fee.

15 (9) Not less than 28 days after a person fails to appear in  
16 response to a citation issued for, or fails to comply with an  
17 order or judgment involving, a state civil infraction described  
18 in chapter 88 of the revised judicature act of 1961, 1961 PA 236,  
19 MCL 600.8801 to 600.8835, the court shall give notice by ordinary  
20 mail, addressed to the person's last known address, that if the  
21 person fails to appear or fails to comply with the order or  
22 judgment described in this subsection within 14 days after the  
23 notice is issued, the court will give to the secretary of state  
24 notice of that failure. Upon receiving notice of that failure,  
25 the secretary of state shall not issue or renew an operator's or  
26 chauffeur's license for the person until both of the following  
27 occur:

1 (a) The court informs the secretary of state that the person  
2 has resolved all outstanding matters regarding each notice or  
3 citation.

4 (b) The person has paid to the court a \$45.00 driver license  
5 clearance fee. If the court determines that the person is not  
6 responsible for any violation for which the person's license was  
7 not issued or renewed under this subsection, the court shall  
8 waive the fee.

9 (10) For the purposes of subsections (5)(a), (8)(a), and  
10 (9)(a), the court shall give to the person a copy of the  
11 information being transmitted to the secretary of state. Upon  
12 showing that copy, the person shall not be arrested or issued a  
13 citation for driving on a suspended license, on an expired  
14 license, or without a license on the basis of any matter resolved  
15 under subsection (5)(a), (8)(a), or (9)(a), even if the  
16 information being sent to the secretary of state has not yet been  
17 received or recorded by the department.

18 (11) For each fee received under subsection (5)(b), (8)(b),  
19 or (9)(b), the court shall transmit the following amounts on a  
20 monthly basis:

21 (a) Fifteen dollars to the secretary of state. The funds  
22 received by the secretary of state under this subdivision shall  
23 be deposited in the state general fund and shall be used to  
24 defray the expenses of the secretary of state in processing the  
25 suspension and reinstatement of driver licenses under this  
26 section.

27 (b) Fifteen dollars to 1 of the following, as applicable:

1           (i) If the matter is before the circuit court, to the  
2 treasurer of the county for deposit in the general fund.

3           (ii) If the matter is before the district court, to the  
4 treasurer of the district funding unit for that court, for  
5 deposit in the general fund. As used in this section, "district  
6 funding unit" means that term as defined in section 8104 of the  
7 revised judicature act of 1961, 1961 PA 236, MCL 600.8104.

8           (iii) If the matter is before a municipal court, to the  
9 treasurer of the city in which the municipal court is located,  
10 for deposit in the general fund.

11           (c) Fifteen dollars to the juror compensation reimbursement  
12 fund created in section 151d of the revised judicature act of  
13 1961, 1961 PA 236, MCL 600.151d.

14           (12) Section 819 does not apply to a reinstatement fee  
15 collected for an operator's or chauffeur's license that is not  
16 issued or renewed under section 8827 of the revised judicature  
17 act of 1961, 1961 PA 236, MCL 600.8827.

18           **(13) The secretary of state shall immediately suspend the**  
19 **operator's and chauffeur's license of a person licensed to**  
20 **operate a commercial motor vehicle, or a person who operates a**  
21 **commercial motor vehicle without a license to operate that**  
22 **vehicle, if the person fails to answer an out-state citation, or**  
23 **a notice to appear in a court or an authorized administrative**  
24 **tribunal for a violation reportable to the secretary of state**  
25 **under section 732(16), or fails to comply with an order or**  
26 **judgment of an out-state court or an authorized administrative**  
27 **tribunal reportable to the secretary of state under section**

1 732(16), or fails to appear or fails to comply with the out-state  
2 court or an authorized administrative tribunal order or judgment  
3 reportable to the secretary of state under section 732(16),  
4 including, but not limited to, paying all fines, costs, fees, and  
5 assessments. For a suspension imposed under this subsection, the  
6 secretary of state shall immediately notify the person of the  
7 suspension by regular mail at the person's last known address.

