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**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2024**

Introduced by Senators Klinefelt, Bellino, Cavanagh, Chang, Shink, Bayer, Moss, Geiss, McCann,
Cherry and McBroom

ENROLLED SENATE BILL No. 706

AN ACT to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of manufacturers, the manufacturers of certain devices, the manufacturers of automated technology, upfitters, owners, and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to regulate and certify the manufacturers of certain devices; to provide for approval and certification of installers and servicers of certain devices; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending sections 204a, 304, 312f, 320e, 732a, and 904 (MCL 257.204a, 257.304, 257.312f, 257.320e, 257.732a, and 257.904), sections 204a and 320e as amended by 2020 PA 376, section 304 as amended by 2024 PA 42, section 312f as amended by 2022 PA 193, section 732a as amended by 2018 PA 50, and section 904 as amended by 2020 PA 383; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 204a. (1) The secretary of state shall create and maintain a computerized central file that provides an individual historical driving record for a natural person with respect to all of the following:

- (a) A license issued to the individual under chapter III.
- (b) A conviction, civil infraction determination, or other licensing action that is entered against the individual for a violation of this act or a local ordinance that substantially corresponds to a provision of this act, or that is reported to the secretary of state by another jurisdiction.
- (c) A failure of the individual, including a nonresident, to comply with a suspension issued under section 321a.
- (d) A cancellation, denial, revocation, suspension, or restriction of the individual’s operating privilege, or other licensing action regarding that individual, under this act or that is reported to the secretary of state by another jurisdiction. This subdivision also applies to nonresidents.

- (e) An accident in which the individual is involved.
 - (f) Any driving record requested and received by the secretary of state under section 307.
 - (g) Any notice given by the secretary of state and the information provided in that notice under section 317(2) or (3).
 - (h) Any other information received by the secretary of state regarding the individual that is required to be maintained as part of the individual's driving record as provided by law.
- (2) A secretary of state certified computer-generated or paper copy of an order, record, or paper maintained in the computerized central file of the secretary of state is admissible in evidence in the same manner as the original and is prima facie proof of the contents of and the facts stated in the original.
- (3) An order, record, or paper generated by the computerized central file of the secretary of state may be certified electronically by the generating computer. The certification must be a certification of the order, record, or paper as it appeared on a specific date.
- (4) A court or the office of the clerk of a court of this state that is electronically connected by a terminal device to the computerized central file of the secretary of state may receive into and use as evidence in any case the computer-generated certified information obtained by the terminal device from the file. A duly authorized employee of a court of record of this state may order a record for an individual from a secretary of state computer terminal device located in, and under the control of, the court, and certify in writing that the document was produced from the terminal and that the document was not altered in any way.
- (5) After receiving a request for information contained in records maintained under this section, the secretary of state shall provide the information, in a form prescribed by the secretary of state, to any of the following:
- (a) Another state.
 - (b) The United States Secretary of Transportation.
 - (c) The individual who is the subject of the record.
 - (d) A motor carrier employer or prospective motor carrier employer, but only if the individual who is the subject of the record is first notified of the request as prescribed by the secretary of state.
 - (e) An authorized agent of an individual or entity listed in subdivisions (a) to (d).

Sec. 304. (1) Except as provided in subsection (3), the secretary of state shall issue a restricted license to an individual 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 that substantially corresponds to section 625(1) or (3).
 - (b) One conviction for violating section 625(1) or (3) or a local ordinance of this state that substantially corresponds to section 625(1) or (3), preceded by 1 or more convictions for violating a local ordinance or law of another state that substantially corresponds to section 625(1), (3), or (6), or a law of the United States that substantially corresponds to section 625(1), (3), or (6).
- (2) A restricted license issued under subsection (1) must not be issued until after the individual's operator's or chauffeur's license has been suspended or revoked for 45 days and the judge assigned to a specialty court certifies to the secretary of state that both of the following conditions have been met:
- (a) The individual has been admitted into a specialty court interlock program.
 - (b) An ignition interlock device approved, certified, and installed as required under sections 625k and 625l has been installed on each motor vehicle owned or operated, or both, by the individual.
- (3) A restricted license must not be issued under subsection (1) if the individual is otherwise ineligible for an operator's or chauffeur's license under this act, unless the individual's ineligibility is based on 1 or more of the following:
- (a) Section 303(1)(h) or (j).
 - (b) Section 303(2)(c)(i) or (iii).
 - (c) Section 303(2)(g)(i) or (iii).
 - (d) Section 319(4), (5), (6), (7), (8)(a) to (e), or (9).
 - (e) Section 320(1)(d).
 - (f) Section 321a(1) or (2).
 - (g) Section 323c.
 - (h) Section 625f.

