

HOUSE BILL No. 5628

February 22, 2018, Introduced by Reps. Marino, Chirkun, Dianda, Green, LaFave and Lucido
and referred to the Committee on Insurance.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 226, 227, 304, 323, 518b, 657a, 665, 665b,
732, 732a, 732b, 801e, and 907 (MCL 257.226, 257.227, 257.304,
257.323, 257.518b, 257.657a, 257.665, 257.665b, 257.732, 257.732a,
257.732b, 257.801e, and 257.907), section 226 as amended by 2016 PA
425, section 227 as amended by 2011 PA 92, section 304 as amended
by 2017 PA 162, section 323 as amended by 2016 PA 117, section 518b
as added by 2016 PA 348, section 657a as added by 2014 PA 491,
section 665 as amended by 2016 PA 332, section 665b as added by
2016 PA 333, section 732 as amended by 2017 PA 160, section 732a as
amended by 2016 PA 32, section 732b as added by 2014 PA 283,
section 801e as amended by 1983 PA 91, and section 907 as amended
by 2015 PA 126; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 226. (1) A vehicle registration issued by the secretary
2 of state expires on the owner's birthday, unless another expiration
3 date is provided for under this act or unless the registration is
4 for the following vehicles, in which case registration expires on
5 the last day of February:

6 (a) A commercial vehicle except for a commercial vehicle
7 issued a registration under the international registration plan or
8 a pickup truck or van owned by an individual.

9 (b) Except for a trailer or semitrailer issued a registration
10 under the international registration plan, a trailer or semitrailer
11 owned by a business, corporation, or person other than an
12 individual; or a pole trailer.

13 (2) The expiration date for a registration issued for a
14 motorcycle is the motorcycle owner's birthday.

15 (3) The expiration date for a registration bearing the letters
16 "SEN" or "REP" is February 1.

17 (4) In the case of a vehicle owned by a business, corporation,
18 or an owner other than an individual, the secretary of state may
19 assign or reassign the expiration date of the registration.

20 (5) The secretary of state shall do all of the following:

21 (a) After the October 1 immediately preceding the year
22 designated on the registration, issue a registration upon
23 application and payment of the proper fee for a commercial vehicle,
24 other than a pickup or van owned by an individual; or a trailer
25 owned by a business, corporation, or person other than an
26 individual.

27 (b) Beginning 60 days before the expiration date assigned on

1 an international registration plan registration plate, issue a
2 registration under section 801g upon application and payment of the
3 proper apportioned fee for a commercial vehicle engaged in
4 interstate commerce.

5 (c) Beginning 45 days before the owner's birthday and 120 days
6 before the expiration date assigned by the secretary of state,
7 issue a registration for a vehicle other than those designated in
8 subsection (1)(a) or (b). However, if an owner whose registration
9 period begins 45 days before his or her birthday will be out of the
10 state during the 45 days immediately preceding expiration of a
11 registration or for other good cause shown cannot apply for a
12 renewal registration within the 45-day period, application for a
13 renewal registration may be made not more than 6 months before
14 expiration.

15 (6) Except as otherwise provided in this subsection, the
16 secretary of state, upon application and payment of the proper fee,
17 shall issue a registration for a vehicle or a motorcycle to a
18 resident that shall expire on the owner's birthday. If the owner's
19 next birthday is at least 6 months but not more than 12 months in
20 the future, the owner shall receive a registration valid until the
21 owner's next birthday. If the owner's next birthday is less than 6
22 months in the future, the owner shall receive a registration valid
23 until the owner's birthday following the owner's next birthday. The
24 tax required under this act for a registration described in this
25 subsection shall be either of the following:

26 (a) For an original registration, the tax shall bear the same
27 relationship to the tax required under section 801 for a 12-month

1 registration as the length of the registration bears to 12 months.

2 (b) For a renewal of a registration, either of the following:

3 (i) For a registration that is for at least 6 months but not
4 more than 12 months, the same amount as for 12 months.

5 (ii) For a renewal of a registration that is for more than 12
6 months, 2 times the amount for 12 months.

7 Partial months shall be considered as whole months in the
8 calculation of the required tax and in the determination of the
9 length of time between the application for a registration and the
10 owner's next birthday. The tax required for that registration shall
11 be rounded off to whole dollars as provided in section 801.

12 (7) A certificate of title shall remain valid until canceled
13 by the secretary of state for cause or upon a transfer of an
14 interest shown on the certificate of title.

15 (8) The secretary of state, upon request, shall issue special
16 registration for commercial vehicles, valid for 6 months after the
17 date of issue, if the full registration fee exceeds \$50.00, on the
18 payment of 1/2 the full registration fee and a service charge as
19 enumerated in section 802(1).

20 (9) The secretary of state may issue a special registration
21 for each of the following:

22 (a) A new vehicle purchased or leased outside of this state
23 and delivered in this state to the purchaser or lessee by the
24 manufacturer of that vehicle for removal to a place outside of this
25 state, if a certification is made that the vehicle will be
26 primarily used, stored, and registered outside of this state and
27 will not be returned to this state by the purchaser or lessee for

1 use or storage.

2 (b) A vehicle purchased or leased in this state and delivered
3 to the purchaser or lessee by a dealer or by the owner of the
4 vehicle for removal to a place outside of this state, if a
5 certification is made that the vehicle will be primarily used,
6 stored, and registered outside of this state and will not be
7 returned to this state by the purchaser or lessee for use or
8 storage.

9 (10) A special registration issued under subsection (9) is
10 valid for not more than 30 days after the date of issuance, and a
11 fee shall be collected for each special registration as provided in
12 section 802(3). The special registration may be in the form
13 determined by the secretary of state. If a dealer makes a retail
14 sale or lease of a vehicle to a purchaser or lessee who is
15 qualified and eligible to obtain a special registration, the dealer
16 shall apply for the special registration for the purchaser or
17 lessee. If a person other than a dealer sells or leases a vehicle
18 to a purchaser or lessee who is qualified and eligible to obtain a
19 special registration, the purchaser or lessee shall appear in
20 person, or by a person exercising the purchaser's or lessee's power
21 of attorney, at an office of the secretary of state and furnish a
22 certification that the person is the bona fide purchaser or lessee
23 or that the person has granted the power of attorney, together with
24 other forms required for the issuance of the special registration.
25 ~~and provide the secretary of state with proof that the vehicle is~~
26 ~~covered by a Michigan no fault insurance policy issued pursuant to~~
27 ~~section 3101 of the insurance code of 1956, 1956 PA 218, MCL~~

1 ~~500.3101, or proof that the vehicle is covered by a policy of~~
2 ~~insurance issued by an insurer pursuant to section 3163 of the~~
3 ~~insurance code of 1956, 1956 PA 218, MCL 500.3163.~~ The
4 certification required in this subsection shall contain all of the
5 following:

6 (a) The address of the purchaser or lessee.

7 (b) A statement that the vehicle is purchased or leased for
8 registration outside of this state.

9 (c) A statement that the vehicle shall be primarily used,
10 stored, and registered outside of this state.

11 (d) The name of the jurisdiction in which the vehicle is to be
12 registered.

13 (e) Other information requested by the secretary of state.

14 (11) In the case of a commercial vehicle, trailer, or
15 semitrailer issued a registration under the international
16 registration plan, the secretary of state in mutual agreement with
17 the owner may assign or reassign the expiration date of the
18 registration. However, the expiration date agreed to shall be
19 either March 31, June 30, September 30, or December 31. Renewals
20 expiring on or after September 30, 1993 shall be for a minimum of
21 at least 12 months if there is a change in the established
22 expiration date.

23 (12) The expiration date for a multiyear registration issued
24 for a leased vehicle ~~shall be~~ **IS** the date the lease expires but
25 shall not be for a period longer than 24 months.

26 Sec. 227. (1) Application for renewal of a vehicle
27 registration shall be made by the owner upon proper application and

1 by payment of the registration fee for the vehicle, as provided by
2 law.

3 (2) Every application shall be accompanied by the certificate
4 of title pertaining to the vehicle, showing ownership in the person
5 applying for registration at the time of the application. The
6 secretary of state may waive the presentation of the certificate of
7 title.

8 ~~—— (3) Every application for renewal of a motor vehicle~~
9 ~~registration shall be accompanied by proof of vehicle insurance in~~
10 ~~a form determined by the secretary of state.~~

11 ~~—— (4) Notwithstanding subsection (3), the secretary of state~~
12 ~~shall accept as proof of vehicle insurance a transmission of the~~
13 ~~applicant's vehicle policy information for an insured vehicle for~~
14 ~~which vehicle registration is sought. The secretary of state may~~
15 ~~determine in what format and on what timeline the secretary of~~
16 ~~state will receive vehicle policy information, which shall not be~~
17 ~~required more frequently than every 14 days. In determining the~~
18 ~~format under this subsection, the secretary of state shall consult~~
19 ~~with insurers. The transmission to the secretary of state of the~~
20 ~~vehicle policy information is proof of insurance to the secretary~~
21 ~~of state for motor vehicle registration purposes only and is not~~
22 ~~evidence that a policy of insurance actually exists between an~~
23 ~~insurer and an individual. Vehicle policy information submitted by~~
24 ~~an insurer and received by the secretary of state under this~~
25 ~~subsection is confidential, is not subject to the freedom of~~
26 ~~information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not~~
27 ~~be disclosed to any person except the department of community~~

~~health for purposes of 2006 PA 593, MCL 550.281 to 550.289, or
under an order by a court of competent jurisdiction in connection
with a claim or fraud investigation or prosecution.~~

~~(6) As used in this section, "policy information" means the
information an automobile insurer is required to supply to the
secretary of state under section 3101a of the insurance code of
1956, 1956 PA 218, MCL 500.3101a.~~

Sec. 304. (1) Except as provided in subsection (3), the
secretary of state shall issue a restricted license to a person
whose license was suspended or restricted under section 319 or
revoked or denied under section 303 based on either of the
following:

(a) Two or more convictions for violating section 625(1) or
(3) or a local ordinance of this state substantially corresponding
to section 625(1) or (3).

(b) One conviction for violating section 625(1) or (3) or a
local ordinance of this state substantially corresponding to
section 625(1) or (3), preceded by 1 or more convictions for
violating a local ordinance or law of another state substantially
corresponding to section 625(1), (3), or (6), or a law of the
United States substantially corresponding to section 625(1), (3),
or (6).

(2) A restricted license issued under subsection (1) must not
be issued until after the person's operator's or chauffeur's
license has been suspended or revoked for 45 days and the judge
assigned to a DWI/sobriety court certifies to the secretary of
state that both of the following conditions have been met:

1 (a) The person has been admitted into a DWI/sobriety court
2 program.

3 (b) An ignition interlock device approved, certified, and
4 installed as required under sections 625k and 625l has been
5 installed on each motor vehicle owned or operated, or both, by the
6 individual.

7 (3) A restricted license must not be issued under subsection
8 (1) if the person is otherwise ineligible for an operator's or
9 chauffeur's license under this act, unless the person's
10 ineligibility is based on 1 or more of the following:

11 (a) Section 303(1)(i) or (l).

12 (b) Section 303(2)(c)(i) or (iii).

13 (c) Section 303(2)(g)(i) or (iii).

14 (d) Section 319(4), (5), (6), (7), (8)(a) to (e), or (9).

15 (e) Section 319e(2)(a) or (b).

16 (f) Section 320(1)(d).

17 (g) Section 321a(1), (2), or (3).

18 (h) Section 323c.

19 (i) Section 625f.

20 (j) Section 732a(5).

21 (k) Section 904(10).

22 (l) Section 82105a(2) of the natural resources and
23 environmental protection act, 1994 PA 451, MCL 324.82105a.

24 ~~— (m) Section 3177 of the insurance code of 1956, 1956 PA 218,~~
25 ~~MCL 500.3177.~~

26 **(M)** ~~(n)~~ Section 10 of the motor vehicle claims act, 1965 PA
27 198, MCL 257.1110.

1 (4) A restricted license issued under subsection (1) permits
2 the person to whom it is issued to operate only the vehicle
3 equipped with an ignition interlock device described in subsection
4 (2)(b), to take any driving skills test required by the secretary
5 of state, and to drive to and from any combination of the following
6 locations or events:

7 (a) In the course of the person's employment or occupation if
8 the employment or occupation does not require a commercial driver
9 license.

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

11 (i) The person's residence.

12 (ii) The person's work location.

13 (iii) An alcohol, drug, or mental health education and
14 treatment as ordered by the court.

15 (iv) Alcoholics Anonymous, Narcotics Anonymous, or other
16 court-ordered self-help programs.

17 (v) Court hearings and probation appointments.

18 (vi) Court-ordered community service.

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

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

24 (ix) Alcohol or drug testing as ordered by the court.

25 (x) An ignition interlock service provider as required.

26 (xi) At the discretion of the judge, the custodian of a minor
27 child may drive to and from the facilities of a provider of day

1 care services at which the custodian's minor child is enrolled, or
2 an educational institution at which the custodian's minor child is
3 enrolled as a student for the purposes of classes, academic
4 meetings or conferences, and athletic or other extracurricular
5 activities sanctioned by the educational institution in which the
6 minor child is a participant. As used in this subparagraph, "minor
7 child" means an individual who is less than 18 years of age.

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

12 (6) Except as otherwise provided in this section, a restricted
13 license issued under subsection (1) is effective until a hearing
14 officer orders an unrestricted license under section 322. Subject
15 to subsection (7), the hearing officer shall not order an
16 unrestricted license until the later of the following events
17 occurs:

18 (a) The court notifies the secretary of state that the person
19 has successfully completed the DWI/sobriety court program.

20 (b) The minimum period of license sanction that would have
21 been imposed under section 303 or 319 but for this section has been
22 completed.

23 (c) The person demonstrates that he or she has operated with
24 an ignition interlock device for not less than 1 year.

25 (d) The person satisfies the requirements of section 303 and R
26 257.313 of the Michigan Administrative Code.

27 (7) A hearing officer shall not issue an unrestricted license

1 for at least 1 year if either of the following applies:

2 (a) The hearing officer determines that the person consumed
3 any alcohol during the period that his or her license was
4 restricted under this section, as determined by breath, blood,
5 urine, or transdermal testing unless a second test, administered
6 within 5 minutes after administering the first test, showed an
7 absence of alcohol.

8 (b) The hearing officer determines that the person consumed or
9 otherwise used any controlled substance during the period that his
10 or her license was restricted under this section, except as
11 lawfully prescribed.

12 (8) In determining whether to order an unrestricted license
13 under subsection (6), the successful completion of the DWI/sobriety
14 court program and a certificate from the DWI/sobriety court judge
15 must be considered positive evidence of the petitioner's abstinence
16 while the petitioner participated in the DWI/sobriety court
17 program. This subsection does not apply to a determination made
18 under subsection (7). As used in this subsection, "certificate"
19 includes, but is not limited to, a statement that the participant
20 has maintained a period of abstinence from alcohol for not less
21 than 6 months at the time the participant completed the
22 DWI/sobriety court program.

23 (9) If the secretary of state receives a notification from the
24 DWI/sobriety court under section 1084(7) of the revised judiciary
25 act of 1961, 1961 PA 236, MCL 600.1084, the secretary of state
26 shall summarily impose 1 of the following license sanctions, as
27 applicable:

1 (a) Suspension for the full length of time provided under
2 section 319(8). However, a restricted license must not be issued as
3 provided under section 319(8). This subdivision applies if the
4 underlying conviction or convictions would have subjected the
5 person to a license sanction under section 319(8) if this section
6 did not apply.

7 (b) A license revocation and denial for the full length of
8 time provided under section 303. The minimum period of license
9 revocation and denial imposed must be the same as if this section
10 did not apply. This subdivision applies if the underlying
11 conviction or convictions would have caused a license revocation
12 and denial under section 303 if this section did not apply.

13 (10) After the person completes the DWI/sobriety court
14 program, the following apply:

15 (a) The secretary of state shall postpone considering the
16 issuance of an unrestricted license under section 322 for a period
17 of 3 months for each act that would be a minor violation if the
18 person's license had been issued under section 322(6). As used in
19 this subdivision, "minor violation" means that term as defined in R
20 257.301a of the Michigan Administrative Code.

21 (b) The restricted license issued under this section must be
22 suspended or revoked or denied as provided in subsection (9),
23 unless set aside under section 322(5), if any of the following
24 events occur:

25 (i) The person operates a motor vehicle without an ignition
26 interlock device that meets the criteria under subsection (2)(b).

27 (ii) The person removes, or causes to be removed, an ignition

1 interlock device from a vehicle he or she owns or operates unless
2 the secretary of state has authorized its removal under section
3 322a.

4 (iii) The person commits any other act that would be a major
5 violation if the person's license had been issued under section
6 322(6). As used in this subparagraph, "major violation" means that
7 term as defined in R 257.301a of the Michigan Administrative Code.

8 (iv) The person is arrested for a violation of any of the
9 following:

10 (A) Section 625.

11 (B) A local ordinance of this state or another state
12 substantially corresponding to section 625.

13 (C) A law of the United States substantially corresponding to
14 section 625.

15 (c) If the person is convicted of or found responsible for any
16 offense that requires the suspension, revocation, denial, or
17 cancellation of the person's operator's or chauffeur's license, the
18 restricted license issued under this section must be suspended
19 until the requisite period of license suspension, revocation,
20 denial, or cancellation, as appropriate, has elapsed.

21 (d) If the person has failed to pay any court-ordered fines or
22 costs that resulted from the operation of a vehicle, the restricted
23 license issued under this section must be suspended pending payment
24 of those fines and costs.

25 (11) All driver responsibility fees required to be assessed by
26 the secretary of state under section 732a for the conviction or
27 convictions that led to the restricted license under this section

1 must be held in abeyance as follows:

2 (a) The fees must be held in abeyance during the time the
3 person has a restricted license under this section and is
4 participating in the DWI/sobriety court program.

5 (b) At the end of the person's participation in the
6 DWI/sobriety court program, the driver responsibility fees must be
7 assessed and paid under the payment schedule described in section
8 732a.