8 (14) A suspension imposed under subsection (13) remains in  
9 effect until the secretary of state is notified by the court or  
10 authorized administrative tribunal of the other state in which  
11 the person failed to answer a citation, or notice to appear, or  
12 failed to pay a fine or cost, that the person has answered that  
13 citation or notice to appear or has paid the fine or cost.

14 (15) The secretary of state shall not suspend the person's  
15 license under subsection (13) if the person fails to appear in  
16 response to a citation issued for, or fails to comply with an  
17 order or judgment involving, the parking or standing of a  
18 vehicle.

19 (16) The secretary of state, upon being informed of the  
20 failure of a person to appear or comply as provided in subsection  
21 (13), shall not issue a license to the person or renew a license  
22 for the person until the court or authorized administrative  
23 tribunal of the other state informs the secretary of state that  
24 the person has resolved all outstanding matters regarding the  
25 notices, orders, or citations.

26 Sec. 323c. (1) A person denied a license to operate a motor  
27 vehicle or whose license for that purpose has been suspended by

1 the secretary of state under section 625f has a right to a review  
2 of the matter in circuit court as provided in sections 323 and  
3 323a. Except as provided in this section, the court may order  
4 the secretary of state to issue to the person a restricted  
5 license permitting the person to drive only to and from the  
6 person's residence and work location; in the course of the  
7 person's employment or occupation; to and from an alcohol or drug  
8 education program or treatment program as ordered by a court; to  
9 and from the person's residence and the court probation  
10 department, or a court-ordered community service program, or  
11 both; to and from the person's residence and an educational  
12 institution at which the person is enrolled as a student; or  
13 pursuant to a combination of these restrictions. **The restricted**  
14 **license shall permit the driver to take any driving skills test**  
15 **required by the secretary of state.** If the denial, suspension, or  
16 revocation of a person's license or vehicle group designation  
17 under section 625f occurred in connection with the operation of a  
18 commercial motor vehicle, the court shall not order the secretary  
19 of state to issue a restricted license that would permit the  
20 person to operate a commercial motor vehicle. The court shall  
21 not order the secretary of state to issue a restricted operator's  
22 or chauffeur's license that would permit a person to operate a  
23 commercial motor vehicle hauling hazardous material. The court  
24 shall not order the secretary of state to issue a restricted  
25 license unless the person states under oath and the court finds  
26 that the person is unable to take public transportation to and  
27 from his or her work location, place of alcohol or drug education

1 or treatment, or educational institution, and does not have a  
2 family member or other person able to provide transportation.  
3 The court order and license shall indicate the person's work  
4 location and the approved route or routes and permitted times of  
5 travel. For purposes of this section, "work location" includes,  
6 as applicable, either or both of the following:

7 (a) The specific place or places of employment.

8 (b) The territory or territories regularly visited by the  
9 person in pursuance of the person's occupation.

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

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

18 **(4) Notwithstanding any other provision of this act, the**  
19 **court shall not issue a restricted license to a person to operate**  
20 **a commercial motor vehicle when a vehicle group designation is**  
21 **required to operate that vehicle.**

22 Sec. 708b. (1) A person shall not equip or operate a motor  
23 vehicle that is to be used upon the highways of this state with a  
24 television viewer, screen, or other means of visually receiving a  
25 television or video broadcast which can be viewed by or reflected  
26 to the driver.

27 (2) This section does not apply to:

1 (a) A radio, heating and air conditioning, or other accessory  
2 controls in the motor vehicle.

3 (b) Driver, passenger, and vehicle information and navigation  
4 systems displaying information pertaining to vehicle location,  
5 available routes and destinations, road layouts, weather  
6 conditions, traffic and road conditions, and vehicle conditions.