(i) Section 904(10).

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

(k) Section 3177 of the insurance code of 1956, 1956 PA 218, MCL 500.3177.

(l) Section 10 of the motor vehicle accident claims act, 1965 PA 198, MCL 257.1110.

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

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

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

(i) The individual's residence.

(ii) The individual's work location.

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

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

(v) Court hearings and probation appointments.

(vi) Court-ordered community service.

(vii) An educational institution at which the individual is enrolled as a student.

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

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

(x) An ignition interlock service provider as required.

(xi) At the discretion of the judge, the custodian of a minor child may drive to and from the facilities of a provider of day care services at which the custodian's minor child is enrolled, or an educational institution at which the custodian's minor child is enrolled as a student for the purposes of classes, academic meetings or conferences, and athletic or other extracurricular activities sanctioned by the educational institution in which the minor child is a participant. As used in this subparagraph, "minor child" means an individual who is less than 18 years of age.

(5) While driving with a restricted license, the individual shall carry proof of the individual's destination and the hours of any employment, class, or other reason for traveling and shall display that proof on a peace officer's request.

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

(a) The court notifies the secretary of state that the individual has successfully completed the specialty court program.

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

(c) The individual demonstrates that the individual has operated with an ignition interlock device for not less than 1 year.

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

(7) A hearing officer shall not issue an unrestricted license for at least 1 year if either of the following applies:

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

(b) The hearing officer determines that the individual consumed or otherwise used any controlled substance during the period that the individual's license was restricted under this section, except as lawfully prescribed.

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

(9) If the secretary of state receives a notification from a specialty court, the secretary of state shall summarily impose 1 of the following license sanctions, as applicable:

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

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

(10) After the individual completes the specialty court program, the following apply:

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

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

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

(ii) The individual removes, or causes to be removed, an ignition interlock device from a vehicle the individual owns or operates unless the secretary of state has authorized its removal under section 322a.

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

(iv) The individual is arrested for a violation of any of the following:

(A) Section 625.

(B) A local ordinance of this state or another state that substantially corresponds to section 625.

(C) A law of the United States that substantially corresponds to section 625.

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

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

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

(a) The individual is a specialty court interlock program participant in good standing or the individual successfully satisfactorily completes the specialty court interlock program.

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

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

Sec. 312f. (1) Except as otherwise provided in this section, an individual shall be not less than 18 years of age before the individual is issued a vehicle group designation or endorsement, other than a motorcycle endorsement, or not less than 21 years of age and has been approved by the Transportation Security Administration for a hazardous material endorsement before the individual is issued a hazardous material endorsement on an operator's or chauffeur's license and, as provided in this section, the individual shall pass a knowledge test and a driving skills test that comply with minimum federal standards prescribed in 49 CFR part 383 and, beginning February 7, 2022, complete the entry level driver training described and required under 49 CFR part 380. The knowledge test and the driving skills test scores must be retained by the secretary of state as provided under 49 CFR 383.135. An individual who is 18 years of age or older operating a vehicle to be used for farming purposes only may obtain an A or B vehicle group designation or an F vehicle endorsement. Each written examination given to an applicant for a vehicle group designation or endorsement must include subjects designed to cover the type or general class of vehicle to be operated. Except as follows, an individual shall pass an examination that includes a driving skills test designed to test competency of the applicant for an original vehicle group designation

and passenger endorsement on an operator's or chauffeur's license to drive that type or general class of vehicle upon the highways of this state with safety to persons and property and, beginning February 7, 2022, complete an entry level driver training:

(a) The secretary of state shall waive the driving skills test for an individual operating a vehicle that is used under the conditions described in section 312e(8)(a) to (d) unless the vehicle has a gross vehicle weight rating of 26,001 pounds or more on the power unit and is to be used to carry hazardous materials on which a placard is required under 49 CFR parts 100 to 199.

(b) The driving skills test may be waived if the applicant has a valid license with the appropriate vehicle group designation, passenger vehicle endorsement, or school bus endorsement in another state issued in compliance with 49 USC 31301 to 31317, or if the individual successfully passes a driving skills test administered in another state that meets the requirements of federal law and the law of this state.

(c) The secretary of state may waive the knowledge test and the driving skills test required under this section for an individual with military commercial motor vehicle experience if the individual, at the time of application, certifies and provides evidence satisfactory to the secretary of state that the individual continuously met all of the requirements under 49 CFR part 383 during the 2-year period immediately preceding the date of application for the commercial driver license.

