

HOUSE BILL No. 5802

April 22, 2004, Introduced by Rep. DeRossett and referred to the Committee on Transportation.

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, 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, 257.732, 257.812, and 257.904), section 8a as amended by 1998 PA 356, section 65 as amended by 1994 PA 449, section 204a as amended by 1999 PA 73, section 208 as amended by 1997 PA 100, sections 303, 310e, and 319 as amended by 2003 PA 61, sections 306, 309, 312f, 319b, 319c, 323c, 732, and 904 as amended by 2002 PA 534, section 307 as amended by 2004 PA 52, 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, section 320a as amended by 2003 PA 315, and section 321a as amended by 2002 PA 741; 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 ~~U.S.C.~~
14 **USC 1151**, the District of Columbia, or any province **or territory**
15 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**
22 **other licensing action that is** entered against the person for a

1 violation of this act or a local ordinance substantially
2 corresponding to a provision of this act, **or that is reported to**
3 **the secretary of state by another jurisdiction.**

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

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

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

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

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

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

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

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

27 (3) An order, record, or paper generated by the computerized

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

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

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

20 (a) Another state.

21 (b) The United States secretary of transportation.

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

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

27 (e) An authorized agent of a person or entity listed in

1 subdivisions (a) to (d).

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

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

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

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

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

22 (c) Leaving the scene of an accident.

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

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

26 (f) Operating a commercial motor vehicle when the person's
27 operator's or chauffeur's license or vehicle group designation is

1 suspended, revoked, or canceled as a result of prior violations
2 committed while operating a commercial motor vehicle.

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

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

7 (4) ~~-(3)-~~ Records of stolen vehicles reported in section 253
8 may be destroyed after being maintained on file for the year of
9 entry plus 4 years.

10 (5) ~~-(4)-~~ Except as otherwise specified in this act, records
11 the secretary of state considers obsolete and of no further
12 service in carrying out the department's powers and duties may be
13 destroyed upon that determination.

14 (6) ~~-(5)-~~ If a record of suspension under section 321a does
15 not contain a conviction for a violation of section 904 or a
16 local ordinance substantially corresponding to section 904 during
17 the period of suspension, the secretary of state may destroy the
18 record 180 days after the suspension terminates or as provided in
19 subsections (1) to ~~-(4)-~~ (5).

20 (7) ~~-(6)-~~ The secretary of state may destroy a record of
21 receipt of the notice provided for in section 321a(7) after the
22 court involved informs the secretary of state that all
23 outstanding matters regarding section 321a(7) have been
24 resolved.

25 (8) ~~-(7)-~~ The secretary of state may destroy a record
26 maintained pursuant to section 204a 180 days after the
27 nonresident driver against whom a civil infraction determination

1 is entered complies with an order or judgment issued pursuant to
2 section 907.

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

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

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

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

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

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

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

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

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

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

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

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

27 (k) A person not licensed under this act who has been

1 convicted of or received a juvenile disposition for committing a
2 crime described in section 319e. A person shall be denied a
3 license under this subdivision for the length of time that
4 corresponds to the period of the licensing sanction that would
5 have been imposed under section 319e if the person had been
6 licensed at the time of the violation.

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

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

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

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

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

13 **(5) ~~(2)~~** Upon receiving the appropriate records of
14 conviction, the secretary of state shall revoke the operator's or
15 chauffeur's license of a person and deny issuance of an
16 operator's or chauffeur's license to a person having any of the
17 following, 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) Any combination of 2 convictions within 7 years for
22 reckless driving in violation of section 626.

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

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

26 (ii) A violation or attempted violation of section 601b(2) or
27 (3), section 601c(1) or (2), section 602a(4) or (5), section 617,

1 section 653a(3) or (4), or section 904(4) or (5).

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

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

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

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

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

20 (iii) Former section 625b.

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

25 (e) One conviction of negligent homicide, manslaughter, or
26 murder resulting from the operation of a vehicle or an attempt to
27 commit any of those crimes.

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

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

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

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

18 (iii) Former section 625b.

19 (6) ~~-(3)-~~ The secretary of state shall revoke a license under
20 subsection ~~-(2)-~~ (5) notwithstanding a court order unless the
21 court order complies with section 323.

22 (7) ~~-(4)-~~ The secretary of state shall not issue a license
23 under this act to a person whose license has been revoked under
24 this act or revoked and denied under subsection ~~-(2)-~~ (5) until
25 all of the following occur, as applicable:

26 (a) The later of the following:

27 (i) The expiration of not less than 1 year after the license

1 was revoked or denied.

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

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

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

12 **(8)** ~~-(5)-~~ Multiple convictions or civil infraction
13 determinations resulting from the same incident shall be treated
14 as a single violation for purposes of denial or revocation of a
15 license under this section.

16 **(9)** ~~-(6)-~~ As used in this section, "felony in which a motor
17 vehicle was used" means a felony during the commission of which
18 the person operated a motor vehicle and while operating the
19 vehicle presented real or potential harm to persons or property
20 and 1 or more of the following circumstances existed:

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

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

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

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

27 Sec. 306. (1) The secretary of state, upon receiving an

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

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

14 (3) A student enrolled in a driver education program or a
15 motorcycle safety course approved by the department of education
16 may operate a motor vehicle without holding an operator's license
17 or permit while under the direct supervision of the program
18 instructor.

19 (4) A student enrolled in an approved driver education
20 program and who has successfully completed 10 hours of classroom
21 instruction and the equivalent of 2 hours of behind-the-wheel
22 training may be issued a temporary driver education certificate
23 furnished by the department of education that authorizes a
24 student to drive a motor vehicle, other than a motor vehicle
25 requiring an indorsement pursuant to section 312a or a vehicle
26 group designation pursuant to section 312e, when accompanied by a
27 licensed parent or guardian, or when accompanied by a nonlicensed

1 parent or guardian and a licensed adult for the purpose of
2 receiving additional instruction until the end of the student's
3 driver education course.

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

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

1 driving a bus or school bus. In addition, if a permittee is
2 enrolled in a driver training program for drivers of motor
3 vehicles requiring a vehicle group designation or vehicle group
4 indorsement under section 312e, which program is conducted by a
5 college, university, commercial driver training school licensed
6 by the department under 1974 PA 369, MCL 256.601 to 256.609, or a
7 local or intermediate school district, the permittee may drive a
8 vehicle requiring a vehicle group designation or vehicle group
9 indorsement on the streets and highways of this state for a
10 period of 180 days when accompanied by an instructor licensed
11 with the appropriate vehicle group designation and indorsement
12 for the vehicle being driven who is either occupying the seat
13 beside the driver or in direct visual and audio communication
14 with the permittee. A person issued a temporary instruction
15 permit under this section shall not operate a vehicle designed to
16 carry 16 or more passengers that is transporting passengers
17 except with an instructor licensed with the appropriate vehicle
18 group designation and indorsement for the vehicle being driven or
19 a driver skills test examiner.

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

26 (a) The applicant's full name, date of birth, residence
27 address, height, sex, eye color, signature, other information

1 required or permitted on the license under this chapter, and, to
2 the extent required to comply with federal law, the applicant's
3 social security number. The applicant may provide a mailing
4 address if the applicant receives mail at an address different
5 from his or her residence address.

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

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

24 (c) **For an original or renewal operator's or chauffeur's**
25 **license with a vehicle group designation or indorsement, the**
26 **names of all states where the applicant has been licensed to**

1 **drive any type of motor vehicle during the previous 10 years.**

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

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

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

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

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

21 (e) ~~-(d)-~~ An applicant for an operator's or chauffeur's
22 license with a vehicle group designation and a hazardous material
23 indorsement (H vehicle indorsement) shall provide his or her
24 fingerprints that were taken by a law enforcement official or a
25 designated representative for investigation as required by the
26 uniting and strengthening America by providing appropriate tools
27 required to intercept and obstruct terrorism (USA PATRIOT ACT)

1 Act of 2001, Public Law 107-56.

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

1 purpose to the secretary of state or specific enabling
2 legislation permitting the use is enacted into law. A law
3 enforcement agency of this state has access to information
4 retained by the secretary of state under this subsection. The
5 information may be utilized for any law enforcement purpose
6 unless otherwise prohibited by law. The department of state
7 police shall provide to the secretary of state updated lists of
8 persons required to be registered under the sex offenders
9 registration act, 1994 PA 295, MCL 28.721 to 28.732, and the
10 secretary of state shall make the images of those persons
11 available to the department of state police as provided in that
12 act.

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

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

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

26 (i) Written information explaining the applicant's right to
27 make an anatomical gift in the event of death in accordance with

1 section 310.

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

13 (iii) Written information giving the applicant the
14 opportunity to be placed on the organ donation registry described
15 in subparagraph (ii).

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

20 (c) Inform the applicant in writing that, if he or she
21 indicates to the secretary of state under this section a
22 willingness to have his or her name placed on the organ donor
23 registry described in subdivision (a)(ii), the secretary of state
24 will forward the applicant's name and address to the organ
25 donation registry maintained by Michigan's federally designated
26 organ procurement organization or its successor organization, as
27 required by subsection (6).

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

3 (a) Providing printed material enclosed with a mailed notice
4 for an operator's or chauffeur's license renewal or the issuance
5 of an operator's or chauffeur's license.

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

8 (c) Through electronic information transmittals for
9 operator's and chauffeur's licenses processed by electronic
10 means.

11 (6) If an applicant indicates a willingness under this
12 section to have his or her name placed on the organ donor
13 registry described in subsection (4)(a)(ii), the secretary of
14 state shall within 10 days forward the applicant's name and
15 address to the organ donor registry maintained by Michigan's
16 federally designated organ procurement organization or its
17 successor organization. The secretary of state may forward
18 information under this subsection by mail or by electronic
19 means. The secretary of state shall not maintain a record of the
20 name or address of an individual who indicates a willingness to
21 have his or her name placed on the organ donor registry after
22 forwarding that information to the organ donor registry under
23 this subsection. Information about an applicant's indication of
24 a willingness to have his or her name placed on the organ donor
25 registry that is obtained by the secretary of state under
26 subsection (4) and forwarded under this subsection is exempt from
27 disclosure under the freedom of information act, 1976 PA 442,

1 MCL 15.231 to 15.246, pursuant to section 13(1)(d) of the freedom
2 of information act, 1976 PA 442, MCL 15.243.

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

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

1 or indorsement, and if the secretary of state enters on the
2 person's historical driving record maintained under section 204a
3 a notation that the request was made and the date of the request,
4 the secretary of state is required to request the applicant's
5 complete driving record from other states only once under this
6 section.

7 (9) ~~-(8)-~~ Except for a vehicle group designation or
8 indorsement or as provided in this subsection, the secretary of
9 state may issue a renewal operator's or chauffeur's license for 1
10 additional 4-year period by mail or by other methods prescribed
11 by the secretary of state. The secretary of state shall issue a
12 renewal license only in person if the person is a person required
13 under section 5a of the sex offenders registration act, 1994
14 PA 295, MCL 28.725a, to maintain a valid operator's or
15 chauffeur's license or official state personal identification
16 card. If a license is renewed by mail or by other method, the
17 secretary of state shall issue evidence of renewal to indicate
18 the date the license expires in the future. The department of
19 state police shall provide to the secretary of state updated
20 lists of persons required under section 5a of the sex offenders
21 registration act, 1994 PA 295, MCL 28.725a, to maintain a valid
22 operator's or chauffeur's license or official state personal
23 identification card.

24 (10) ~~-(9)-~~ Upon request, the secretary of state shall provide
25 an information manual to an applicant explaining how to obtain a
26 vehicle group designation or indorsement. The manual shall
27 contain the information required under 49 CFR part 383.

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

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

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

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

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

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

15 **(13)** ~~-(12)-~~ A requirement under this section to include a
16 social security number on an application does not apply to an
17 applicant who demonstrates he or she is exempt under law from
18 obtaining a social security number or to an applicant who for
19 religious convictions is exempt under law from disclosure of his
20 or her social security number under these circumstances. The
21 secretary of state shall inform the applicant of this possible
22 exemption.

23 Sec. 309. (1) Before issuing a license, the secretary of
24 state shall examine each applicant for an operator's or
25 chauffeur's license who at the time of the application is not the
26 holder of a valid, unrevoked operator's or chauffeur's license
27 under a law of this state providing for the licensing of

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

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

25 (3) The secretary of state shall promulgate rules pursuant to
26 the administrative procedures act of 1969, 1969 PA 306,
27 MCL 24.201 to 24.328, for the examination of the applicant's

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

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

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

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

27 (6) A driving skills test conducted under this section shall

1 include a behind-the-wheel road test. A behind-the-wheel road
2 test for an original vehicle group designation or passenger
3 indorsement shall not be conducted unless the applicant has been
4 issued a temporary instruction permit.

5 (7) A person who corrupts or attempts to corrupt a designated
6 examining officer appointed or designated by the secretary of
7 state under this section or section 310e by giving, offering, or
8 promising any gift or gratuity with the intent to influence the
9 opinion or decision of the examining officer conducting the test
10 is guilty of a felony.

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

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

22 Sec. 310e. (1) Except as otherwise provided in this act, an
23 operator's or chauffeur's license issued to a person who is 17
24 years of age or less shall be in a form as prescribed in section
25 310 beginning July 1, 2003, and is valid only upon the issuance
26 of a graduated driver license.

27 (2) The secretary of state shall designate graduated

1 licensing provisions in a manner that clearly indicates that the
2 person is subject to the appropriate provisions described in this
3 section.

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

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

10 (b) Successfully completed segment 1 of a driver education
11 course approved by the department of education including a
12 minimum of 6 hours of on-the-road driving time with the
13 instructor.

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

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

22 (5) A person may be issued a level 2 graduated licensing
23 status to operate a motor vehicle if the person has satisfied all
24 of the following conditions:

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

27 (b) Successfully completed segment 2 of a driver education

1 course approved by the department of education.

2 (c) Not incurred a moving violation resulting in a conviction
3 or civil infraction determination or been involved in an accident
4 for which the official police report indicates a moving violation
5 on the part of the person during the 90-day period immediately
6 preceding application.

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

13 (e) Successfully completed a secretary of state approved
14 ~~performance road~~ **driving skills** test. The secretary of state
15 may enter into an agreement with another public or private
16 ~~person~~ **corporation** or agency ~~, including a city, village, or~~
17 ~~township,~~ to conduct this ~~performance road~~ **driving skills**
18 test. **Before the secretary of state authorizes a person to**
19 **administer a corporation's or agency's driver skills testing**
20 **operations or authorizes an examiner to conduct a driving skills**
21 **test, that person or examiner must complete both a state and**
22 **federal bureau of investigation fingerprint based criminal**
23 **history check through the department of state police.** This
24 subdivision applies to a person 16 years of age or over only if
25 the person has satisfied subdivisions (a), (b), (c), and (d).