7 (c) Research vehicles if the test plan for the vehicle has  
8 been approved by a process meeting federal guidelines established  
9 in 45 ~~C.F.R.~~ **CFR** part 46 for the protection of human beings and  
10 the vehicle has been issued a special registration permit by the  
11 secretary of state.

12 (d) A motor vehicle equipped with a video display to monitor  
13 the rear view of the vehicle if the monitor is only activated  
14 when the vehicle is motionless or in reverse gear **and is**  
15 **deactivated within 15 seconds after the motor vehicle's**  
16 **transmission is shifted out of reverse gear.**

17 (3) A visual device permitted under subsection (2)(b) shall  
18 be built into the dashboard or other control area of the vehicle  
19 and shall meet all applicable federal motor vehicle dash safety  
20 standards. This subsection ~~shall~~ **does** not apply to a research  
21 vehicle described in subsection (2)(c).

22 (4) Upon receipt of a completed application, on a form  
23 prescribed by the secretary of state, and payment of a fee of  
24 \$10.00, the secretary of state may issue a special permit  
25 authorizing a research vehicle to use the highways of this  
26 state. A copy of the authority received by the applicant under  
27 subsection (2)(c) shall be submitted as part of the application

1 for the special permit. The special permit may be in a form as  
2 prescribed by, and shall be displayed on a research vehicle in a  
3 manner determined by, the secretary of state. The special permit  
4 shall expire upon completion of or expiration of the specific  
5 test plan approved under subsection (2)(c), whichever occurs  
6 first, and shall be immediately removed from the research vehicle  
7 and destroyed. A special permit shall not be transferred to  
8 another vehicle or person. The fee collected under this  
9 subsection shall be credited to the Michigan transportation fund  
10 and used to defray the expenses of the secretary of state in  
11 administering the special permit program. In addition to a  
12 special permit, the appropriate vehicle registration plate shall  
13 be displayed on a research vehicle to use a highway of this  
14 state.

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

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

27 (a) Within ~~14~~ 5 days after a conviction, forfeiture of

1 bail, or entry of a civil infraction determination or default  
2 judgment upon a charge of or citation for violating or attempting  
3 to violate this act or a local ordinance substantially  
4 corresponding to this act regulating the operation of vehicles on  
5 highways.

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

11 (c) Immediately for each case charging a violation of section  
12 82127(1) or (3), 81134, or 81135 of the natural resources and  
13 environmental protection act, 1994 PA 451, MCL 324.82127,  
14 324.81134, and 324.81135, or a local ordinance substantially  
15 corresponding to those sections.

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

24 (3) The abstract or report required under this section shall  
25 be made upon a form furnished by the secretary of state. An  
26 abstract shall be certified by signature, stamp, or facsimile  
27 signature of the person required to prepare the abstract as

1 correct. An abstract or report shall include all of the  
2 following:

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

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

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

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

11 (e) The date of the conviction, finding, forfeiture,  
12 judgment, or civil infraction determination.

13 (f) Whether bail was forfeited.

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

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

19 (i) Other information considered necessary to the secretary  
20 of state.

21 (4) The clerk of the court also shall forward an abstract of  
22 the court record to the secretary of state upon a person's  
23 conviction involving any of the following:

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

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

27 (c) Negligent homicide, manslaughter, or murder resulting

1 from the operation of a vehicle.

2 (d) A violation of section 703 of the Michigan liquor control  
3 code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance  
4 substantially corresponding to that section.

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

7 (f) A violation of motor carrier safety regulations, 49 CFR  
8 392.10 or 392.11, as adopted by section 1a of the motor carrier  
9 safety act of 1963, 1963 PA 181, MCL 480.11a.

10 (g) A violation of section 57 of the pupil transportation  
11 act, 1990 PA 187, MCL 257.1857.

12 (h) A violation of motor carrier safety regulations, 49 CFR  
13 392.10 or 392.11, as adopted by section 31 of the motor bus  
14 transportation act, 1982 PA 432, MCL 474.131.

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

22 (j) An attempt to commit an offense described in subdivisions  
23 (a) to (h).