(d) Beginning February 7, 2022, the secretary of state may waive the entry level driver training required under this section for an individual who, at the time of application, certifies and provides evidence satisfactory to the secretary of state that the individual meets 1 of the exceptions for taking a driving skills test under 49 CFR part 383.

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

(a) The applicant meets the requirements of 49 CFR 383.77.

(b) The seasons for which the seasonal restricted vehicle group designation is issued are from April 2 to June 30 and from September 2 to November 30 only of a 12-month period or, at the option of the applicant, for not more than 180 days from the date of issuance in a 12-month period.

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

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

(ii) The commercial motor vehicle does not transport a quantity of hazardous materials on which a placard under 49 CFR parts 100 to 199 is required except for the following:

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

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

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

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

(3) A seasonal restricted vehicle group designation under this section must be issued, suspended, revoked, canceled, denied, or renewed in accordance with this act. The secretary of state may renew a seasonal restricted vehicle group designation 1 time per calendar year regardless of whether the seasonal restricted vehicle group designation is expired at the time of renewal.

(4) The secretary of state may enter into an agreement with another public or private corporation or agency to conduct a driving skills test required under this section, section 312e, or 49 CFR part 383 or to provide the entry level driver training described and required under 49 CFR part 380. Before the secretary of state authorizes an individual to administer a corporation's or agency's driver skills testing operations, authorizes an examiner to conduct a driving skills test, or authorizes an entry level driver training provider that meets the requirements of 49 CFR 380.700 to conduct an entry level driving training, that individual, examiner, or entry level driver training provider must complete both a state and Federal Bureau of Investigation fingerprint-based criminal history check through the department of state police.

(5) The secretary of state shall not issue a commercial learner's permit, a vehicle group designation, or a vehicle endorsement to an applicant for an original vehicle group designation or vehicle endorsement under section 312e or may cancel a commercial learner's permit or all vehicle group designations or endorsements on an individual's operator's or chauffeur's license to whom 1 or more of the following apply:

(a) The applicant has had the applicant's license suspended or revoked for a reason other than as provided in section 321a, 515, or 801c or section 30 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.630, in the 36 months immediately preceding application. However, a vehicle group designation may be issued if the suspension or revocation was due to a temporary medical condition or failure to appear at a reexamination as provided in section 320.

(b) The applicant was convicted of or incurred a bond forfeiture in relation to a 6-point violation as provided in section 320a in the 24 months immediately preceding application if the violation occurred while the applicant was operating a commercial motor vehicle, or a violation of section 625(3) or former section 625b, or a local ordinance that substantially corresponds to section 625(3) or former section 625b in the 24 months immediately preceding application, if the applicant was operating any type of motor vehicle.

(c) The applicant is listed on the National Driver Register, the Commercial Driver's License Information System, the driving records of the state in which the applicant was previously licensed, or, beginning November 18, 2024, the National Drug and Alcohol Clearinghouse as being disqualified from operating a commercial motor vehicle or as having a license or driving privilege suspended, revoked, canceled, or denied.

(d) The applicant is listed on the National Driver Register, the Commercial Driver's License Information System, or the driving records of the state in which the applicant was previously licensed as having had a license suspended, revoked, or canceled in the 36 months immediately preceding application if a suspension or revocation would have been imposed under this act had the applicant been licensed in this state in the original instance. This subdivision does not apply to a suspension or revocation that would have been imposed due to a temporary medical condition or under section 321a, 515, or 801c or section 30 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.630.

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

(f) The applicant has been disqualified from operating a commercial motor vehicle under 49 USC 31301 to 31317 or the applicant's license to operate a commercial motor vehicle has been suspended, revoked, denied, or canceled within 36 months immediately preceding the date of application.

(g) The United States Secretary of Transportation has disqualified the applicant from operating a commercial motor vehicle.

(h) The applicant fails to satisfy the federal regulations promulgated under 49 CFR parts 383 and 391 by refusing to certify the type of commercial motor vehicle operation the applicant intends to perform and fails to present valid medical certification to the secretary of state if required to do so. The requirement of this subdivision is waived from July 1, 2020 to August 31, 2021, pursuant to the Waiver in Response to the COVID-19 National Emergency – For States, CDL Holders, CLP Holders, and Interstate Drivers Operating Commercial Motor Vehicles, or any extension of that waiver issued after August 31, 2021.

(i) The applicant has been disqualified from operating a commercial motor vehicle due to improper or fraudulent testing.