9 (12) The vehicle of an individual admitted to the DWI/sobriety
10 court program whose vehicle would otherwise be subject to
11 immobilization or forfeiture under this act is exempt from both
12 immobilization and forfeiture under sections 625n and 904d if both
13 of the following apply:

14 (a) The person is a DWI/sobriety court program participant in
15 good standing or the person successfully satisfactorily completes
16 the DWI/sobriety court program.

17 (b) The person does not subsequently violate a law of this
18 state for which vehicle immobilization or forfeiture is a sanction.

19 (13) This section only applies to individuals arrested for a
20 violation of section 625 on or after January 1, 2011.

21 (14) As used in this section:

22 (a) "DWI/sobriety court" means that term as defined in section
23 1084 of the revised judicature act of 1961, 1961 PA 236, MCL
24 600.1084. Beginning January 1, 2018, DWI/sobriety court includes
25 only a DWI/sobriety court that is certified by the state court
26 administrative office as provided in section 1084(3) of the revised
27 judicature act of 1961, 1961 PA 236, MCL 600.1084.

1 (b) "DWI/sobriety court program" means "program" as that term
2 is defined in section 1084 of the revised judicature act of 1961,
3 1961 PA 236, MCL 600.1084.

4 Sec. 323. (1) A person aggrieved by a final determination of
5 the secretary of state denying the person an operator's or
6 chauffeur's license, a vehicle group designation, or an indorsement
7 on a license or revoking, suspending, or restricting an operator's
8 or chauffeur's license, vehicle group designation, or an
9 indorsement may petition for a review of the determination in the
10 circuit court in the county where the person was arrested if the
11 denial or suspension was imposed under section 625f or, ~~under the~~
12 ~~order of a trial court under section 328 or,~~ in all other cases, in
13 the circuit court in the person's county of residence. The person
14 shall file the petition within 63 days after the determination is
15 made except that for good cause shown the court may allow the
16 person to file petition within 182 days after the determination is
17 made. As provided in section 625f, a peace officer aggrieved by a
18 determination of a hearing officer in favor of a person who
19 requested a hearing under section 625f may, with the prosecuting
20 attorney's consent, petition for review of the determination in the
21 circuit court in the county where the arrest was made. The peace
22 officer shall file the petition within 63 days after the
23 determination is made except that for good cause shown the court
24 may allow the peace officer to file the petition within 182 days
25 after the determination is made.

26 (2) Except as otherwise provided in this section, the circuit
27 court shall enter an order setting the cause for hearing for a day

1 certain not more than 63 days after the order's date. The order, a
2 copy of the petition that includes the person's full name, current
3 address, birth date, and driver's license number, and all
4 supporting affidavits shall be served on the secretary of state's
5 office in Lansing not less than 20 days before the date set for the
6 hearing. If the person is seeking a review of the record prepared
7 under section 322 or section 625f, the service upon the secretary
8 of state shall be made not less than 50 days before the date set
9 for the hearing.

10 (3) The court may take testimony and examine all the facts and
11 circumstances relating to the denial, suspension, or restriction of
12 the person's license under sections 303(1)(d), 320, or 904(10) or
13 (11), a licensing action under section 310d, or a suspension for a
14 first violation under section 625f. The court may affirm, modify,
15 or set aside the restriction, suspension, or denial, except the
16 court shall not order the secretary of state to issue a restricted
17 or unrestricted chauffeur's license that would permit the person to
18 drive a commercial motor vehicle that hauls a hazardous material.
19 The court shall enter the order and the petitioner shall file a
20 certified copy of the order with the secretary of state's office in
21 Lansing within 7 days after entry of the order.

22 (4) Except as otherwise provided in this section, in reviewing
23 a determination resulting in a denial, suspension, restriction, or
24 revocation under this act, the court shall confine its
25 consideration to a review of the record prepared under section 322
26 or 625f or the driving record created under section 204a for a
27 statutory legal issue, and may determine that the petitioner is

1 eligible for full driving privileges or, if the petitioner is
2 subject to a revocation under section 303, may determine that the
3 petitioner is eligible for restricted driving privileges. The court
4 shall set aside the secretary of state's determination only if 1 or
5 more of the following apply:

6 (a) In determining whether a petitioner is eligible for full
7 driving privileges, the petitioner's substantial rights have been
8 prejudiced because the determination is any of the following:

9 (i) In violation of the Constitution of the United States, the
10 state constitution of 1963, or a statute.

11 (ii) In excess of the secretary of state's statutory authority
12 or jurisdiction.

13 (iii) Made upon unlawful procedure resulting in material
14 prejudice to the petitioner.

15 (iv) Not supported by competent, material, and substantial
16 evidence on the whole record.

17 (v) Arbitrary, capricious, or clearly an abuse or unwarranted
18 exercise of discretion.

19 (vi) Affected by other substantial and material error of law.

20 (b) In determining whether a petitioner is eligible for review
21 of a revocation or denial under section 303, or whether a
22 petitioner is eligible for restricted driving privileges, 1 or more
23 of the following apply:

24 (i) The petitioner's substantial rights have been prejudiced
25 as described in subdivision (a).

26 (ii) All of the following are satisfied:

27 (A) The revocation or denial occurred at least 1 year after

1 the petitioner's license was revoked or denied, or, if the
2 petitioner's license was previously revoked or denied within the 7
3 years preceding the most recent revocation or denial, at least 5
4 years after the most recent revocation or denial, whichever is
5 later.

6 (B) The court finds that the petitioner meets the department's
7 requirements under the rules promulgated by the department under
8 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201
9 to 24.238. For purposes of this sub-subparagraph only, the court
10 may take additional testimony to supplement the record prepared
11 under section 322 or 625f or the driving record created under
12 section 204a, but shall not expand the record.

13 (C) If the revocation or denial was under section 303(2)(a),
14 (b), (c), or (g), the petitioner rebuts by clear and convincing
15 evidence the presumption that he or she is a habitual offender, and
16 establishes to the court's satisfaction that he or she is likely to
17 adhere to any requirements imposed by the court. For purposes of
18 this sub-subparagraph, the conviction that resulted in the
19 revocation and any record of denial of reinstatement by the
20 department are prima facie evidence that the petitioner is a
21 habitual offender. For purposes of this sub-subparagraph only, the
22 court may take additional testimony to supplement the record
23 prepared under section 322 or 625f or the driving record created
24 under section 204a, but shall not expand the record.

25 (5) If the court determines that a petitioner is eligible for
26 restricted driving privileges under subsection (4)(b), the court
27 shall issue an order that includes, but is not limited to, all of

1 the following:

2 (a) The court's findings under section 303 and R 257.1 to R
3 257.1727 of the Michigan administrative code.

4 (b) A requirement that each motor vehicle operated by the
5 petitioner be equipped with a properly installed and functioning
6 ignition interlock device for a period of at least 1 year. The
7 petitioner shall bear the cost of an ignition interlock device
8 required under this subdivision. A restricted license shall not be
9 issued to the petitioner until the secretary of state has verified
10 that 1 or more ignition interlock devices, if applicable, have been
11 installed as required by this subdivision.

12 ~~—— (c) A method by which the court will verify that the~~
13 ~~petitioner maintains no-fault insurance for each vehicle described~~
14 ~~in subdivision (b) as required by chapter 31 of the insurance code~~
15 ~~of 1956, 1956 PA 218, MCL 500.3103 to 500.3179.~~

16 (C) ~~(d)~~ A requirement that a restricted license issued to the
17 petitioner shall not permit the petitioner to operate a commercial
18 motor vehicle that hauls hazardous materials.

19 (D) ~~(e)~~ A provision that the secretary of state shall revoke
20 the petitioner's restricted license if any of the following occur:

21 (i) The petitioner violates the restrictions on his or her
22 license.

23 (ii) The petitioner violates subdivision (b).

24 (iii) The petitioner removes, or causes to be removed, an
25 ignition interlock device required under subdivision (b), unless
26 the secretary of state has authorized the removal under section
27 322a.

1 (iv) The petitioner commits an act that would be a major
2 violation if the petitioner's license had been issued under section
3 322(6) or consumes alcohol or a controlled substance without a
4 prescription. As used in this subparagraph, "major violation" means
5 that term as defined in R 257.301a of the Michigan administrative
6 code.

7 (v) The petitioner is arrested for a violation of section 625
8 or a local ordinance, law of this state or another state, or law of
9 the United States that substantially corresponds to section 625.

10 (6) If the court determines that a petitioner is eligible for
11 restricted driving privileges under this section and the petitioner
12 intends to operate a vehicle owned by his or her employer, the
13 court shall notify the employer of the petitioner's obligation
14 under subsection (5)(b). This subsection does not require an
15 employer who receives a notice under this subsection to install an
16 ignition interlock device on a vehicle. This subsection does not
17 apply to a vehicle that is operated by a self-employed individual
18 who uses the vehicle for both business and personal use.

19 (7) If a court determines that a petitioner is eligible for
20 restricted driving privileges, the secretary of state shall not
21 issue a restricted license to the petitioner until he or she has
22 satisfied any other applicable requirements of state or federal
23 law, and shall not issue a restricted license to the petitioner if
24 the order granting eligibility for restricted driving privileges
25 does not comply with subsection (5).

26 Sec. 518b. (1) All of the following types of automobile
27 insurance satisfy the financial responsibility requirements of this

1 chapter:

2 (a) During the time that a transportation network company
3 driver is logged on to the transportation network company's digital
4 network and is available to receive transportation requests but is
5 not engaged in a transportation network company prearranged ride,
6 all of the following types of automobile insurance:

7 (i) Residual third party automobile liability insurance as
8 ~~required under~~ **DESCRIBED IN** chapter 31 of the insurance code of
9 1956, 1956 PA 218, MCL 500.3101 to 500.3179, in the amount of at
10 least \$50,000.00 per person for death or bodily injury, \$100,000.00
11 per incident for death or bodily injury, and \$25,000.00 for
12 property damage.

13 (ii) Personal protection insurance and property protection
14 insurance in the amounts and of the types of coverage ~~required by~~
15 **DESCRIBED IN** chapter 31 of the insurance code of 1956, 1956 PA 218,
16 MCL 500.3101 to 500.3179.

17 (b) During the time that a transportation network company
18 driver is engaged in a transportation network company prearranged
19 ride, all of the following types of automobile insurance:

20 (i) Residual third party automobile liability insurance with a
21 minimum combined single limit of \$1,000,000.00 for all bodily
22 injury or property damage.

23 (ii) Personal protection insurance and property protection
24 insurance in the amounts and of the types of coverage ~~required by~~
25 **DESCRIBED IN** chapter 31 of the insurance code of 1956, 1956 PA 218,
26 MCL 500.3101 to 500.3179.

27 (2) This section only applies to automobile insurance obtained

1 by a transportation network company driver or a transportation
2 network company.

3 Sec. 657a. (1) A village or city having a population of fewer
4 than 30,000 individuals based upon the 2010 decennial census may by
5 resolution allow the operation of golf carts on the streets of that
6 village or city, subject to the requirements of this section. A
7 township having a population of fewer than 30,000 individuals based
8 upon the 2010 decennial census may by resolution, unless
9 disapproved by the county board of commissioners under subsection
10 (3), allow the operation of golf carts on the streets of that
11 township, subject to the requirements of this section.

12 (2) If a village, city, or township allows the operation of
13 golf carts on the streets of that village, city, or township, that
14 village, city, or township may require those golf carts and the
15 operators of those golf carts to be recorded on a list maintained
16 by that village, city, or township. A village, city, or township
17 shall not charge a fee for listing golf carts or the operators of
18 those golf carts.

19 (3) A county board of commissioners may, by resolution,
20 disapprove the operation of golf carts on the streets of a township
21 located within that county if the county board of commissioners
22 conducts a hearing and determines that 1 or more of the following
23 apply:

24 (a) The operation of golf carts on the streets of that
25 township would cause significant environmental damage.

26 (b) The operation of golf carts on the streets of that
27 township would cause a significant concern of public safety.

1 (4) The county board of commissioners shall provide public
2 notice of a hearing under subsection (3) at least 45 days before
3 the hearing is conducted. The county board of commissioners shall
4 also provide written notice of a hearing under subsection (3) to
5 the township at least 45 days before the hearing is conducted.

6 (5) A person shall not operate a golf cart on any street
7 unless he or she is at least 16 years old and is licensed to
8 operate a motor vehicle.

9 (6) The operator of a golf cart shall comply with the signal
10 requirements of section 648 that apply to the operation of a
11 vehicle.

12 (7) A person operating a golf cart upon a roadway shall ride
13 as near to the right side of the roadway as practicable, exercising
14 due care when passing a standing vehicle or one proceeding in the
15 same direction.

16 (8) A person shall not operate a golf cart on a state trunk
17 line highway. This subsection does not prohibit a person from
18 crossing a state trunk line highway when operating a golf cart on a
19 street of a village, city, or township, using the most direct line
20 of crossing.

21 (9) Where a usable and designated path for golf carts is
22 provided adjacent to a highway or street, a person operating a golf
23 cart may, by local ordinance, be required to use that path.

24 (10) A person operating a golf cart shall not pass between
25 lines of traffic, but may pass on the left of traffic moving in his
26 or her direction in the case of a 2-way street or on the left or
27 right of traffic in the case of a 1-way street, in an unoccupied

1 lane.

2 (11) A golf cart shall not be operated on a sidewalk
3 constructed for the use of pedestrians.

4 (12) A golf cart shall be operated at a speed not to exceed 15
5 miles per hour and shall not be operated on a highway or street
6 with a speed limit of more than 30 miles per hour except to cross
7 that highway or street. A village, city, or township may, by
8 resolution, designate roads or classifications of roads for use by
9 golf carts under this subsection.

10 (13) A golf cart shall not be operated on the streets of a
11 city, village, or township during the time period from 1/2 hour
12 before sunset to 1/2 hour after sunrise.

13 (14) A person operating a golf cart or who is a passenger in a
14 golf cart is not required to wear a crash helmet.

15 (15) This section does not apply to a police officer in the
16 performance of his or her official duties.

17 ~~—— (16) A golf cart operated on a street of a village, city, or~~
18 ~~township under this section is not required to be registered under~~
19 ~~this act for purposes of section 3101 of the insurance code of~~
20 ~~1956, 1956 PA 218, MCL 500.3101.~~

21 **(16)** ~~(17)~~ As used in this section, "golf cart" means a vehicle
22 designed for transportation while playing the game of golf. A golf
23 cart is not required to meet the vehicle safety requirements of a
24 low-speed vehicle for approval under this section.

25 Sec. 665. ~~(1) Before beginning research or testing on a~~
26 ~~highway or street in this state of an automated motor vehicle,~~
27 ~~technology that allows a motor vehicle to operate without a human~~

~~operator, or any automated driving system installed in a motor vehicle under this section, the manufacturer of automated driving systems or upfitter performing that research or testing shall submit proof satisfactory to the secretary of state that the vehicle is insured under chapter 31 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179.~~

(1) ~~(2)~~—A manufacturer of automated driving systems or upfitter shall ensure that all of the following circumstances exist when researching or testing the operation, including operation without a human operator, of an automated motor vehicle or any automated technology or automated driving system installed in a motor vehicle upon a highway or street:

(a) The vehicle is operated only by an employee, contractor, or other person designated or otherwise authorized by that manufacturer of automated driving systems or upfitter. This subdivision does not apply to a university researcher or an employee of the state transportation department or the department described in subsection ~~(3)~~. **(2)**.

(b) An individual described in subdivision (a) has the ability to monitor the vehicle's performance while it is being operated on a highway or street in this state and, if necessary, promptly take control of the vehicle's movements. If the individual does not, or is unable to, take control of the vehicle, the vehicle shall be capable of achieving a minimal risk condition.

(c) The individual operating the vehicle under subdivision (a) and the individual who is monitoring the vehicle for purposes of subdivision (b) may lawfully operate a motor vehicle in the United

1 States.

2 (2) ~~(3)~~—A university researcher or an employee of the state
3 transportation department or the department who is engaged in
4 research or testing of automated motor vehicles may operate an
5 automated motor vehicle if the operation is in compliance with
6 subsection ~~(2)~~-(1).

7 (3) ~~(4)~~—An automated motor vehicle may be operated on a street
8 or highway in this state.

9 (4) ~~(5)~~—When engaged, an automated driving system allowing for
10 operation without a human operator shall be considered the driver
11 or operator of a vehicle for purposes of determining conformance to
12 any applicable traffic or motor vehicle laws and shall be deemed to
13 satisfy electronically all physical acts required by a driver or
14 operator of the vehicle.

15 (5) ~~(6)~~—The Michigan council on future mobility is created
16 within the state transportation department. The council shall
17 provide to the governor, legislature, department, state
18 transportation department, department of insurance and financial
19 services, department of technology, management, and budget, and
20 department of state police recommendations for changes in state
21 policy to ensure that this state continues to be the world leader
22 in autonomous, driverless, and connected vehicle technology. The
23 council created under this subsection shall consist of all of the
24 following members, who shall serve without compensation:

25 (a) Eleven individuals appointed by the governor who represent
26 the interests of local government or are business, policy,
27 research, or technological leaders in future mobility. The

1 individuals appointed under this subdivision shall be voting
2 members.

3 (b) One individual appointed by the governor who is
4 representative of insurance interests. The individual appointed
5 under this subdivision shall be a voting member.

6 (c) Two state senators appointed by the senate majority leader
7 to serve as nonvoting ex officio members. One of the senators
8 appointed under this subdivision shall be a member of the majority
9 party, and 1 of the senators appointed under this subdivision shall
10 be a member of the minority party.

11 (d) Two state representatives appointed by the speaker of the
12 house of representatives to serve as nonvoting ex officio members.
13 One of the representatives appointed under this subdivision shall
14 be a member of the majority party, and 1 of the representatives
15 appointed under this subdivision shall be a member of the minority
16 party.

17 (e) The secretary of state or his or her designee. The
18 individual appointed under this subdivision shall be a voting
19 member.

20 (f) The director of the state transportation department or his
21 or her designee. The individual appointed under this subdivision
22 shall be a voting member.

23 (g) The director of the department of state police or his or
24 her designee. The individual appointed under this subdivision shall
25 be a voting member.

26 (h) The director of the department of insurance and financial
27 services or his or her designee. The individual appointed under

1 this subdivision shall be a voting member.

2 (i) The director of the department of technology, management,
3 and budget or his or her designee. The individual appointed under
4 this subdivision shall be a voting member.

5 (6) ~~(7)~~—The governor shall designate 1 or more of the members
6 of the commission to serve as chairperson of the commission who
7 shall serve at the governor's pleasure.

8 (7) ~~(8)~~—The council created under subsection ~~(6)~~—(5) shall
9 submit recommendations for statewide policy changes and updates no
10 later than March 31, 2017 and shall continue to make
11 recommendations annually thereafter, or more frequently in the
12 commission's discretion.

13 (8) ~~(9)~~—A person may operate a platoon on a street or highway
14 of this state if the person files a plan for general platoon
15 operations with the department of state police and the state
16 transportation department before starting platoon operations. If
17 the plan is not rejected by either the department of state police
18 or the state transportation department within 30 days after receipt
19 of the plan, the person shall be allowed to operate the platoon.

20 (9) ~~(10)~~—All of the following apply to a platoon:

21 (a) Vehicles in a platoon shall not be considered a
22 combination of vehicles for purposes of this act.

23 (b) The lead vehicle in a platoon shall not be considered to
24 draw the other vehicles.

25 (c) If the platoon includes a commercial motor vehicle, an
26 appropriately endorsed driver who holds a valid commercial driver
27 license shall be present behind the wheel of each commercial motor

1 vehicle in the platoon.

2 Sec. 665b. (1) A motor vehicle manufacturer may participate in
3 a SAVE project if it self-certifies to all of the following:

4 (a) That it is a motor vehicle manufacturer. A person that is
5 not a motor vehicle manufacturer may not participate in a SAVE
6 project.

7 (b) That each vehicle in the participating fleet is owned or
8 controlled by the motor vehicle manufacturer and is equipped with
9 all of the following:

10 (i) An automated driving system.

11 (ii) Automatic crash notification technology.

12 (iii) A data recording system that has the capacity to record
13 the automated driving system's status and other vehicle attributes
14 including, but not limited to, speed, direction, and location
15 during a specified time period before a crash as determined by the
16 motor vehicle manufacturer.

17 (c) That the participating fleet complies with all applicable
18 state and federal laws.

19 (d) That each vehicle in the participating fleet is capable of
20 being operated in compliance with applicable traffic and motor
21 vehicle laws of this state.

22 (2) A motor vehicle manufacturer's eligibility to participate
23 in a SAVE project under this section is conditioned solely upon
24 meeting the requirements of this section. A motor vehicle
25 manufacturer shall verify its satisfaction of the requirements of
26 this section using the self-certification described in subsection
27 (1).

1 (3) All of the following apply to a motor vehicle manufacturer
2 that participates in a SAVE project:

3 (a) The motor vehicle manufacturer may commence a SAVE project
4 at any time after it notifies the department that it has self-
5 certified as provided in subsection (1). The notification required
6 by this subdivision shall also set forth the geographical
7 boundaries for the SAVE project. A motor vehicle manufacturer may
8 make multiple notifications under this subsection.

9 (b) The motor vehicle manufacturer may participate in a SAVE
10 project under any terms it deems appropriate so long as the terms
11 are consistent with this section and other applicable law.

12 (c) The motor vehicle manufacturer shall determine the
13 geographical boundaries for a SAVE project, which may include, but
14 are not limited to, any of the following:

15 (i) A designated area within a municipality.

16 (ii) An area maintained by a regional authority.

17 (iii) A university campus.

18 (iv) A development that caters to senior citizens.

19 (v) A geographic or demographic area that is similar to the
20 areas described in subparagraphs (i) to (iv).

21 (d) Public operation of a participating fleet shall be
22 confined to the boundaries selected by the motor vehicle
23 manufacturer under subdivision (c).

24 (e) For the duration of a SAVE project, the motor vehicle
25 manufacturer shall maintain incident records and provide periodic
26 summaries related to the safety and efficacy of travel of the
27 participating fleet to the department and the National Highway

1 Traffic Safety Administration.

2 (f) An individual who participates in a SAVE project is deemed
3 by his or her participation to have consented to the collection of
4 the information described in subdivision (e) while he or she is in
5 a vehicle that is part of the participating fleet and to the
6 provision of the summaries to the department and the National
7 Highway Traffic Safety Administration as described in subdivision
8 (e). Before commencing a SAVE project, and for the duration of the
9 SAVE project, the motor vehicle manufacturer shall make publicly
10 available a privacy statement disclosing its data handling
11 practices in connection with the applicable participating fleet.

12 (4) When engaged, an automated driving system or any remote or
13 expert-controlled assist activity shall be considered the driver or
14 operator of the vehicle for purposes of determining conformance to
15 any applicable traffic or motor vehicle laws and shall be deemed to
16 satisfy electronically all physical acts required by a driver or
17 operator of the vehicle. ~~A motor vehicle manufacturer shall insure~~
18 ~~each vehicle in a participating fleet as required under this act~~
19 ~~and chapter 31 of the insurance code of 1956, 1956 PA 218, MCL~~
20 ~~500.3101 to 500.3179.~~ For each SAVE project in which it
21 participates, during the time that an automated driving system is
22 in control of a vehicle in the participating fleet, a motor vehicle
23 manufacturer shall assume liability for each incident in which the
24 automated driving system is at fault. ~~, subject to chapter 31 of~~
25 ~~the insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179.~~

26 Sec. 732. (1) Each municipal judge and each clerk of a court
27 of record shall keep a full record of every case in which a person

1 is charged with or cited for a violation of this act or a local
2 ordinance substantially corresponding to this act regulating the
3 operation of vehicles on highways and with those offenses
4 pertaining to the operation of ORVs or snowmobiles for which points
5 are assessed under section 320a(1)(c) or (i). Except as provided in
6 subsection (16), the municipal judge or clerk of the court of
7 record shall prepare and forward to the secretary of state an
8 abstract of the court record as follows:

9 (a) Not more than 5 days after a conviction, forfeiture of
10 bail, or entry of a civil infraction determination or default
11 judgment upon a charge of or citation for violating or attempting
12 to violate this act or a local ordinance substantially
13 corresponding to this act regulating the operation of vehicles on
14 highways.

15 (b) Immediately for each case charging a violation of section
16 625(1), (3), (4), (5), (6), (7), or (8) or section 625m or a local
17 ordinance substantially corresponding to section 625(1), (3), (6),
18 or (8) or section 625m in which the charge is dismissed or the
19 defendant is acquitted.

20 (c) Immediately for each case charging a violation of section
21 82127(1) or (3) or 81134 of the natural resources and environmental
22 protection act, 1994 PA 451, MCL 324.82127 and 324.81134, or a
23 local ordinance substantially corresponding to those sections.

24 (2) If a city or village department, bureau, or person is
25 authorized to accept a payment of money as a settlement for a
26 violation of a local ordinance substantially corresponding to this
27 act, the city or village department, bureau, or person shall send a

1 full report of each case in which a person pays any amount of money
2 to the city or village department, bureau, or person to the
3 secretary of state upon a form prescribed by the secretary of
4 state.

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

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

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

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

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

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

20 (f) Whether bail was forfeited.

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

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

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

27 (4) The clerk of the court also shall forward an abstract of

1 the court record to the secretary of state upon a person's
2 conviction or, for the purposes of subdivision (d), a finding or
3 admission of responsibility, involving any of the following:

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

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

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

9 (d) A violation of sections 701(1) and 703 of the Michigan
10 liquor control code of 1998, 1998 PA 58, MCL 436.1701 and 436.1703,
11 or a local ordinance substantially corresponding to those sections.

12 (e) A violation of section 411a(2) of the Michigan penal code,
13 1931 PA 328, MCL 750.411a.

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

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

19 (h) An attempt to violate, a conspiracy to violate, or a
20 violation of part 74 of the public health code, 1978 PA 368, MCL
21 333.7401 to 333.7461, or a local ordinance that prohibits conduct
22 prohibited under part 74 of the public health code, 1978 PA 368,
23 MCL 333.7401 to 333.7461, unless the convicted person is sentenced
24 to life imprisonment or a minimum term of imprisonment that exceeds
25 1 year for the offense.

26 (i) An attempt to commit an offense described in subdivisions
27 (a) to (g).

1 (j) A violation of chapter LXXXIII-A of the Michigan penal
2 code, 1931 PA 328, MCL 750.543a to 750.543z.

3 (k) A violation of section ~~3101, 3102(1), or 3103~~ of the
4 insurance code of 1956, 1956 PA 218, MCL ~~500.3101, 500.3102, and~~
5 500.3103.

6 (l) A violation listed as a disqualifying offense under 49 CFR
7 383.51.

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

19 (6) As used in subsections (7) to (9), "felony in which a
20 motor vehicle was used" means a felony during the commission of
21 which the person operated a motor vehicle and while operating the
22 vehicle presented real or potential harm to persons or property and
23 1 or more of the following circumstances existed:

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

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

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

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

1 felony.

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

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

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

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

25 (9) If the court determines as part of the sentence or
26 disposition that the felony for which the person was convicted or
27 adjudicated and with respect to which notice was given under

1 subsection (7) or (8) is a felony in which a motor vehicle was
2 used, the clerk of the court shall forward an abstract of the court
3 record of that conviction to the secretary of state.

4 (10) As used in subsections (11) and (12), "felony in which a
5 commercial motor vehicle was used" means a felony during the
6 commission of which the person operated a commercial motor vehicle
7 and while the person was operating the vehicle 1 or more of the
8 following circumstances existed:

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

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

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

12 (d) The vehicle was necessary for the commission of the
13 felony.

14 (11) If a person is charged with a felony in which a
15 commercial motor vehicle was used and for which a vehicle group
16 designation on a license is subject to suspension or revocation
17 under section 319b(1)(c)(iii), 319b(1)(d), 319b(1)(e)(iii), or
18 319b(1)(f)(i), the prosecuting attorney shall include the following
19 statement on the complaint and information filed in district or
20 circuit court:

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

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

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

16 (a) The name and title of the person required to forward
17 abstracts.

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

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

20 (d) The following statement:

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

25 (e) Other information the secretary of state considers
26 necessary.

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

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

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

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

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

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

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

1 corresponding to section 624a or 624b.

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

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

11 (F) ~~(g)~~ A violation described in section 319b(10)(b)(vii) if,
12 before the court appearance date or date fines are to be paid, the
13 person submits proof to the court that he or she held a valid
14 commercial driver license on the date the citation was issued.

15 (G) ~~(h)~~ A violation of section 311 if the person was driving a
16 noncommercial vehicle and, before the court appearance date or the
17 date fines are to be paid, the person submits proof to the court
18 that he or she held a valid driver license on the date the citation
19 was issued.

20 (H) ~~(i)~~ A violation of section 602b(1) or 602c.

21 (17) Except as otherwise provided in this subsection, the
22 secretary of state shall discard and not enter on the master
23 driving record an abstract for a bond forfeiture that occurred
24 outside this state. The secretary of state shall enter on the
25 master driving record an abstract for a conviction as defined in
26 section 8a(b) that occurred outside this state in connection with
27 the operation of a commercial motor vehicle or for a conviction of

1 a person licensed as a commercial motor vehicle driver.

2 (18) The secretary of state shall inform the courts of this
3 state of the nonmoving violations and violations of chapter II that
4 are used by the secretary of state as the basis for the suspension,
5 restriction, revocation, or denial of an operator's or chauffeur's
6 license.

7 (19) If a conviction or civil infraction determination is
8 reversed upon appeal, the person whose conviction or determination
9 has been reversed may serve on the secretary of state a certified
10 copy of the order of reversal. The secretary of state shall enter
11 the order in the proper book or index in connection with the record
12 of the conviction or civil infraction determination.

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

23 (21) Notwithstanding any other law of this state, a court
24 shall not take under advisement an offense committed by a person
25 while operating a motor vehicle for which this act requires a
26 conviction or civil infraction determination to be reported to the
27 secretary of state. A conviction or civil infraction determination

1 that is the subject of this subsection shall not be masked,
2 delayed, diverted, suspended, or suppressed by a court. Upon a
3 conviction or civil infraction determination, the conviction or
4 civil infraction determination shall immediately be reported to the
5 secretary of state in accordance with this section.

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

9 Sec. 732a. (1) An individual, whether licensed or not, who
10 accumulates 7 or more points on his or her driving record under
11 sections 320a and 629c within a 2-year period for any violation not
12 listed under subsection (2) shall be assessed a \$100.00 driver
13 responsibility fee. For each additional point accumulated above 7
14 points not listed under subsection (2), an additional fee of \$50.00
15 shall be assessed. The secretary of state shall collect the fees
16 described in this subsection once each year that the point total on
17 an individual driving record is 7 points or more. This subsection
18 is subject to subsection (11).

19 (2) An individual, whether licensed or not, who violates any
20 of the following sections or another law or local ordinance that
21 substantially corresponds to those sections shall be assessed a
22 driver responsibility fee as follows:

23 (a) Subject to subsection (11), upon posting an abstract
24 indicating that an individual has been found guilty for a violation
25 of law listed or described in this subdivision, the secretary of
26 state shall assess a \$1,000.00 driver responsibility fee each year
27 for 2 consecutive years:

1 (i) Manslaughter, negligent homicide, or a felony resulting
2 from the operation of a motor vehicle, ORV, or snowmobile.

3 (ii) Section 601b(2) or (3), 601c(1) or (2), 601d, 626(3) or
4 (4), or 653a(3) or (4).

5 (iii) Section 625(1), (4), or (5), section 625m, or section
6 81134 of the natural resources and environmental protection act,
7 1994 PA 451, MCL 324.81134, or a law or ordinance substantially
8 corresponding to section 625(1), (4), or (5), section 625m, or
9 section 81134 of the natural resources and environmental protection
10 act, 1994 PA 451, MCL 324.81134.

11 (iv) Failing to stop and disclose identity at the scene of an
12 accident when required by law.

13 (v) Fleeing or eluding an officer.

14 (b) Subject to subsection (11), upon posting an abstract
15 indicating that an individual has been found guilty for a violation
16 of law listed in this subdivision, the secretary of state shall
17 assess a \$500.00 driver responsibility fee each year for 2
18 consecutive years:

19 (i) Section 625(3), (6), (7), or (8).

20 (ii) Section 626 or, beginning October 31, 2010, section
21 626(2).

22 (iii) Section 904.

23 ~~— (iv) Section 3101, 3102(1), or 3103 of the insurance code of~~
24 ~~1956, 1956 PA 218, MCL 500.3101, 500.3102, and 500.3103.~~

25 (c) Through September 30, 2012, upon posting an abstract
26 indicating that an individual has been found guilty for a violation
27 of section 301, the secretary of state shall assess a \$150.00

1 driver responsibility fee each year for 2 consecutive years.
2 However, a driver responsibility fee shall not be assessed under
3 this subdivision for a violation committed on or after October 1,
4 2012.

5 ~~Through September 30, 2012, upon posting an abstract~~
6 ~~indicating that an individual has been found guilty or determined~~
7 ~~responsible for a violation listed in section 328, the secretary of~~
8 ~~state shall assess a \$200.00 driver responsibility fee each year~~
9 ~~for 2 consecutive years. However, a driver responsibility fee shall~~
10 ~~not be assessed under this subdivision for a violation committed on~~
11 ~~or after October 1, 2012.~~

12 (3) The secretary of state shall send a notice of the driver
13 responsibility assessment, as prescribed under subsection (1) or
14 (2), to the individual by regular mail to the address on the
15 records of the secretary of state. If payment is not received
16 within 30 days after the notice is mailed, the secretary of state
17 shall send a second notice that indicates that if payment is not
18 received within the next 30 days, the driver's driving privileges
19 will be suspended.

20 (4) The secretary of state may authorize payment by
21 installment for a period not to exceed 24 months or, alternatively,
22 the individual may engage in community service under section 732b.

23 (5) Except as otherwise provided under this subsection and
24 section 732b, if payment is not received or an installment plan is
25 not established after the time limit required by the second notice
26 prescribed under subsection (3) expires, the secretary of state
27 shall suspend the driving privileges until the assessment and any

1 other fees prescribed under this act are paid. However, if the
2 individual's license to operate a motor vehicle is not otherwise
3 required under this act to be denied, suspended, or revoked, the
4 secretary of state shall reinstate the individual's operator's
5 driving privileges if the individual requests an installment plan
6 under subsection (4) and makes proper payment under that plan. Fees
7 required to be paid for the reinstatement of an individual's
8 operator's driving privileges as described under this subsection
9 shall, at the individual's request, be included in the amount to be
10 paid under the installment plan. If the individual establishes a
11 payment plan as described in this subsection and subsection (4) but
12 the individual fails to make full or timely payments under that
13 plan, or enters into community service under section 732b but fails
14 to successfully complete that service within the 45-day period
15 allowed, or withdraws from community service with or without good
16 cause shown, the secretary of state shall suspend the individual's
17 driving privileges. The secretary of state shall only reinstate a
18 license under this subsection once. Not later than April 1, 2013,
19 the secretary of state shall only reinstate a license under this
20 subsection 3 times.

21 (6) A fee shall not be assessed under this section for 7
22 points or more on a driving record on October 1, 2003. Points
23 assigned after October 1, 2003 shall be assessed as prescribed
24 under subsections (1) and (2), but subject to subsection (11).

25 (7) A driver responsibility fee shall be assessed under this
26 section in the same manner for a conviction or determination of
27 responsibility for a violation or an attempted violation of a law

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

4 (8) The fire protection fund is created within the state
5 treasury. The state treasurer may receive money or other assets
6 from any source for deposit into the fund. The state treasurer
7 shall direct the investment of the fund. The state treasurer shall
8 credit to the fund interest and earnings from fund investments.
9 Money in the fund at the close of the fiscal year shall remain in
10 the fund and shall not lapse to the general fund. The department of
11 licensing and regulatory affairs shall expend money from the fund,
12 upon appropriation, only for fire protection grants to cities,
13 villages, and townships with state-owned facilities for fire
14 services, as provided in 1977 PA 289, MCL 141.951 to 141.956.

15 (9) The secretary of state shall transmit the fees collected
16 under this section to the state treasurer. The state treasurer
17 shall credit fee money received under this section in each fiscal
18 year as follows:

19 (a) The first \$8,500,000.00 shall be credited to the fire
20 protection fund created in subsection (8).

21 ~~— (b) For fiscal year 2015, after the amount specified in~~
22 ~~subdivision (a) is credited to the fire protection fund created~~
23 ~~under subsection (8), the next \$1,550,000.00 shall be credited as~~
24 ~~follows:~~

25 ~~— (i) \$550,000.00 to the department of treasury, distributed as~~
26 ~~follows:~~

27 ~~— (A) \$500,000.00 for administering the requirements of the~~

~~department of treasury under section 732b.~~

~~—— (B) \$50,000.00 for providing a 1-time-only written notice to individuals under section 732b(2) of the option of entering into community service as an alternative to paying a driver responsibility fee.~~

~~—— (ii) \$1,000,000.00 to the department of state for necessary expenses incurred by the department of state in implementing and administering the requirements of sections 625k and 625q of the Michigan vehicle code, 1949 PA 300, MCL 257.625k and 257.625q.~~

~~Funds appropriated under this subparagraph shall be based upon an established cost allocation methodology that reflects the actual costs incurred or to be incurred by the secretary of state during the fiscal year. However, funds appropriated under this subparagraph shall not exceed \$1,000,000.00 during that fiscal year.~~

~~—— (c) For fiscal year 2016, after the amount specified in subdivision (a) is credited to the fire protection fund created under subsection (8), the next \$1,500,000.00 shall be credited as follows:~~

~~—— (i) \$500,000.00 to the department of treasury for administering the requirements of the department of treasury under section 732b.~~

~~—— (ii) \$1,000,000.00 to the department of state for necessary expenses incurred by the department of state in implementing and administering the requirements of sections 625k and 625q of the Michigan vehicle code, 1949 PA 300, MCL 257.625k and 257.625q.~~

~~Funds appropriated under this subparagraph shall be based upon an~~

~~established cost allocation methodology that reflects the actual costs incurred or to be incurred by the secretary of state during the fiscal year. However, funds appropriated under this subparagraph shall not exceed \$1,000,000.00 during that fiscal year.~~

(B) ~~(d)~~ For fiscal year 2017 and for each fiscal year thereafter, after the amount specified in subdivision (a) is credited to the fire protection fund created under subsection (8), the next \$1,000,000.00 shall be credited to the department of state for necessary expenses incurred by the department of state in implementing and administering the requirements of sections 625k and 625q. ~~of the Michigan vehicle code, 1949 PA 300, MCL 257.625k and 257.625q.~~ Funds appropriated under this subdivision shall be based upon an established cost allocation methodology that reflects the actual costs incurred or to be incurred by the secretary of state during the fiscal year. However, funds appropriated under this subdivision shall not exceed \$1,000,000.00 during any fiscal year.

(C) ~~(e)~~ Any amount collected after crediting the amounts under subdivisions (a) ~~through (d)~~ **AND (B)** shall be credited to the general fund.

(10) The collection of assessments under this section is subject to section 304.

(11) A driver responsibility fee shall be assessed and collected under this section as follows:

(a) For an individual who accumulates 7 or more points on his or her driving record beginning on the following dates, a fee

1 assessed under subsection (1) shall be reduced as follows:

2 (i) Beginning October 1, 2015, the assessment shall be 75% of
3 the fee calculated under subsection (1).

4 (ii) Beginning October 1, 2016, the assessment shall be 50% of
5 the fee calculated under subsection (1).

6 (iii) Beginning October 1, 2018, the assessment shall be 25%
7 of the fee calculated under subsection (1).

8 (iv) Beginning October 1, 2019, no fee shall be assessed under
9 subsection (1).

10 (b) A fee assessed under subsection (2) (a) or (b) shall be
11 reduced as follows:

12 (i) For a violation that occurs on or after October 1, 2015,
13 100% of the fee shall be assessed for the first year and 50% for
14 the second year.

15 (ii) For a violation that occurs on or after October 1, 2016,
16 100% of the fee shall be assessed for the first year and no fee
17 shall be assessed for the second year.

18 (iii) For a violation that occurs on or after October 1, 2018,
19 50% of the fee shall be assessed for the first year and no fee
20 shall be assessed for the second year.

21 (iv) For a violation that occurs on or after October 1, 2019,
22 no fee shall be assessed under subsection (2) (a) or (b).

23 (12) It is the intent of the legislature that beginning with
24 the fiscal year ending September 30, 2018, and each fiscal year
25 after that, \$8,500,000.00 shall be appropriated to the fire
26 protection fund created under subsection (8).

27 Sec. 732b. (1) If an individual was assessed a driver

1 responsibility fee under section 732a(2)(c), ~~or (d)~~, the individual
2 may engage in 10 hours of community service as an alternative to
3 paying that fee or any unpaid portion of that fee. Community
4 service under this subsection shall be completed within 45 days
5 after the application to engage in community service is filed with
6 the department of treasury under subsection (3).

7 (2) An individual may engage in community service under
8 subsection (1) by obtaining a community service form from the
9 secretary of state or the department of treasury. The department of
10 treasury shall mail to each individual who is required to pay a
11 driver responsibility fee under section 732a(2)(c) ~~or (d)~~ a 1-time-
12 only written notice of the option of completing community service
13 as an alternative to paying that driver responsibility fee. The
14 notice shall include a statement that community service forms for
15 that purpose can be obtained from the department of state or from
16 the department of treasury. The notice shall be sent to the last
17 known address of the individual as shown in the records of the
18 department of treasury. The secretary of state shall make community
19 service forms available to the public at all branch offices and on
20 the department's website for purposes of this section and shall
21 provide community service forms to the department of treasury for
22 purposes of this section.

23 (3) If an individual chooses to engage in community service
24 under this section, the individual shall complete the community
25 service form obtained under subsection (2) and return the form to
26 the department of treasury in the manner prescribed by the
27 department of treasury by December 31, 2015. Upon receiving a

1 properly completed community service form under this subsection,
2 the department of treasury shall inform the department of state
3 that the individual intends to complete community service under
4 this section as an alternative to paying a driver responsibility
5 fee or any portion of a driver responsibility fee. If the secretary
6 of state is notified by the department of treasury that the
7 individual has elected to complete community service under this
8 section as an alternative to paying the fee, that fee shall be held
9 in abeyance for a period of 45 days. If the individual's license is
10 suspended for failing to pay the driver responsibility fee or
11 portion of the driver responsibility fee, the department of state
12 shall, upon payment of the reinstatement fee, reinstate the
13 individual's driver license.

14 (4) An individual who engages in community service under this
15 section shall be allowed only 1 opportunity to complete the
16 community service alternative for each driver responsibility fee
17 owed. However, the department of treasury may allow an individual
18 to withdraw from that community service before the expiration of
19 the 45-day period for completing that community service for good
20 cause shown. If the individual is allowed to withdraw from
21 community service for good cause shown, that opportunity for
22 completing community service shall not be considered in the number
23 of opportunities to perform community service under this
24 subsection, but the individual is subject to the suspension of his
25 or her driving privileges under section 732a(5).

26 (5) Upon completing community service under this section, the
27 individual may request the person with whom he or she engaged in

1 community service under this section to verify on the community
2 service form in the manner designated by the secretary of state
3 that he or she successfully completed that community service. Upon
4 verification, the individual may return the community service form
5 to the department of treasury for purposes of this section. Any
6 person who falsely verifies community service under this subsection
7 and any individual who falsely requests the verification of
8 community service under this section or who returns a community
9 service form to the department of treasury under this subsection
10 knowing that his or her community service is falsely verified is
11 responsible for a state civil infraction and may be fined not more
12 than \$200.00.

13 (6) The department of treasury shall waive the driver
14 responsibility fee or any portion of the driver responsibility fee
15 otherwise required to be paid under section 732a(2)(c) ~~or (d)~~ upon
16 receiving verification that the individual successfully completed
17 the community service requirements of this section. The department
18 of treasury shall notify the department of state when it has waived
19 the fee under this section or, if the fee is not waived under this
20 section, that the 45-day period has expired and the fee has not
21 been waived. If the secretary of state is notified by the
22 department of treasury that the fee has not been waived, the
23 department of state shall enter that information into the records
24 of the department and shall suspend the individual's driver license
25 and proceed as provided by law for the individual's failure to pay
26 the driver responsibility fee or to complete community service
27 under this section.

1 (7) As used in this section, "community service" means
2 engaging in a useful and productive activity without compensation
3 for a person other than a family member, including, but not limited
4 to, an entity organized under section 501(c)(3) of the internal
5 revenue code, 26 USC 501, and community service offered through the
6 Michigan community service commission.

7 Sec. 801e. (1) When a moped required to be registered under
8 this act is sold by a retailer to a general purchaser, the
9 certificate of registration shall be obtained in the name of the
10 purchaser by the retailer. In other cases, the certificate of
11 registration shall be obtained by the purchaser. The application
12 shall be signed by the purchaser of the moped and shall be
13 accompanied by a fee of \$15.00. Upon receipt of the application in
14 approved form, the secretary of state shall enter the application
15 upon the secretary of state's records and issue to the applicant a
16 certificate of registration containing the decal for the moped, the
17 name and address of the owner, and other information the secretary
18 of state considers necessary. ~~A moped shall not be required to be~~
19 ~~insured in the manner specified for motor vehicles under chapter 31~~
20 ~~of Act No. 218 of the Public Acts of 1956, as amended, being~~
21 ~~sections 500.3101 to 500.3179 of the Michigan Compiled Laws.~~ The
22 certificate of registration shall be pocket size, shall accompany
23 the vehicle, shall be legible, and shall be made available for
24 inspection upon demand by a law enforcement officer.

25 (2) A decal indicating that the certificate of registration is
26 in full force and effect shall be issued. A registration
27 certificate and decal shall not be issued earlier than 90 days

1 preceding the commencement date of the new registration period.
2 Display of the decal shall be as prescribed by rule promulgated by
3 the secretary of state.

4 (3) A retailer or manufacturer of mopeds, upon application to
5 the secretary of state upon forms provided by the secretary of
6 state, may obtain certificates of registration for use in the
7 testing or demonstrating of a moped upon payment of \$10.00 for each
8 of the first 2 registration certificates. Additional certificates
9 may be issued at a cost of \$5.00 each and used by the applicant
10 only in the testing or demonstrating of mopeds by temporary
11 placement of the registration on the moped being tested or
12 demonstrated. A certificate issued ~~pursuant to~~ **UNDER** this
13 subsection may be used on only 1 moped at any given time.

14 (4) A moped registration shall be valid for a 3-year period
15 ~~which~~ **THAT** begins on May 1 and expires on April 30 of the third
16 registration year. For purposes of this subsection, a registration
17 year begins on May 1 and ends on April 30.

18 Sec. 907. (1) A violation of this act, or a local ordinance
19 substantially corresponding to a provision of this act, that is
20 designated a civil infraction shall not be considered a lesser
21 included offense of a criminal offense.

22 (2) If a person is determined under sections 741 to 750 to be
23 responsible or responsible "with explanation" for a civil
24 infraction under this act or a local ordinance substantially
25 corresponding to a provision of this act, the judge or district
26 court magistrate may order the person to pay a civil fine of not
27 more than \$100.00 and costs as provided in subsection (4). However,

1 if the civil infraction was a moving violation that resulted in an
2 at-fault collision with another vehicle, a person, or any other
3 object, the civil fine ordered under this section shall be
4 increased by \$25.00 but the total civil fine shall not exceed
5 \$100.00. However, for a violation of section 602b, the person shall
6 be ordered to pay costs as provided in subsection (4) and a civil
7 fine of \$100.00 for a first offense and \$200.00 for a second or
8 subsequent offense. For a violation of section 674(1)(s) or a local
9 ordinance substantially corresponding to section 674(1)(s), the
10 person shall be ordered to pay costs as provided in subsection (4)
11 and a civil fine of not less than \$100.00 or more than \$250.00. For
12 a violation of section 676c, the person shall be ordered to pay
13 costs as provided in subsection (4) and a civil fine of \$1,000.00.
14 ~~For a violation of section 328, the civil fine ordered under this~~
15 ~~subsection shall be not more than \$50.00.~~ For a violation of
16 section 710d, the civil fine ordered under this subsection shall
17 not exceed \$10.00, subject to subsection (12). For a violation of
18 section 710e, the civil fine and court costs ordered under this
19 subsection shall be \$25.00. For a violation of section 682 or a
20 local ordinance substantially corresponding to section 682, the
21 person shall be ordered to pay costs as provided in subsection (4)
22 and a civil fine of not less than \$100.00 or more than \$500.00. For
23 a violation of section 240, the civil fine ordered under this
24 subsection shall be \$15.00. For a violation of section 252a(1), the
25 civil fine ordered under this subsection shall be \$50.00. For a
26 violation of section 676a(3), the civil fine ordered under this
27 section shall be not more than \$10.00. For a first violation of

1 section 319f(1), the civil fine ordered under this section shall be
2 not less than \$2,500.00 or more than \$2,750.00; for a second or
3 subsequent violation, the civil fine shall be not less than
4 \$5,000.00 or more than \$5,500.00. For a violation of section
5 319g(1)(a), the civil fine ordered under this section shall be not
6 more than \$10,000.00. For a violation of section 319g(1)(g), the
7 civil fine ordered under this section shall be not less than
8 \$2,750.00 or more than \$25,000.00. Permission may be granted for
9 payment of a civil fine and costs to be made within a specified
10 period of time or in specified installments, but unless permission
11 is included in the order or judgment, the civil fine and costs
12 ~~shall be~~ **ARE** payable immediately.

13 (3) Except as provided in this subsection, if a person is
14 determined to be responsible or responsible "with explanation" for
15 a civil infraction under this act or a local ordinance
16 substantially corresponding to a provision of this act while
17 driving a commercial motor vehicle, he or she shall be ordered to
18 pay costs as provided in subsection (4) and a civil fine of not
19 more than \$250.00.

20 (4) If a civil fine is ordered under subsection (2) or (3),
21 the judge or district court magistrate shall summarily tax and
22 determine the costs of the action, which are not limited to the
23 costs taxable in ordinary civil actions, and may include all
24 expenses, direct and indirect, to which the plaintiff has been put
25 in connection with the civil infraction, up to the entry of
26 judgment. Costs shall not be ordered in excess of \$100.00. A civil
27 fine ordered under subsection (2) or (3) shall not be waived unless

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

4 (5) In addition to a civil fine and costs ordered under
5 subsection (2) or (3) and subsection (4) and the justice system
6 assessment ordered under subsection (13), the judge or district
7 court magistrate may order the person to attend and complete a
8 program of treatment, education, or rehabilitation.

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

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

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

1 for judges and district court magistrates and a basis for public
2 evaluation of disparities in the imposition of civil fines and
3 costs throughout the state.

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

10 (10) A default in the payment of a civil fine or costs ordered
11 under subsection (2), (3), or (4) or a justice system assessment
12 ordered under subsection (13), or an installment of the fine,
13 costs, or assessment, may be collected by a means authorized for
14 the enforcement of a judgment under chapter 40 of the revised
15 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or
16 under chapter 60 of the revised judicature act of 1961, 1961 PA
17 236, MCL 600.6001 to 600.6098.

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

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

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

3 (13) In addition to any civil fines or costs ordered to be
4 paid under this section, the judge or district court magistrate
5 shall order the defendant to pay a justice system assessment of
6 \$40.00 for each civil infraction determination, except for a
7 parking violation or a violation for which the total fine and costs
8 imposed are \$10.00 or less. Upon payment of the assessment, the
9 clerk of the court shall transmit the assessment collected to the
10 state treasury to be deposited into the justice system fund created
11 in section 181 of the revised judicature act of 1961, 1961 PA 236,
12 MCL 600.181. An assessment levied under this subsection is not a
13 civil fine for purposes of section 909.

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

20 ~~—— (15) If a person has received a citation for a violation of~~
21 ~~section 328(1) for failing to produce a certificate of insurance~~
22 ~~under section 328(2), the court may waive the fee described in~~
23 ~~section 328(3)(c) and shall waive any fine, costs, and any other~~
24 ~~fee or assessment otherwise authorized under this act upon receipt~~
25 ~~of verification by the court that the person, before the appearance~~
26 ~~date on the citation, produced valid proof of insurance that was in~~
27 ~~effect at the time the violation of section 328(1) occurred.~~

~~Insurance obtained subsequent to the time of the violation does not make the person eligible for a waiver under this subsection.~~

(15) ~~(16)~~—If a person is determined to be responsible or responsible "with explanation" for a civil infraction under this act or a local ordinance substantially corresponding to a provision of this act and the civil infraction arises out of the ownership or operation of a commercial quadricycle, he or she shall be ordered to pay costs as provided in subsection (4) and a civil fine of not more than \$500.00.

(16) ~~(17)~~—As used in this section, "moving violation" means an act or omission prohibited under this act or a local ordinance substantially corresponding to this act that involves the operation of a motor vehicle and for which a fine may be assessed.

Enacting section 1. Sections 227a and 328 of the Michigan vehicle code, 1949 PA 300, MCL 257.227a and 257.328, are repealed.

Enacting section 2. This amendatory act takes effect January 1, 2019.

Enacting section 3. This amendatory act does not take effect unless all of the following bills of the 99th Legislature are enacted into law:

(a) Senate Bill No. _____ or House Bill No. 5627 (request no. 05366'18).

(b) Senate Bill No. _____ or House Bill No. 5629 (request no. 05366'18 b).

(c) Senate Bill No. _____ or House Bill No. 5630 (request no. 05366'18 c).

(d) Senate Bill No. _____ or House Bill No. 5631 (request no.

1 05366'18 d).

2 (e) Senate Bill No. _____ or House Bill No. 5632 (request no.
3 05366'18 e).

4 (f) Senate Bill No. _____ or House Bill No. 5633 (request no.
5 05366'18 f).