24 (k) A violation of chapter LXXXIII-A of the Michigan penal  
25 code, 1931 PA 328, MCL 750.543a to 750.543z.

26 (l) A violation of section 3101, 3102(1), or 3103 of the  
27 insurance code of 1956, 1956 PA 218, MCL 500.3101, 500.3102, and

1 500.3103.

2 (5) Beginning September 1, 2004, the clerk of the court shall  
3 also forward an abstract of the court record to the secretary of  
4 state if a person has pled guilty to, or offered a plea of  
5 admission in a juvenile proceeding for, a violation of section  
6 703 of the Michigan liquor control code of 1998, 1998 PA 58, MCL  
7 436.1703, or a local ordinance substantially corresponding to  
8 that section, and has had further proceedings deferred under that  
9 section. If the person is sentenced to a term of probation and  
10 terms and conditions of probation are fulfilled and the court  
11 discharges the individual and dismisses the proceedings, the  
12 court shall also report the dismissal to the secretary of state.

13 (6) As used in subsections (7) to (9), "felony in which a  
14 motor vehicle was used" means a felony during the commission of  
15 which the person operated a motor vehicle and while operating the  
16 vehicle presented real or potential harm to persons or property  
17 and 1 or more of the following circumstances existed:

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

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

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

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

24 (7) If a person is charged with a felony in which a motor  
25 vehicle was used, other than a felony specified in subsection (4)  
26 or section 319, the prosecuting attorney shall include the  
27 following statement on the complaint and information filed in

1 district or circuit court:

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

8 (8) If a juvenile is accused of an act, the nature of which  
9 constitutes a felony in which a motor vehicle was used, other  
10 than a felony specified in subsection (4) or section 319, the  
11 prosecuting attorney or family division of circuit court shall  
12 include the following statement on the petition filed in the  
13 court:

14 "You are accused of an act the nature of which constitutes a  
15 felony in which a motor vehicle was used. If the accusation is  
16 found to be true and the judge or referee finds that the nature  
17 of the act constitutes a felony in which a motor vehicle was  
18 used, as defined in section 319 of the Michigan vehicle code,  
19 1949 PA 300, MCL 257.319, your driver's license shall be  
20 suspended by the secretary of state."

21 (9) If the court determines as part of the sentence or  
22 disposition that the felony for which the person was convicted or  
23 adjudicated and with respect to which notice was given under  
24 subsection (7) or (8) is a felony in which a motor vehicle was  
25 used, the clerk of the court shall forward an abstract of the  
26 court record of that conviction to the secretary of state.

27 (10) As used in subsections (11) and (12), "felony in which a

1 commercial motor vehicle was used" means a felony during the  
2 commission of which the person operated a commercial motor  
3 vehicle and while the person was operating the vehicle 1 or more  
4 of the following circumstances existed:

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

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

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

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

11 (11) If a person is charged with a felony in which a  
12 commercial motor vehicle was used and for which a vehicle group  
13 designation on a license is subject to suspension or revocation  
14 under section 319b(1)(c)(iii), 319b(1)(d), 319b(1)(e)(iii), or  
15 319b(1)(f)(i), the prosecuting attorney shall include the  
16 following statement on the complaint and information filed in  
17 district or circuit court:

18 "You are charged with the commission of a felony in which a  
19 commercial motor vehicle was used. If you are convicted and the  
20 judge finds that the conviction is for a felony in which a  
21 commercial motor vehicle was used, as defined in section 319b of  
22 the Michigan vehicle code, 1949 PA 300, MCL 257.319b, all vehicle  
23 group designations on your driver's license shall be suspended or  
24 revoked by the secretary of state."

25 (12) If the judge determines as part of the sentence that the  
26 felony for which the defendant was convicted and with respect to  
27 which notice was given under subsection (11) is a felony in which

1 a commercial motor vehicle was used, the clerk of the court shall  
2 forward an abstract of the court record of that conviction to the  
3 secretary of state.