(j) If the secretary of state determines through a governmental investigation that there is reason to believe that a commercial driver license or endorsement was issued as a result of fraudulent or improper conduct in taking a knowledge test or driving skills test required under 49 CFR part 383 or in completing the entry level driver training described and required under 49 CFR part 380, the secretary of state shall require the applicant to retake and successfully pass that test or complete the training. The secretary of state shall cancel any commercial driver license or endorsement issued as a result of the suspect test or training unless the applicant retakes and passes that test or completes the training.

(6) The secretary of state shall not renew or upgrade a vehicle group designation if 1 or more of the following conditions exist:

(a) The United States Secretary of Transportation has disqualified the applicant from operating a commercial motor vehicle.

(b) The applicant is listed on the National Driver Register, the Commercial Driver's License Information System, or, beginning November 18, 2024, the National Drug and Alcohol Clearinghouse as being disqualified from operating a commercial motor vehicle or as having a driver license or driving privilege suspended, revoked, canceled, or denied.

(c) On or after January 30, 2012, the applicant fails to meet the requirements of 49 CFR parts 383 and 391 by refusing to certify the type of commercial motor vehicle operation the applicant intends to perform and fails to present medical certification to the secretary of state if required to do so. The requirement of this subdivision is waived from July 1, 2020 to August 31, 2021, pursuant to the Waiver in Response to the COVID-19 National Emergency – For States, CDL Holders, CLP Holders, and Interstate Drivers Operating Commercial Motor Vehicles, or any extension of that waiver issued after August 31, 2021.

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

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

(9) The secretary of state shall cancel all vehicle group designations on an individual's operator's or chauffeur's license upon receiving notice from the United States Secretary of Transportation, the National Driver Register, the Commercial Driver's License Information System, or another state or jurisdiction that 1 or more of the conditions described in subsection (5) existed at the time of the individual's application in this state.

(10) The secretary of state shall cancel all vehicle group designations on the individual's operator's or chauffeur's license upon receiving proper notice that the individual no longer meets the federal driver qualification requirements under 49 CFR parts 380, 383, and 391 to operate a commercial motor vehicle in interstate or intrastate commerce, or the individual no longer meets the driver qualification requirements to operate a commercial motor vehicle in intrastate commerce under the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25.

(11) Subsection (5)(a), (b), (d), and (f) does not apply to an applicant for an original vehicle group designation who at the time of application has a valid license to operate a commercial motor vehicle issued by any state in compliance with 49 USC 31301 to 31317.

(12) As used in this section, "farm related service industry" means custom harvesters, farm retail outlets and suppliers, agri-chemical business, or livestock feeders.

Sec. 320e. (1) Except as otherwise provided in subsection (2) or (3), an individual whose operator's or chauffeur's license is suspended, revoked, or restricted under section 303, 319, 320, 324, 625, 625b, 625f, or 904 shall pay a license reinstatement fee of \$125.00 to the secretary of state before a license is issued or returned to the individual. The increase in the reinstatement fee from \$60.00 to \$125.00 must be imposed for a license that is issued or returned on or after October 1, 1991 regardless of when the license was suspended, revoked, or restricted. Of the increase in the reinstatement fee from \$60.00 to \$125.00, \$25.00 must be allocated to the department of state, \$10.00 must be deposited by the department of treasury in the drunk driving prevention equipment and training fund created under section 625h(1), and \$30.00 must be deposited by the department of treasury in the drunk driving caseload assistance fund created under section 625h(5). The fee must be waived if the license was suspended or restricted because of the individual's mental or physical infirmity or disability.

(2) An individual whose operator's or chauffeur's license is suspended, revoked, or restricted under section 319(7) shall pay a license reinstatement fee of \$125.00 to the secretary of state before a license is issued or returned to the individual. The fee must be waived if the license was suspended or restricted because of the individual's mental or physical infirmity or disability.

(3) Except as provided in subsection (4), an individual whose operator's or chauffeur's license is suspended as provided in section 321c shall pay a license reinstatement fee of \$85.00 to the secretary of state before a license is issued or returned to the person. The fee must be deposited in the state general fund and must be used to defray the expenses of the secretary of state in processing the suspension and reinstatement of driver licenses under this section.

(4) Beginning October 1, 2021, the secretary of state shall waive the reinstatement fee for an individual whose operator's or chauffeur's license was suspended, revoked, or restricted for reasons that are no longer eligible for the suspension, revocation, or restriction of an operator's or chauffeur's license under this act. The secretary of state shall immediately reinstate an operator's or chauffeur's license that was suspended, revoked, or restricted for reasons that are no longer eligible under this act.