26 (6) A person issued a level 2 graduated licensing status
27 under subsection (5) shall remain at level 2 for not less than 6

1 months and shall not operate a motor vehicle within this state
2 from 12 midnight to 5 a.m. unless accompanied by a parent or
3 legal guardian or a licensed driver over the age of 21 designated
4 by the parent or legal guardian, or except when going to or from
5 employment.

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

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

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

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

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

19 (8) The provisional period described in subsection (4) shall
20 be extended under subsection (7) until the licensee completes 90
21 consecutive days without a moving violation, an accident in which
22 a moving violation resulted, accident, suspension, or provisional
23 period violation listed in subsection (7) or until age 18,
24 whichever occurs first. The provisional period described in
25 subsection (6) shall be extended under subsection (7) until the
26 licensee completes 12 consecutive months without a moving
27 violation, accident, suspension, or restricted period violation

1 listed in subsection (7) or until age 18, whichever occurs
2 first.

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

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

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

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

19 (13) For purposes of this section:

20 (a) Upon conviction for a moving violation, the date of the
21 arrest for the violation shall be used in determining whether the
22 conviction occurred within a provisional licensure period under
23 this section.

24 (b) Upon entry of a civil infraction determination for a
25 moving violation, the date of issuance of a citation for a civil
26 infraction shall be used in determining whether the civil
27 infraction determination occurred within a provisional licensure

1 period under this section.

2 (c) The date of the official police report shall be used in
3 determining whether a licensee was driving a motor vehicle
4 involved in an accident for which the official police report
5 indicates a moving violation on the part of the licensee or
6 indicates the licensee had been drinking alcoholic liquor.

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

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

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

22 (2) Before a person who is 18 years of age or older is issued
23 an original motorcycle endorsement on an operator's or
24 chauffeur's license, the person shall pass an examination as
25 required by this section. A person who fails this examination 2
26 or more times is required to successfully complete a motorcycle
27 safety course as provided in section 811a or 811b. Each written

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

19 (3) A motorcycle endorsement issued to a person who operates
20 a 3-wheeled motorcycle or an autocycle shall be restricted to
21 operation of that type of motorcycle and does not permit
22 operation of a 2-wheeled motorcycle. The secretary of state
23 shall develop a driving test specifically pertaining to an
24 autocycle or a 3-wheeled motorcycle.

25 (4) The secretary of state is responsible for establishing
26 and conducting the motorcycle operator driving **skills** test and
27 shall promulgate rules under the administrative procedures act of

1 1969, 1969 PA 306, MCL 24.201 to 24.328, for purposes of this
2 subsection. An audit of the motorcycle safety fund shall be
3 conducted by the office of the auditor general to determine
4 compliance with the requirement that funds are being withdrawn
5 only in relation to this act. A copy of the audit shall be
6 transmitted to the legislature upon completion.

7 (5) The secretary of state may enter into an agreement with
8 another public or private ~~person~~ **corporation** or agency to
9 conduct a driving **skills** test required under this section.
10 **Before the secretary of state authorizes a person to administer a**
11 **corporation's or agency's driver skills testing operations or**
12 **authorizes an examiner to conduct a driving skills test, that**
13 **person or examiner must complete both a state and federal bureau**
14 **of investigation fingerprint based criminal history check through**
15 **the department of state police.** In an agreement with another
16 ~~person~~ **public or private corporation** or agency to conduct a
17 driving **skills** test under this section, the secretary of state
18 ~~may~~ **shall** prescribe the method and examination criteria to be
19 followed by the ~~person or~~ **corporation, agency, or examiner** when
20 conducting the driving **skills** test and the form of the
21 certification to be issued to a person who satisfactorily
22 completes a driving **skills** test. For administering and
23 overseeing a third party motorcycle testing program, the
24 secretary of state shall be reimbursed from the motorcycle safety
25 fund a total amount that does not exceed 50% of the department's
26 1995-1996 fiscal year appropriation for motorcycle testing under
27 this section.

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

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

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

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

22 (a) A person, before operating a combination of vehicles with
23 a gross combination weight rating of 26,001 pounds or more
24 including a towed vehicle with a gross vehicle weight rating of
25 more than 10,000 pounds, shall procure a group A vehicle
26 designation on his or her operator's or chauffeur's license.
27 Unless an indorsement or the removal of restrictions is required,

1 a person licensed to operate a group A vehicle may operate a
2 group B or C vehicle without taking another test.

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

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

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

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

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

27 (a) If a person operates a group B passenger vehicle while

1 taking his or her driving skills test for a P indorsement, he or
2 she is restricted to operating only group B or C passenger
3 vehicles under that P indorsement. **If a person operates a group**
4 **B school bus while taking his or her driving skills test for an S**
5 **indorsement, he or she is restricted to operating only group B or**
6 **C school buses under that S indorsement.**

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

14 (c) A person who fails the air brake portion of the written
15 or driving skills test provided under section 312f or who takes
16 the driving skills test provided under that section in a
17 commercial motor vehicle that is not equipped with air brakes
18 shall not operate a commercial motor vehicle equipped with air
19 brakes.

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

22 (a) A person, before operating a commercial motor vehicle
23 pulling double trailers, shall procure the appropriate vehicle
24 group designation and a T vehicle indorsement under this act.

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

1 (c) A person, before operating a commercial motor vehicle
2 carrying hazardous materials on which a placard is required under
3 ~~49 C.F.R.~~ **49 CFR** parts 100 to 199, shall procure the
4 appropriate vehicle group designation and an H vehicle
5 indorsement under this act.

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

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

18 (f) **Effective October 1, 2004, a person who does not**
19 **currently possess a P indorsement, before operating a school bus**
20 **designed to transport 16 or more passengers, including the**
21 **driver, shall procure the appropriate vehicle group designation,**
22 **pass the knowledge tests for the P and S indorsements, and**
23 **procure the P and S vehicle indorsements under this act. An**
24 **applicant for an S vehicle indorsement shall take a driving**
25 **skills test in a school bus designed to transport 16 or more**
26 **passengers, including the driver, that represents the same type**
27 **of vehicle that the applicant intends to operate as a school**

1 bus.

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

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

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

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

23 (iii) The applicant has not been disqualified by the United
24 States secretary of transportation from operating a commercial
25 motor vehicle.

26 (iv) The applicant has not been convicted of any
27 disqualifying offense listed in 49 CFR 383.51(b) while operating

1 a commercial motor vehicle.

2 (v) The applicant has not been convicted of any disqualifying
3 offense listed in 49 CFR 383.51(b) while operating a
4 noncommercial motor vehicle that would be a disqualifying offense
5 under 49 CFR 383.51(b) if the applicant had committed the offense
6 while operating a commercial motor vehicle.

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

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

13 (viii) The applicant has been regularly employed as a school
14 bus driver for the past 2 years and has, for those 2 years,
15 operated a school bus representing the type of school bus that
16 the applicant intends to operate, and the applicant provides
17 satisfactory evidence of that employment to the secretary of
18 state.

19 (7) ~~-(6)-~~ An applicant for an indorsement shall take the
20 knowledge and driving skills tests described and required
21 pursuant to ~~49 C.F.R.~~ 49 CFR part 383.

22 (8) ~~-(7)-~~ The holder of an unexpired operator's or
23 chauffeur's license may be issued a vehicle group designation and
24 indorsement valid for the remainder of the license upon meeting
25 the qualifications of section 312f and payment of the original
26 vehicle group designation fee of \$25.00 and an indorsement fee of
27 \$5.00 per indorsement, and a corrected license fee of \$18.00. A

1 person required to procure an F vehicle indorsement pursuant to
2 subsection ~~(9)~~ **(10)** shall pay an indorsement fee of \$5.00.

3 **(9)** ~~(8)~~ Except as otherwise provided in subsections ~~(9)~~
4 ~~and~~ **(10)** **and (11)**, this section does not apply to a driver or
5 operator of a vehicle under all of the following conditions:

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

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

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

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

14 **(10)** ~~(9)~~ A person, before driving or operating a
15 combination of vehicles having a gross vehicle weight rating of
16 26,001 pounds or more on the power unit that is used as described
17 in subsection ~~(8)(a)~~ **(9)(a)** to (d), shall obtain an F vehicle
18 indorsement. The F vehicle indorsement shall be issued upon
19 successful completion of a knowledge test only.

20 **(11)** ~~(10)~~ A person, before driving or operating a single
21 vehicle truck having a gross vehicle weight rating of 26,001
22 pounds or more or a combination of vehicles having a gross
23 vehicle weight rating of 26,001 pounds or more on the power unit
24 that is used as described in subsection ~~(8)(a)~~ **(9)(a)** to (d)
25 for carrying hazardous materials on which a placard is required
26 under ~~49 C.F.R.~~ **49 CFR** parts 100 to 199, shall successfully
27 complete both a knowledge test and a driving skills test. Upon

1 successful completion of the knowledge test and driving skills
2 test, the person shall be issued the appropriate vehicle group
3 designation and any vehicle indorsement necessary under this
4 act.

5 **(12)** ~~-(11)-~~ This section does not apply to a police officer
6 operating an authorized emergency vehicle or to a firefighter
7 operating an authorized emergency vehicle who has met the driver
8 training standards of the Michigan fire fighters' training
9 council.

10 **(13)** ~~-(12)-~~ This section does not apply to a person operating
11 a motor home or a vehicle used exclusively to transport personal
12 possessions or family members for nonbusiness purposes.

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

26 **(15)** ~~-(14)-~~ Notwithstanding any other provision of this
27 section, a person operating a vehicle described in subsections

1 ~~-(8)-~~ **(9)** and ~~-(9)-~~ **(10)** is subject to the provisions of
2 sections 303 and 319b.

3 Sec. 312f. (1) Except as otherwise provided in this
4 section, a person shall be at least 18 years of age before he or
5 she is issued a vehicle group designation or indorsement, other
6 than a motorcycle indorsement, on an operator's or chauffeur's
7 license and, as provided in this section, the person shall pass
8 knowledge and driving skills tests that comply with minimum
9 federal standards prescribed in ~~49 C.F.R.~~ **49 CFR** part 383. A
10 person operating a vehicle to be used for farming purposes only
11 may obtain an A or B vehicle group designation or an F vehicle
12 indorsement if he or she is at least 16 years of age. Each
13 written examination given an applicant for a vehicle group
14 designation or indorsement shall include subjects designed to
15 cover the type or general class of vehicle to be operated. A
16 person shall pass an examination that includes a driving skills
17 test designed to test competency of the applicant for an original
18 vehicle group designation and passenger indorsement on an
19 operator's or chauffeur's license to drive that type or general
20 class of vehicle upon the highways of this state with safety to
21 persons and property. The secretary of state shall waive the
22 driving skills test for a person operating a vehicle that is used
23 under the conditions described in section ~~312e(8)(a)~~ **312e(9)(a)**
24 to (d) unless the vehicle has a gross vehicle weight rating of
25 26,001 pounds or more on the power unit and is to be used to
26 carry hazardous materials on which a placard is required under
27 ~~49 C.F.R.~~ **49 CFR** parts 100 to 199. The driving skills test may

1 be waived if the applicant has a valid license with the
2 appropriate vehicle group designation, ~~or~~ passenger vehicle
3 indorsement, **or school bus indorsement** in another state issued in
4 compliance with ~~chapter 313 of title 49 of the United States~~
5 ~~Code, 49 U.S.C.~~ **49 USC** 31301 to 31317.

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

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

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

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

20 (b) The seasons for which the seasonal restricted vehicle
21 group designation is issued shall be from April 2 to June 30 and
22 from September 2 to November 30 only of a 12-month period or, at
23 the option of the applicant, for not more than 180 days from the
24 date of issuance in a 12-month period. The good driving record
25 shall be confirmed before each season and 180-day period.

26 (c) The commercial motor vehicle for which the seasonal
27 restricted vehicle group designation is issued shall be operated

1 only if all the following conditions are met:

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

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

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

10 (B) Liquid fertilizers in quantities of 3,000 gallons or
11 less.

12 (C) Solid fertilizers that are not transported with any
13 organic substance.

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

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

19 (4) The secretary of state may enter into an agreement with
20 another public or private ~~person~~ **corporation** or agency to
21 conduct a **driving** skills test required under this section,
22 section 312e, or ~~49 C.F.R.~~ **49 CFR** part 383. **Before the**
23 **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.**

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

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

13 (b) The applicant was convicted of or incurred a bond
14 forfeiture in relation to a 6-point violation as provided in
15 section 320a in the 24 months immediately preceding application
16 **if the violation occurred while the applicant was operating a**
17 **commercial motor vehicle**, or a violation of section 625(3) or
18 former section 625b, or a local ordinance substantially
19 corresponding to section 625(3) or former section 625b in the 24
20 months immediately preceding application, if the ~~violation~~
21 ~~occurred while the~~ applicant was operating ~~a commercial~~ **any**
22 **type of** motor vehicle.

23 (c) The applicant is listed on the national driver register,
24 the commercial driver license information system, or the driving
25 records of the state in which the applicant was previously
26 licensed as being disqualified from operating a commercial motor
27 vehicle or as having a license or driving privilege suspended,

1 revoked, canceled, or denied.

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

12 (e) The applicant is subject to a suspension or revocation
13 under section 319b or would have been subject to a suspension or
14 revocation under section 319b if the applicant had been issued a
15 vehicle group designation or vehicle indorsement.

16 (f) The applicant has been disqualified from operating a
17 commercial motor vehicle under ~~chapter 313 of title 49 of the~~
18 ~~United States Code, 49 U.S.C.~~ **49 USC** 31301 to 31317 or the
19 applicant's license to operate a commercial motor vehicle has
20 been suspended, revoked, denied, or canceled within 36 months
21 immediately preceding the date of application.

22 **(g) The United States secretary of transportation has**
23 **disqualified the applicant from operating a commercial motor**
24 **vehicle.**

25 (6) The secretary of state shall not ~~issue a vehicle group~~
26 ~~designation to an applicant to~~ renew or upgrade a vehicle group
27 designation if **the United States secretary of transportation has**

1 **disqualified the applicant from operating a commercial motor**
2 **vehicle, or** the applicant is listed on the national driver
3 register or the commercial driver license information system as
4 being disqualified from operating a commercial motor vehicle or
5 as having a driver license or driving privilege suspended,
6 revoked, canceled, or denied.

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

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

19 (9) The secretary of state shall cancel all vehicle group
20 designations on a person's operator's or chauffeur's license upon
21 receiving notice from **the United States secretary of**
22 **transportation,** the national driver register, the commercial
23 driver license system, or another state or jurisdiction that 1 or
24 more of the conditions described in subsection (5) existed at the
25 time of the person's application in this state.

26 (10) The secretary of state shall cancel all vehicle group
27 designations on the person's operator's or chauffeur's license

1 upon receiving proper notice that the person no longer meets the
2 federal driver qualification requirements under ~~49 C.F.R.~~ **49**
3 **CFR** part 391 to operate a commercial motor vehicle in interstate
4 commerce, or the person no longer meets the driver qualification
5 requirements to operate a commercial motor vehicle in intrastate
6 commerce under the motor carrier safety act of 1963, 1963 PA 181,
7 MCL 480.11 to 480.22.

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

14 (12) As used in this section:

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

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

21 Sec. 313. (1) Except as provided in subsection (2) **and**
22 **section 812**, if an operator's or chauffeur's license issued under
23 this chapter is lost, destroyed, or mutilated, or becomes
24 illegible, the person to whom the license was issued may obtain a
25 duplicate upon the payment of the fee required in section 812,
26 upon furnishing proof satisfactory to the secretary of state that
27 the license has been lost, destroyed, or mutilated, or has become

1 illegible, and upon certifying that the license is not being held
2 by a court as a condition of that person's recognizance.

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

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

24 (2) The first operator's license issued to a person who at
25 the time of application is less than 20-1/2 years of age shall
26 expire on the licensee's twenty-first birthday unless suspended
27 or revoked. Until July 1, 2003, the secretary of state shall

1 code the license in a manner which clearly identifies the
2 licensee as being less than 21 years of age.

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

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

23 (5) A person who will be out of state for more than 90 days
24 beyond the expiration date of his or her operator's license may
25 apply for a ~~2-year extension~~ **4-year renewal** of his or her
26 driving privileges. The applicant for this ~~extension~~ **renewal**
27 shall submit a statement evidencing a vision examination in

1 accordance with the rules promulgated by the secretary of state
2 under section 309. ~~The fee for a 2 year extension shall be the~~
3 ~~same as provided in section 314b(2).~~

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

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

22 (2) The secretary of state, upon receiving a record of the
23 conviction, civil infraction determination, **suspension**,
24 **revocation**, or forfeiture of bail in this state of a nonresident
25 of a violation the record of which is required to be maintained
26 under section 204a, ~~may~~ **shall** forward a certified copy of the
27 record to the motor vehicle administrator or other appropriate

1 officer in the state in which the person is a resident.

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

16 (4) If the secretary of state suspends, revokes, cancels, or
17 denies the driving privileges of a nonresident for 60 days or
18 more and that nonresident is licensed by another state to operate
19 a commercial motor vehicle, the secretary of state shall, within
20 10 days after the effective date of the suspension, revocation,
21 cancellation, or denial, forward a notification about that
22 suspension, revocation, cancellation, or denial to the motor
23 vehicle administrator or other appropriate officer of the state
24 where the nonresident is licensed to operate a motor vehicle. A
25 notice given under this subsection must include both the denial,
26 if any, and the violation that caused the suspension, revocation,
27 cancellation, or denial of the nonresident's driving privileges.

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

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

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

12 (b) A violation of section 413 of the Michigan penal code,
13 1931 PA 328, MCL 750.413.

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

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

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

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

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

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

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

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

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

8 (b) A violation of section 601b(2), section 601c(1), section
9 626, or section 653a(3).

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

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

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

19 (5) For perjury or making a false certification to the
20 secretary of state under any law requiring the registration of a
21 motor vehicle or regulating the operation of a vehicle on a
22 highway, or for conduct prohibited under section 324(1) or a
23 local ordinance substantially corresponding to section 324(1),
24 the secretary shall suspend the person's license as follows:

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

27 (b) If the person has 1 or more prior convictions for an

1 offense described in this subsection within 7 years, for 1 year.

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

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

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

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

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

18 (b) If the person has 2 or more prior convictions for an
19 offense described in this subsection or section 33b(1) of former
20 1933 (Ex Sess) PA 8, for 1 year. The secretary of state may
21 issue the person a restricted license after the first 60 days of
22 suspension.

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

25 (a) For 180 days for a violation of section 625(1) or (8) if
26 the person has no prior convictions within 7 years. The
27 secretary of state may issue the person a restricted license

1 during a specified portion of the suspension, except that the
2 secretary of state shall not issue a restricted license during
3 the first 30 days of suspension.

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

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

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

21 (e) For 180 days for a violation of section 625(7) if the
22 person has no prior convictions within 7 years. The secretary of
23 state may issue the person a restricted license after the first
24 90 days of suspension.

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

1 specified portion of the suspension.

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

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

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

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

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

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

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

26 (14) The secretary of state may waive a restriction,
27 suspension, or revocation of a person's license imposed under

1 this act if the person submits proof that a court in another
2 state revoked, suspended, or restricted his or her license for a
3 period equal to or greater than the period of a restriction,
4 suspension, or revocation prescribed under this act for the
5 violation and that the revocation, suspension, or restriction was
6 served for the violation, or may grant a restricted license.

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

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

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

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

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

22 (i) The person's residence.

23 (ii) The person's work location.

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

26 (iv) The court probation department.

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

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

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

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

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

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

18 (i) Section 625, except a violation of section 625(2), or a
19 violation of any prior enactment of section 625 in which the
20 defendant operated a vehicle while under the influence of
21 intoxicating or alcoholic liquor or a controlled substance, or a
22 combination of intoxicating or alcoholic liquor and a controlled
23 substance, or while visibly impaired, or with an unlawful bodily
24 alcohol content.

25 (ii) Section 625m.

26 (iii) Former section 625b.

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

1 from the operation of a vehicle or an attempt to commit any of
2 those crimes.

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

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

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

1 as required by a law or local ordinance of this or another
2 state. The period of suspension or revocation is as follows:

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

6 (i) Two serious traffic violations arising from separate
7 incidents within 36 months.

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

9 (iii) A violation of motor carrier safety regulations ~~49~~
10 ~~C.F.R.~~ **49 CFR** 392.10 or 392.11, as adopted by section 1a of the
11 motor carrier safety act of 1963, 1963 PA 181, MCL 480.11a.

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

14 (v) A violation of motor carrier safety regulations ~~49~~
15 ~~C.F.R.~~ **49 CFR** 392.10 or 392.11, as adopted by section 31 of the
16 motor bus transportation act, 1982 PA 432, MCL 474.131.

17 (vi) A violation of motor carrier safety regulations ~~49~~
18 ~~C.F.R.~~ **49 CFR** 392.10 or 392.11 while operating a commercial
19 motor vehicle other than a vehicle covered under
20 subparagraph (iii), (iv), or (v).

21 (b) Suspension for 120 days if the ~~licensee~~ **person** is
22 convicted of or found responsible for 1 of the following arising
23 from separate incidents within 36 months while operating a
24 commercial motor vehicle:

25 (i) Three serious traffic violations.

26 (ii) Any combination of 2 violations described in
27 subdivision (a)(ii).

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

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

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

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

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

15 (v) **Operating a commercial motor vehicle in violation of a**
16 **suspension, revocation, denial, or cancellation that was imposed**
17 **for previous violations committed while operating a commercial**
18 **motor vehicle.**

19 (vi) **Causing a fatality through the negligent or criminal**
20 **operation of a commercial motor vehicle, including, but not**
21 **limited to, the crimes of motor vehicle manslaughter, motor**
22 **vehicle homicide, and negligent homicide.**

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

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

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

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

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

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

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

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

26 (v) **Operating a commercial motor vehicle in violation of a**
27 **suspension, revocation, denial, or cancellation that was imposed**

1 for previous violations committed while operating a commercial
2 motor vehicle.

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

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

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

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

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

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

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

23 (2) The secretary of state shall immediately revoke for life
24 the hazardous material indorsement (H vehicle indorsement) on the
25 operator's or chauffeur's license of a person with a vehicle
26 group designation upon receiving notice from the U.S. department
27 of transportation that the person poses a security risk

1 warranting denial under the uniting and strengthening America by
2 providing appropriate tools required to intercept and obstruct
3 terrorism (USA PATRIOT ACT) act of 2001, Public Law 107-56. —
4 ~~115 Stat. 272.~~

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

17 (a) Suspension for 90 days if the ~~licensee~~ **person** is
18 convicted of or found responsible for a violation of section
19 319d(4) or 319f while operating a commercial motor vehicle.

20 (b) Suspension for 180 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 that
23 is either carrying hazardous material required to have a placard
24 pursuant to ~~49 C.F.R.~~ **49 CFR** parts 100 to 199 or designed to
25 carry 16 or more passengers, including the driver.

26 (c) Suspension for 1 year if the ~~licensee~~ **person** is
27 convicted of or found responsible for 2 violations, in any

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

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

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

17 (4) As used in this section:

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

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

24 (ii) The vehicle was used to transport a victim of the
25 felony.

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

27 (iv) The vehicle was necessary for the commission of the

1 felony.

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

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

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

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

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

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

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

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

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

27 (ix) **Any** other serious traffic violation as defined in ~~49~~

1 C.F.R.— **49 CFR** 383.5 or as prescribed under this act.

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

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

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

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

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

6 (c) Leaving the scene of an accident.

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

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

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

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

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

23 (2) Within 10 days after receiving a record of conviction,
24 civil infraction determination, or forfeiture of bail in this
25 state of a nonresident driver of a commercial motor vehicle for a
26 violation under the motor vehicle laws of this state, other than
27 a parking violation, the secretary of state shall notify the

1 motor vehicle administrator or other appropriate officer in the
2 state in which the person is licensed.

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

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

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

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

22 (d) Failing to stop and disclose identity at the scene of
23 an accident when required by law..... 6 points

24 (e) Operating a motor vehicle in violation of section 626 points

25 (f) Fleeing or eluding an officer..... 6 points

26 (g) Violation of section 627(9) pertaining to speed in a
27 work zone described in that section by exceeding the

- 1 lawful maximum by more than 15 miles per hour..... 5 points
- 2 (h) Violation of any law other than the law described in
- 3 subdivision (g) or ordinance pertaining to speed by
- 4 exceeding the lawful maximum by more than 15 miles per
- 5 hour..... 4 points
- 6 (i) Violation of section 625(3) or (6), section 81135 or
- 7 82127(3) of the natural resources and environmental
- 8 protection act, 1994 PA 451, MCL 324.81135 and 324.82127,
- 9 or a law or ordinance substantially corresponding to
- 10 section 625(3) or (6) or section 81135 or 82127(3) of the
- 11 natural resources and environmental protection act, 1994
- 12 PA 451, MCL 324.81135 and 324.82127..... 4 points
- 13 (j) Violation of section 626a or a law or ordinance
- 14 substantially corresponding to section 626a..... 4 points
- 15 (k) Violation of section 653a(2)..... 4 points
- 16 (l) Violation of section 627(9) pertaining to speed in a
- 17 work zone described in that section by exceeding the
- 18 lawful maximum by more than 10 but not more than 15 miles
- 19 per hour..... 4 points
- 20 (m) Violation of any law other than the law described in
- 21 subdivision (l) or ordinance pertaining to speed by
- 22 exceeding the lawful maximum by more than 10 but not more
- 23 than 15 miles per hour or careless driving in violation of
- 24 section 626b or a law or ordinance substantially
- 25 corresponding to section 626b..... 3 points
- 26 (n) Violation of section 627(9) pertaining to speed in a
- 27 work zone described in that section by exceeding the

- 1 lawful maximum by 10 miles per hour or less..... 3 points
- 2 (o) Violation of any law other than the law described in
- 3 subdivision (n) or ordinance pertaining to speed by
- 4 exceeding the lawful maximum by 10 miles per hour or less2 points
- 5 (p) Disobeying a traffic signal or stop sign, or improper
- 6 passing..... 3 points
- 7 (q) Violation of section 624a, 624b, or a law or
- 8 ordinance substantially corresponding to section 624a or
- 9 624b..... 2 points
- 10 (r) Violation of section 310e(4) or (6) or a law or
- 11 ordinance substantially corresponding to section 310e(4)
- 12 or (6)..... 2 points
- 13 (s) All other moving violations pertaining to the
- 14 operation of motor vehicles reported under this section 2 points
- 15 (t) A refusal by a person less than 21 years of age to
- 16 submit to a preliminary breath test required by a peace
- 17 officer under section 625a..... 2 points
- 18 (2) Points shall not be entered for a violation of section
- 19 310e(14), 311, 625m, 658, 717, 719, 719a, or 723.
- 20 (3) Points shall not be entered for bond forfeitures.
- 21 (4) Points shall not be entered for overweight loads or for
- 22 defective equipment.
- 23 (5) If more than 1 conviction, civil infraction
- 24 determination, or probate court disposition results from the same
- 25 incident, points shall be entered only for the violation that
- 26 receives the highest number of points under this section.
- 27 (6) If a person has accumulated 9 points as provided in this

1 section, the secretary of state may call the person in for an
2 interview as to the person's driving ability and record after due
3 notice as to time and place of the interview. If the person
4 fails to appear as provided in this subsection, the secretary of
5 state shall add 3 points to the person's record.

6 (7) If a person violates a speed restriction established by
7 an executive order issued during a state of energy emergency as
8 provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of
9 state shall enter points for the violation pursuant to subsection
10 (1).

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

17 (9) If a Michigan driver commits a violation in another state
18 that would be a civil infraction if committed in Michigan, and a
19 conviction results solely because of the failure of the Michigan
20 driver to appear in that state to contest the violation, upon
21 receipt of the abstract of conviction by the secretary of state,
22 the violation shall be noted on the driver's record, but no
23 points shall be assessed against his or her driver's license.

24 Sec. 321a. (1) A person who fails to answer a citation, or
25 a notice to appear in court for a violation reportable to the
26 secretary of state under section 732 or a local ordinance
27 substantially corresponding to a violation of a law of this state

1 reportable to the secretary of state under section 732, or for
2 any matter pending, or who fails to comply with an order or
3 judgment of the court, including, but not limited to, paying all
4 fines, costs, fees, and assessments, is guilty of a misdemeanor
5 punishable by imprisonment for not more than 93 days or a fine of
6 not more than \$100.00, or both. A violation of this subsection
7 or failure to answer a citation or notice to appear for a
8 violation of section 33b(1) of former 1933 (Ex Sess) PA 8,
9 section 703(1) of the Michigan liquor control code of 1998, 1998
10 PA 58, MCL 436.1703, or a local ordinance substantially
11 corresponding to either of those sections shall not be considered
12 a violation for any purpose under section 320a.

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

1 days, inform the secretary of state, who shall immediately
2 suspend the license of the person. The secretary of state shall
3 immediately notify the person of the suspension by regular mail
4 at the person's last known address.

5 (3) If the person is charged with, or convicted of, a
6 violation of section 625 or a local ordinance substantially
7 corresponding to section 625(1), (2), (3), or (6) and the person
8 fails to answer a citation or a notice to appear in court, or for
9 any matter pending, or fails to comply with an order or judgment
10 of the court, including, but not limited to, paying all fines,
11 costs, and crime victim rights assessments, the court shall
12 immediately give notice by first-class mail sent to the person's
13 last known address that if the person fails to appear within 7
14 days after the notice is issued, or fails to comply with the
15 order or judgment of the court, including, but not limited to,
16 paying all fines, costs, and crime victim rights assessments,
17 within 14 days after the notice is issued, the secretary of state
18 shall suspend the person's operator's or chauffeur's license. If
19 the person fails to appear within the 7-day period, or fails to
20 comply with the order or judgment of the court, including, but
21 not limited to, paying all fines, costs, and crime victim rights
22 assessments, within the 14-day period, the court shall
23 immediately inform the secretary of state who shall immediately
24 suspend the person's operator's or chauffeur's license and notify
25 the person of the suspension by first-class mail sent to the
26 person's last known address.

27 (4) If the person is charged with, or convicted of, 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, section 624a, section 624b, or a local
4 ordinance substantially corresponding to those sections and the
5 person fails to answer a citation or a notice to appear in court
6 issued pursuant to section 33b of former 1933 (Ex Sess) PA 8,
7 section 703 of the Michigan liquor control code of 1998, 1998
8 PA 58, MCL 436.1703, section 624a, section 624b, or a local
9 ordinance substantially corresponding to those sections or fails
10 to comply with an order or judgment of the court issued pursuant
11 to section 33b of former 1933 (Ex Sess) PA 8, section 703 of the
12 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703,
13 section 624a, section 624b, or a local ordinance substantially
14 corresponding to those sections including, but not limited to,
15 paying all fines and costs, the court shall immediately give
16 notice by first-class mail sent to the person's last known
17 address that if the person fails to appear within 7 days after
18 the notice is issued, or fails to comply with the order or
19 judgment of the court, including, but not limited to, paying all
20 fines and costs, within 14 days after the notice is issued, the
21 secretary of state shall suspend the person's operator's or
22 chauffeur's license. If the person fails to appear within the
23 7-day period, or fails to comply with the order or judgment of
24 the court, including, but not limited to, paying all fines and
25 costs, within the 14-day period, the court shall immediately
26 inform the secretary of state who shall immediately suspend the
27 person's operator's or chauffeur's license and notify the person

1 of the suspension by first-class mail sent to the person's last
2 known address.

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

5 (a) The secretary of state is notified by each court in which
6 the person failed to answer a citation or notice to appear or
7 failed to pay a fine or cost that the person has answered that
8 citation or notice to appear or paid that fine or cost.

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

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

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

18 (b) A pedestrian, passenger, or bicycle violation, other than
19 a violation of section 33b(1) or (2) of former 1933 (Ex Sess)
20 PA 8, section 703(1) or (2) of the Michigan liquor control code
21 of 1998, 1998 PA 58, MCL 436.1703, section 624a or 624b, or a
22 local ordinance substantially corresponding to section 33b(1) or
23 (2) of former 1933 (Ex Sess) PA 8, section 703(1) or (2) of the
24 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703,
25 or section 624a or 624b.

26 (7) The court may notify a person who has done either of the
27 following, that if the person does not appear within 10 days

1 after the notice is issued, the court will inform the secretary
2 of state of the person's failure to appear:

3 (a) Failed to answer 2 or more parking violation notices or
4 citations for violating a provision of this act or an ordinance
5 substantially corresponding to a provision of this act pertaining
6 to parking for persons with disabilities.

7 (b) Failed to answer 6 or more parking violation notices or
8 citations regarding illegal parking.

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

13 (a) The court informs the secretary of state that the person
14 has resolved all outstanding matters regarding the notices or
15 citations.

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

22 (9) Not less than 28 days after a person fails to appear in
23 response to a citation issued for, or fails to comply with an
24 order or judgment involving, a state civil infraction described
25 in chapter 88 of the revised judicature act of 1961, 1961 PA 236,
26 MCL 600.8801 to 600.8835, the court shall give notice by ordinary
27 mail, addressed to the person's last known address, that if the

1 person fails to appear or fails to comply with the order or
2 judgment described in this subsection within 14 days after the
3 notice is issued, the court will give to the secretary of state
4 notice of that failure. Upon receiving notice of that failure,
5 the secretary of state shall not issue or renew an operator's or
6 chauffeur's license for the person until both of the following
7 occur:

8 (a) The court informs the secretary of state that the person
9 has resolved all outstanding matters regarding each notice or
10 citation.

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

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

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

1 (a) Fifteen dollars to the secretary of state. The funds
2 received by the secretary of state under this subdivision shall
3 be deposited in the state general fund and shall be used to
4 defray the expenses of the secretary of state in processing the
5 suspension and reinstatement of driver licenses under this
6 section.

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

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

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

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

18 (c) Fifteen dollars to the juror compensation reimbursement
19 fund created in section 151d of the revised judicature act of
20 1961, 1961 PA 236, MCL 600.151d.

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

25 **(13) The secretary of state shall immediately suspend the**
26 **operator's and chauffeur's license of a person licensed to**
27 **operate a commercial motor vehicle, or a person who operates a**

1 commercial motor vehicle without a license to operate that
2 vehicle, if the person fails to answer an out-state citation, or
3 a notice to appear in a court or an authorized administrative
4 tribunal for a violation reportable to the secretary of state
5 under section 732(16), or fails to comply with an order or
6 judgment of an out-state court or an authorized administrative
7 tribunal reportable to the secretary of state under section
8 732(16), or fails to appear or fails to comply with the out-state
9 court or an authorized administrative tribunal order or judgment
10 reportable to the secretary of state under section 732(16),
11 including, but not limited to, paying all fines, costs, fees, and
12 assessments. For a suspension imposed under this subsection, the
13 secretary of state shall immediately notify the person of the
14 suspension by regular mail at the person's last known address.

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

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

26 (16) The secretary of state, upon being informed of the
27 failure of a person to appear or comply as provided in subsection

1 (13), shall not issue a license to the person or renew a license
2 for the person until the court or authorized administrative
3 tribunal of the other state informs the secretary of state that
4 the person has resolved all outstanding matters regarding the
5 notices, orders, or citations.

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

1 not order the secretary of state to issue a restricted operator's
2 or chauffeur's license that would permit a person to operate a
3 commercial motor vehicle hauling hazardous material. The court
4 shall not order the secretary of state to issue a restricted
5 license unless the person states under oath and the court finds
6 that the person is unable to take public transportation to and
7 from his or her work location, place of alcohol or drug education
8 or treatment, or educational institution, and does not have a
9 family member or other person able to provide transportation.
10 The court order and license shall indicate the person's work
11 location and the approved route or routes and permitted times of
12 travel. For purposes of this section, "work location" includes,
13 as applicable, either or both of the following:

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

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

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

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

25 **(4) Notwithstanding any other provision of this act, the**
26 **court shall not issue a restricted license to a person to operate**
27 **a commercial motor vehicle when a vehicle group designation is**

1 **required to operate that vehicle.**

2 Sec. 732. (1) Each municipal judge and each clerk of a
3 court of record shall keep a full record of every case in which a
4 person is charged with or cited for a violation of this act or a
5 local ordinance substantially corresponding to this act
6 regulating the operation of vehicles on highways and with those
7 offenses pertaining to the operation of ORVs or snowmobiles for
8 which points are assessed under section 320a(1)(c) or (h).

9 Except as provided in subsection (15), the municipal judge or
10 clerk of the court of record shall prepare and forward to the
11 secretary of state an abstract of the court record as follows:

12 (a) Within ~~14~~ 5 days after a conviction, forfeiture of
13 bail, or entry of a civil infraction determination or default
14 judgment upon a charge of or citation for violating or attempting
15 to violate this act or a local ordinance substantially
16 corresponding to this act regulating the operation of vehicles on
17 highways.

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

23 (c) Immediately for each case charging a violation of section
24 82127(1) or (3), 81134, or 81135 of the natural resources and
25 environmental protection act, 1994 PA 451, MCL 324.82127,
26 324.81134, and 324.81135, or a local ordinance substantially
27 corresponding to those sections.

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

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

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

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

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

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

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

25 (f) Whether bail was forfeited.

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

1 (h) The vehicle identification number and registration plate
2 number of all vehicles that are ordered immobilized or
3 forfeited.

4 (i) Other information considered necessary to the secretary
5 of state.

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

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

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

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

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

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

19 (f) A violation of motor carrier safety regulations, ~~49~~
20 ~~C.F.R.~~ **49 CFR** 392.10 or 392.11, as adopted by section 1a of the
21 motor carrier safety act of 1963, 1963 PA 181, MCL 480.11a.

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

24 (h) A violation of motor carrier safety regulations, ~~49~~
25 ~~C.F.R.~~ **49 CFR** 392.10 or 392.11, as adopted by section 31 of the
26 motor bus transportation act, 1982 PA 432, MCL 474.131.

27 (i) An attempt to violate, a conspiracy to violate, or a

1 violation of part 74 of the public health code, 1978 PA 368,
2 MCL 333.7401 to 333.7461, or a local ordinance that prohibits
3 conduct prohibited under part 74 of the public health code, 1978
4 PA 368, MCL 333.7401 to 333.7461, unless the convicted person is
5 sentenced to life imprisonment or a minimum term of imprisonment
6 that exceeds 1 year for the offense.

7 (j) An attempt to commit an offense described in subdivisions
8 (a) to (h).

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

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

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

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

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

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

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

27 "You are charged with the commission of a felony in which a

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

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

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

19 (8) If the court determines as part of the sentence or
20 disposition that the felony for which the person was convicted or
21 adjudicated and with respect to which notice was given under
22 subsection (6) or (7) is a felony in which a motor vehicle was
23 used, the clerk of the court shall forward an abstract of the
24 court record of that conviction to the secretary of state.

25 (9) As used in subsections (10) and (11), "felony in which a
26 commercial motor vehicle was used" means a felony during the
27 commission of which the person operated a commercial motor

1 vehicle and while the person was operating the vehicle 1 or more
2 of the following circumstances existed:

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

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

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

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

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

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

23 (11) If the judge determines as part of the sentence that the
24 felony for which the defendant was convicted and with respect to
25 which notice was given under subsection (10) is a felony in which
26 a commercial motor vehicle was used, the clerk of the court shall
27 forward an abstract of the court record of that conviction to the

1 secretary of state.

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

12 (a) The name and title of the person required to forward
13 abstracts.

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

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

16 (d) The following statement:

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

21 (e) Other information the secretary of state considers
22 necessary.

23 (f) The signature of the person required to forward
24 abstracts.

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

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

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

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

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

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

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

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

1 (16) ~~The~~ **Except as otherwise provided in this subsection,**
2 **the** secretary of state shall discard and not enter on the master
3 driving record an abstract for a bond forfeiture that occurred
4 outside this state. ~~However, the secretary of state shall~~
5 ~~retain and enter on the master driving record an abstract of an~~
6 ~~out of state bond forfeiture for an offense that occurred in~~
7 ~~connection with the operation of a commercial motor vehicle.~~ **The**
8 **secretary of state shall enter on the master driving record an**
9 **abstract for a conviction as defined in section 8a(b) that**
10 **occurred outside this state in connection with the operation of a**
11 **commercial motor vehicle or for a conviction of a person licensed**
12 **as a commercial motor vehicle driver.**

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

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

25 (19) The secretary of state may permit a city or village
26 department, bureau, person, or court to modify the requirement as
27 to the time and manner of reporting a conviction, civil

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

9 **(20) Notwithstanding any other law of this state, a court**
10 **shall not take under advisement an offense committed by a person**
11 **while operating a commercial motor vehicle or by a person**
12 **licensed to drive a commercial motor vehicle while operating a**
13 **noncommercial motor vehicle at the time of the offense, for which**
14 **this act requires a conviction or civil infraction determination**
15 **to be reported to the secretary of state. A conviction or civil**
16 **infraction determination that is the subject of this subsection**
17 **shall not be masked, delayed, diverted, suspended, or suppressed**
18 **by a court. Upon a conviction or civil infraction determination,**
19 **the conviction or civil infraction determination shall**
20 **immediately be reported to the secretary of state in accordance**
21 **with this section.**

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

26 Sec. 812. **(1) ~~For~~ Except as otherwise provided in**
27 **subsection (2), for each duplicate license as provided in section**

1 313, and for each correction of a license, a person may apply for
2 renewal of the license and pay the renewal fee prescribed in this
3 act or the person may, at his or her option and upon payment of
4 the fee prescribed in this section, apply for a duplicate license
5 which expires on the same date as the license which was lost,
6 destroyed, mutilated, or became illegible. The fee for a
7 duplicate chauffeur's license shall be \$18.00. The fee for a
8 duplicate operator's license shall be \$9.00. ~~In the case of a~~
9 ~~person issued a 2-year license under section 314b, the secretary~~
10 ~~of state may determine whether the license shall be renewed for 2~~
11 ~~years or 4 years.~~ A renewal fee shall not be charged for a
12 change of address or a correction required to correct a
13 department error.

14 (2) Except with regard to a person who is less than 21 years
15 of age or a person with a license containing a hazardous material
16 indorsement, for each duplicate license as provided in section
17 313, and for each correction of a license, a person shall apply
18 for renewal of the license and pay the renewal fee prescribed in
19 this act if the license was due to expire within the next 12
20 months. Except as otherwise provided in this act, a license
21 renewed under this subsection shall be renewed for the combined
22 period of the time remaining on the license before its renewal
23 and the 4-year renewal period.

24 Sec. 904. (1) A person whose operator's or chauffeur's
25 license or registration certificate has been suspended or revoked
26 and who has been notified as provided in section 212 of that
27 suspension or revocation, whose application for license has been

1 denied, or who has never applied for a license, shall not operate
2 a motor vehicle upon a highway or other place open to the general
3 public or generally accessible to motor vehicles, including an
4 area designated for the parking of motor vehicles, within this
5 state.

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

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

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

23 (b) For a violation that occurs after a prior conviction, by
24 imprisonment for not more than 1 year or a fine of not more than
25 \$1,000.00, or both. Unless the vehicle was stolen, the
26 registration plates of the vehicle shall be canceled by the
27 secretary of state upon notification by a peace officer.

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

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

- 22 (a) Loss of a limb or loss of use of a limb.
23 (b) Loss of a foot, hand, finger, or thumb or loss of use of
24 a foot, hand, finger, or thumb.
25 (c) Loss of an eye or ear or loss of use of an eye or ear.
26 (d) Loss or substantial impairment of a bodily function.
27 (e) Serious visible disfigurement.

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

2 (g) Measurable brain or mental impairment.

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

4 (i) Subdural hemorrhage or subdural hematoma.

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

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

1 vehicle is guilty of a felony punishable by imprisonment for not
2 more than 5 years, or a fine of not less than \$1,000.00 or more
3 than \$5,000.00, or both.

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

11 (9) A prior conviction under this section shall be
12 established at or before sentencing by 1 or more of the
13 following:

14 (a) An abstract of conviction.

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

16 (c) An admission by the defendant.

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

26 (11) Upon receiving a record of a person's conviction or
27 civil infraction determination for the unlawful operation of a

1 motor vehicle or a moving violation reportable under section 732
2 while the person's operator's or chauffeur's license is
3 indefinitely suspended or whose application for a license has
4 been denied, the secretary of state immediately shall impose a
5 30-day period of suspension or denial.

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

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

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

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

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

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

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

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

1 only be applied once during the person's lifetime.

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

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