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

14 (a) The name and title of the person required to forward  
15 abstracts.

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

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

18 (d) The following statement:

19 "I certify that all abstracts required by section 732 of the  
20 Michigan vehicle code, MCL 257.732; MSA 9.2432, for the period  
21 \_\_\_\_\_ through \_\_\_\_\_ have been forwarded to the  
22 secretary of state."

23 (e) Other information the secretary of state considers  
24 necessary.

25 (f) The signature of the person required to forward  
26 abstracts.

27 (14) The failure, refusal, or neglect of a person to comply

1 with this section constitutes misconduct in office and is grounds  
2 for removal from office.

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

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

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

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

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

21 (d) A pedestrian, passenger, or bicycle violation, other than  
22 a violation of section 703(1) or (2) of the Michigan liquor  
23 control code of 1998, 1998 PA 58, MCL 436.1703, or a local  
24 ordinance substantially corresponding to section 703(1) or (2) of  
25 the Michigan liquor control code of 1998, 1998 PA 58,  
26 MCL 436.1703, or section 624a or 624b or a local ordinance  
27 substantially corresponding to section 624a or 624b.

1 (e) A violation of section 710e or a local ordinance  
2 substantially corresponding to section 710e.

3 (f) A violation of section 328(1) if, before the appearance  
4 date on the citation, the person submits proof to the court that  
5 the motor vehicle had insurance meeting the requirements of  
6 sections 3101 and 3102 of the insurance code of 1956, 1956 PA  
7 218, MCL 500.3101 and 500.3102, at the time the citation was  
8 issued. Insurance obtained subsequent to the time of the  
9 violation does not make the violation an exception under this  
10 subsection.

11 (17) ~~The~~ **Except as otherwise provided in this subsection,**  
12 **the** secretary of state shall discard and not enter on the master  
13 driving record an abstract for a bond forfeiture that occurred  
14 outside this state. ~~However, the secretary of state shall~~  
15 ~~retain and enter on the master driving record an abstract of an~~  
16 ~~out of state bond forfeiture for an offense that occurred in~~  
17 ~~connection with the operation of a commercial motor vehicle.~~ **The**  
18 **secretary of state shall enter on the master driving record an**  
19 **abstract for a conviction as defined in section 8a(b) that**  
20 **occurred outside this state in connection with the operation of a**  
21 **commercial motor vehicle or for a conviction of a person licensed**  
22 **as a commercial motor vehicle driver.**

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

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

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

19           (21) **Notwithstanding any other law of this state, a court**  
20 **shall not take under advisement an offense committed by a person**  
21 **while operating a commercial motor vehicle or by a person**  
22 **licensed to drive a commercial motor vehicle while operating a**  
23 **noncommercial motor vehicle at the time of the offense, for which**  
24 **this act requires a conviction or civil infraction determination**  
25 **to be reported to the secretary of state. A conviction or civil**  
26 **infraction determination that is the subject of this subsection**  
27 **shall not be masked, delayed, diverted, suspended, or suppressed**

1 by a court. Upon a conviction or civil infraction determination,  
2 the conviction or civil infraction determination shall  
3 immediately be reported to the secretary of state in accordance  
4 with this section.

5 (22) ~~-(21)-~~ Except as provided in this act and  
6 notwithstanding any other provision of law, a court shall not  
7 order expunction of any violation reportable to the secretary of  
8 state under this section.

9 Sec. 812. (1) ~~For~~ **Except as otherwise provided in**  
10 **subsection (2), for** each duplicate license as provided in section  
11 313, and for each correction of a license, a person may apply for  
12 renewal of the license and pay the renewal fee prescribed in this  
13 act or the person may, at his or her option and upon payment of  
14 the fee prescribed in this section, apply for a duplicate license  
15 which expires on the same date as the license which was lost,  
16 destroyed, mutilated, or became illegible. The fee for a  
17 duplicate chauffeur's license shall be \$18.00. The fee for a  
18 duplicate operator's license shall be \$9.00. ~~In the case of a~~  
19 ~~person issued a 2 year license under section 314b, the secretary~~  
20 ~~of state may determine whether the license shall be renewed for 2~~  
21 ~~years or 4 years.~~ A renewal fee shall not be charged for a  
22 change of address or a correction required to correct a  
23 department error.

24 (2) **Except with regard to a person who is less than 21 years**  
25 **of age or a person with a license containing a hazardous material**  
26 **indorsement, for each duplicate license as provided in section**  
27 **313, and for each correction of a license, a person shall apply**

1 for renewal of the license and pay the renewal fee prescribed in  
2 this act if the license was due to expire within the next 12  
3 months. Except as otherwise provided in this act, a license  
4 renewed under this subsection shall be renewed for the combined  
5 period of the time remaining on the license before its renewal  
6 and the 4-year renewal period.

7       Sec. 904. (1) A person whose operator's or chauffeur's  
8 license or registration certificate has been suspended or revoked  
9 and who has been notified as provided in section 212 of that  
10 suspension or revocation, whose application for license has been  
11 denied, or who has never applied for a license, shall not operate  
12 a motor vehicle upon a highway or other place open to the general  
13 public or generally accessible to motor vehicles, including an  
14 area designated for the parking of motor vehicles, within this  
15 state.

16       (2) A person shall not knowingly permit a motor vehicle owned  
17 by the person to be operated upon a highway or other place open  
18 to the general public or generally accessible to motor vehicles,  
19 including an area designated for the parking of vehicles, within  
20 this state by a person whose license or registration certificate  
21 is suspended or revoked, whose application for license has been  
22 denied, or who has never applied for a license, except as  
23 permitted under this act.

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

27       (a) For a first violation, by imprisonment for not more than

1 93 days or a fine of not more than \$500.00, or both. Unless the  
2 vehicle was stolen or used with the permission of a person who  
3 did not knowingly permit an unlicensed driver to operate the  
4 vehicle, the registration plates of the vehicle shall be canceled  
5 by the secretary of state upon notification by a peace officer.

6 (b) For a violation that occurs after a prior conviction, by  
7 imprisonment for not more than 1 year or a fine of not more than  
8 \$1,000.00, or both. Unless the vehicle was stolen, the  
9 registration plates of the vehicle shall be canceled by the  
10 secretary of state upon notification by a peace officer.

11 (4) A person who operates a motor vehicle in violation of  
12 subsection (1) and who, by operation of that motor vehicle,  
13 causes the death of another person is guilty of a felony  
14 punishable by imprisonment for not more than 15 years or a fine  
15 of not less than \$2,500.00 or more than \$10,000.00, or both.  
16 This subsection does not apply to a person whose operator's or  
17 chauffeur's license was suspended because that person failed to  
18 answer a citation or comply with an order or judgment pursuant to  
19 section 321a.

20 (5) A person who operates a motor vehicle in violation of  
21 subsection (1) and who, by operation of that motor vehicle,  
22 causes the serious impairment of a body function of another  
23 person is guilty of a felony punishable by imprisonment for not  
24 more than 5 years or a fine of not less than \$1,000.00 or more  
25 than \$5,000.00, or both. This subsection does not apply to a  
26 person whose operator's or chauffeur's license was suspended  
27 because that person failed to answer a citation or comply with an

1 order or judgment pursuant to section 321a. As used in this  
2 subsection and subsection (7), "serious impairment of a body  
3 function" includes, but is not limited to, 1 or more of the  
4 following:

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

6 (b) Loss of a foot, hand, finger, or thumb or loss of use of  
7 a foot, hand, finger, or thumb.

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

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

10 (e) Serious visible disfigurement.

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

12 (g) Measurable brain or mental impairment.

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

14 (i) Subdural hemorrhage or subdural hematoma.

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

21 (7) A person shall not knowingly permit a motor vehicle owned  
22 by the person to be operated upon a highway or other place open  
23 to the general public or generally accessible to motor vehicles,  
24 including an area designated for the parking of vehicles, within  
25 this state, by a person whose license or registration certificate  
26 is suspended or revoked, whose application for license has been  
27 denied, or who has never been licensed except as permitted by

1 this act. If a person permitted to operate a motor vehicle in  
2 violation of this subsection causes the serious impairment of a  
3 body function of another person by operation of that motor  
4 vehicle, the person knowingly permitting the operation of that  
5 motor vehicle is guilty of a felony punishable by imprisonment  
6 for not more than 2 years, or a fine of not less than \$1,000.00  
7 or more than \$5,000.00, or both. If a person permitted to  
8 operate a motor vehicle in violation of this subsection causes  
9 the death of another person by operation of that motor vehicle,  
10 the person knowingly permitting the operation of that motor  
11 vehicle is guilty of a felony punishable by imprisonment for not  
12 more than 5 years, or a fine of not less than \$1,000.00 or more  
13 than \$5,000.00, or both.

14 (8) If the prosecuting attorney intends to seek an enhanced  
15 sentence under this section based upon the defendant having 1 or  
16 more prior convictions, the prosecuting attorney shall include on  
17 the complaint and information, or an amended complaint and  
18 information, filed in district court, circuit court, municipal  
19 court, or family division of circuit court, a statement listing  
20 the defendant's prior convictions.

21 (9) A prior conviction under this section shall be  
22 established at or before sentencing by 1 or more of the  
23 following:

24 (a) An abstract of conviction.

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

26 (c) An admission by the defendant.

27 (10) Upon receiving a record of a person's conviction or

1 civil infraction determination for the unlawful operation of a  
2 motor vehicle or a moving violation reportable under section 732  
3 while the person's operator's or chauffeur's license is suspended  
4 or revoked, the secretary of state immediately shall impose an  
5 additional like period of suspension or revocation. This  
6 subsection applies only if the violation occurs during a  
7 suspension of definite length or if the violation occurs before  
8 the person is approved for a license following a revocation.

9 (11) Upon receiving a record of a person's conviction or  
10 civil infraction determination for the unlawful operation of a  
11 motor vehicle or a moving violation reportable under section 732  
12 while the person's operator's or chauffeur's license is  
13 indefinitely suspended or whose application for a license has  
14 been denied, the secretary of state immediately shall impose a  
15 30-day period of suspension or denial.

16 (12) Upon receiving a record of the conviction, bond  
17 forfeiture, or a civil infraction determination of a person for  
18 unlawful operation of a motor vehicle requiring a vehicle group  
19 designation while the designation is suspended or revoked  
20 pursuant to section 319b, or while the person is disqualified  
21 from operating a commercial motor vehicle **by the United States**  
22 **secretary of transportation or** under ~~chapter 313 of title 49 of~~  
23 ~~the United States Code, 49 U.S.C. 49 USC~~ 31301 to 31317, the  
24 secretary of state immediately shall impose an additional like  
25 period of suspension or revocation. This subsection applies only  
26 if the violation occurs during a suspension of definite length or  
27 if the violation occurs before the person is approved for a

1 license following a revocation.

2 (13) If the secretary of state receives records of more than  
3 1 conviction or civil infraction determination resulting from the  
4 same incident, all of the convictions or civil infraction  
5 determinations shall be treated as a single violation for  
6 purposes of imposing an additional period of suspension or  
7 revocation under subsection (10), (11), or (12).

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

14 (15) This section does not apply to a person who operates a  
15 vehicle solely for the purpose of protecting human life or  
16 property if the life or property is endangered and summoning  
17 prompt aid is essential.

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

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

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

12           (19) For purposes of this section, a person who never applied  
13 for a license includes a person who applied for a license, was  
14 denied, and never applied again.

15           Enacting section 1. Section 314b of the Michigan vehicle  
16 code, 1949 PA 300, MCL 257.314b, is repealed.