(5) The secretary of state shall assess points and take licensing action, including suspending, revoking, or denying a license under this act, according to the law in effect at the time of the conspiracy to commit the offense or at the time the offense was committed or attempted or the civil infraction occurred. If 1 or more of the convictions involved in a licensing sanction is a violation or attempted violation of this act committed or attempted after January 1, 1992, the secretary of state shall apply the law in effect after January 1, 1992.

(6) Judicial review of an administrative licensing sanction under section 303 must be governed by the law in effect at the time the offense was committed or attempted. If 1 or more of the convictions involved in an administrative licensing sanction is a violation or attempted violation of this act committed or attempted after January 1, 1992, judicial review of that sanction must be governed by the law in effect after January 1, 1992.

Sec. 732a. (1) The fire protection fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. Money in the fund at the close of the fiscal year must remain in the fund and must not lapse to the general fund. The department of licensing and regulatory affairs shall expend money from the fund, upon appropriation, only for fire protection grants to cities, villages, and townships with state-owned facilities for fire services, as provided in 1977 PA 289, MCL 141.951 to 141.956.

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

(a) The first \$8,500,000.00 must be credited to the fire protection fund created in subsection (1).

(b) 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 (1), the next \$1,000,000.00 must 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. Funds appropriated under this subdivision must 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, except as otherwise provided in this subdivision, funds appropriated under this subdivision must not exceed \$1,000,000.00 during any fiscal year.

(c) Any amount collected after crediting the amounts under subdivisions (a) and (b) must be credited to the general fund.

(3) It is the intent of the legislature that beginning with the fiscal year ending September 30, 2018, and each fiscal year after that, \$8,500,000.00 must be appropriated to the fire protection fund created under subsection (2).

Sec. 904. (1) An individual whose operator's or chauffeur's license or registration certificate has been suspended or revoked, whose application for license has been denied, or who has never applied for a license, shall not operate a motor vehicle on a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within this state.

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

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

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

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

(4) An individual who operates a motor vehicle in violation of subsection (1) or an individual whose operator's or chauffeur's license or registration certificate has been suspended or revoked by another state who operates a motor vehicle during the period of suspension or revocation and who, by operation of that motor vehicle, causes the death of another individual is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than \$2,500.00 or more than \$10,000.00, or both. This subsection does not apply to an individual whose operator's or chauffeur's license was suspended because that individual failed to answer a citation or comply with an order or judgment under section 321a.

(5) An individual who operates a motor vehicle in violation of subsection (1) or an individual whose operator's or chauffeur's license or registration certificate has been suspended or revoked by another state who operates a motor vehicle during the period of suspension or revocation and who, by operation of that motor vehicle, causes the serious impairment of a body function of another individual is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than \$1,000.00 or more than \$5,000.00, or both. This subsection does not apply to an individual whose operator's or chauffeur's license was suspended because that individual failed to answer a citation or comply with an order or judgment under section 321a.

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

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

(8) If the prosecuting attorney intends to seek an enhanced sentence under this section because the defendant has 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information, or an amended complaint and information, filed in district court, circuit court, municipal court, or family division of circuit court, a statement that lists the defendant's prior convictions.

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

- (a) A copy of a judgment of conviction.
- (b) An abstract of conviction.
- (c) A transcript of a prior trial, plea, or sentencing.
- (d) A copy of a court register of action.
- (e) A copy of the defendant's driving record.
- (f) Information contained in a presentence report.
- (g) An admission by the defendant.

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

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

(12) On receiving a record of the conviction, bond forfeiture, or a civil infraction determination of an individual for unlawful operation of a motor vehicle that requires a vehicle group designation while the designation is suspended or revoked under section 319b, or while the individual is disqualified from operating a commercial motor vehicle by the United States Secretary of Transportation or under 49 USC 31301 to 31317, the secretary of state immediately shall impose an additional like period of suspension or revocation. This subsection applies only if the violation occurs during a suspension of definite length or if the violation occurs before the individual is approved for a license following a revocation.

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

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

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

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

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

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

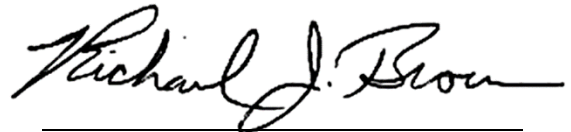
(19) For purposes of this section, an individual who never applied for a license includes an individual who applied for a license, was denied, and never applied again.

Enacting section 1. Sections 732b and 732d of the Michigan vehicle code, 1949 PA 300, MCL 257.732b and 257.732d, are repealed.

Enacting section 2. This amendatory act takes effect 90 days after the date it is enacted into law.



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor