

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 5802

(As amended, September 15, 2004)

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

House Bill No. 5802 as amended September 15, 2004
 amended by 2003 PA 103, sections 312e and 812 as amended by 2003
 PA 152, section 313 as amended by 1991 PA 99, section 314 as
 amended by 2002 PA 554, section 317 as amended by 1993 PA 359,
 section 320 as amended by 1982 PA 310, and section 708b as added
 by 1991 PA 55; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (a) Another state.

22 (b) The United States secretary of transportation.

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

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

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

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

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

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

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

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

23 (c) Leaving the scene of an accident.

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

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

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

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

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

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

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

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

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

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

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

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

<<Sec. 208c. (1) Except as provided in this section and in section 232, personal information in a record maintained under this act shall not be disclosed , unless the person requesting the information furnishes proof of identity satisfactory to the secretary of state and certifies that the personal information requested will be used for a permissible purpose identified in this section or in section 232. However, highly restricted personal information shall be used and disclosed only as expressly permitted in section 307 or as otherwise expressly provided by law.

(2) Personal information in a record maintained under this act shall be disclosed by the secretary of state if required to carry out the purposes of federal law or federal regulations.

(3) Personal information in a record maintained under this act may be disclosed by the secretary of state as follows:

(a) For use by a federal, state, or local governmental agency, including a court or law enforcement agency, in carrying out the agency's functions, or by a private person or entity acting on behalf of a governmental agency in carrying out the agency's functions.

(b) For use in connection with matters of motor vehicle and driver safety or auto theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles; motor vehicle market research activities, including survey research; and the removal of nonowner records from the original records of motor vehicle manufacturers.

(c) For use in the normal course of business by a legitimate business, including the agents, employees, and contractors of the business, but only to verify the accuracy of personal information submitted by an individual to the business or its agents, employees, or contractors, and if the information as so submitted is no longer correct, to obtain the correct information, for the sole purpose of preventing fraud by pursuing legal remedies against, or recovering on a debt against, the individual.

(d) For use in connection with a civil, criminal, administrative, or arbitration proceeding in a federal, state, or local court or governmental agency or before a self-regulatory body, including use for service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, state, or local court, an administrative agency, or a self-regulatory body.

(e) For use in legitimate research activities and in preparing statistical reports for commercial, scholarly, or academic purposes by a bona fide research organization, if the personal information is not published, redisclosed, or used to contact individuals.

(f) For use by an insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigating activity, antifraud activity,

rating, or underwriting.

(g) For use in providing notice to the owner of an abandoned, towed, or impounded vehicle.

(h) For use either by a private detective or private investigator licensed under the private detective license act, ~~of 1965~~, 1965 PA 285, MCL 338.821 to 338.851, or by a private security guard agency or alarm system contractor licensed under the private security guard ~~act of 1968~~ **business and security alarm act**, 1968 PA 330, MCL 338.1051 to ~~338.1085~~ **338.1083**, only for a purpose permitted under this section.

(i) For use by an employer, or the employer's agent or insurer, to obtain or verify information relating either to the holder of a commercial driver license that is required under federal law or to the holder of a chauffeur's license that is required under chapter 3.

(j) For use by a car rental business, or its employees, agents, contractors, or service firms, for the purpose of making rental decisions.

(k) For use in connection with the operation of private toll transportation facilities.

(l) For use by a news medium in the preparation and dissemination of a report related in part or in whole to the operation of a motor vehicle or public safety. "News medium" includes a newspaper, a magazine or periodical published at regular intervals, a news service, a broadcast network, a television station, a radio station, a cablecaster, or an entity employed by any of the foregoing.

(m) For any use by an individual requesting information pertaining to himself or herself or requesting in writing that the secretary of state provide information pertaining to himself or herself to the individual's designee. A request for disclosure to a designee, however, may be submitted only by the individual.

(4) Medical and disability information in a record maintained under this act may be used and disclosed for purposes of subsection (3) (a), (d), or (m).>>

4 Sec. 303. (1) The secretary of state shall not issue a

5 license under this act to any of the following persons:

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

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

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

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

15 after the expiration of 5 years from the effective date of the
16 most recent suspension, revocation, denial, or cancellation.

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

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

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

1 renewal of a vehicle group designation or vehicle indorsement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (iii) Former section 625b.

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

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

1 commit any of those crimes.

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

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

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

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

19 (iii) Former section 625b.

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

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

27 (a) The later of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 maintain a valid operator's or chauffeur's license or official
2 state personal identification card.

3 (10) ~~-(9)-~~ Upon request, the secretary of state shall provide
4 an information manual to an applicant explaining how to obtain a
5 vehicle group designation or indorsement. The manual shall
6 contain the information required under 49 CFR part 383.

7 (11) ~~-(10)-~~ The secretary of state shall not disclose a
8 social security number obtained under subsection (1) to another
9 person except for use for 1 or more of the following purposes:

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

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

16 (c) <<To check an applicant's driving record through the national
17 driver register and the commercial driver license information system when
18 issuing a license under this act.>>

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

20 (12) ~~-(11)-~~ The secretary of state shall not display a
21 person's social security number on the person's operator's or
22 chauffeur's license.

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

1 exemption.

2 Sec. 309. (1) Before issuing a license, the secretary of
3 state shall examine each applicant for an operator's or
4 chauffeur's license who at the time of the application is not the
5 holder of a valid, unrevoked operator's or chauffeur's license
6 under a law of this state providing for the licensing of
7 drivers. In all other cases, the secretary of state may waive
8 the examination, except that an examination shall not be waived
9 if it appears from the application, from the apparent physical or
10 mental condition of the applicant, or from any other information
11 which has come to the secretary of state from another source,
12 that the applicant does not possess the physical, mental, or
13 other qualifications necessary to operate a motor vehicle in a
14 manner as not to jeopardize the safety of persons or property; or
15 that the applicant is not entitled to a license under section
16 303. A licensee who applies for the renewal of his or her
17 license by mail pursuant to section 307 shall certify to his or
18 her physical capability to operate a motor vehicle. **The**
19 **secretary of state may check the applicant's driving record**
20 **through the national driver register and the commercial driver**
21 **license information system before issuing a license under this**
22 **section.**

23 (2) The secretary of state may appoint sheriffs, their
24 deputies, the chiefs of police of cities and villages having
25 organized police departments within this state, their duly
26 authorized representatives, or employees of the secretary of
27 state as examining officers for the purpose of examining

1 applicants for operator's and chauffeur's licenses. An examining
2 officer shall conduct examinations of applicants for operator's
3 and chauffeur's licenses in accordance with this chapter and the
4 rules promulgated by the secretary of state under subsection
5 (3). After conducting an examination an examining officer shall
6 make a written report of his or her findings and recommendations
7 to the secretary of state.

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

22 (4) The secretary of state shall not issue an original
23 operator's or chauffeur's license without a vehicle group
24 designation or indorsement without an examination that includes a
25 driving skills test conducted by the secretary of state or by a
26 designated examining officer under subsection (2) or
27 section 310e. The secretary of state may enter into an agreement

1 with another public or private ~~person~~ **corporation** or agency to
2 conduct a driving skills test conducted under this section.
3 **Before the secretary of state authorizes a person to administer a**
4 **corporation's or agency's driver skills testing operations or**
5 **authorizes an examiner to conduct a driving skills test, that**
6 **person or examiner must complete both a state and federal bureau**
7 **of investigation fingerprint based criminal history check through**
8 **the department of state police.** In an agreement with another
9 ~~person~~ **public or private corporation** or agency to conduct a
10 driving skills test, the secretary of state ~~may~~ **shall** prescribe
11 the method and examination criteria to be followed by the ~~person~~
12 ~~or~~ **corporation, agency, or examiner** when conducting the driving
13 skills test and the form of the certification to be issued to a
14 person who satisfactorily completes a driving skills test. An
15 original vehicle group designation or indorsement shall not be
16 issued by the secretary of state without a knowledge test
17 conducted by the secretary of state. Except as provided in
18 section 312f(1), an original vehicle group designation or
19 passenger **or school bus** indorsement shall not be issued by the
20 secretary of state without a driving skills test conducted by an
21 examiner appointed or authorized by the secretary of state.
22 ~~While in the course of taking a driving skills test conducted by~~
23 ~~the examiner who shall occupy a seat beside the applicant, an~~
24 ~~applicant for an original vehicle group designation or passenger~~
25 ~~indorsement who has been issued a temporary instruction permit to~~
26 ~~operate a commercial motor vehicle is permitted to operate a~~
27 ~~vehicle requiring a vehicle group designation or passenger~~

1 ~~indorsement without a person licensed to operate a commercial~~
2 ~~motor vehicle occupying a seat beside him or her.~~

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

10 (6) A driving skills test conducted under this section shall
11 include a behind-the-wheel road test. A behind-the-wheel road
12 test for an original vehicle group designation or passenger
13 indorsement shall not be conducted unless the applicant has been
14 issued a temporary instruction permit.

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

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

27 (9) A person who forges, counterfeits, or alters a

1 satisfactorily completed driving skills test certification issued
2 by a designated examining officer appointed or designated by the
3 secretary of state under this section or section 310e is guilty
4 of a felony.

5 Sec. 310e. (1) Except as otherwise provided in this act, an
6 operator's or chauffeur's license issued to a person who is 17
7 years of age or less shall be in a form as prescribed in section
8 310 beginning July 1, 2003, and is valid only upon the issuance
9 of a graduated driver license.

10 (2) The secretary of state shall designate graduated
11 licensing provisions in a manner that clearly indicates that the
12 person is subject to the appropriate provisions described in this
13 section.

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

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

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

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

26 (4) A person issued a level 1 graduated licensing status may
27 operate a motor vehicle only when accompanied either by a

1 licensed parent or legal guardian or, with the permission of the
2 parent or legal guardian, a licensed driver 21 years of age or
3 older. Except as otherwise provided in this section, a person is
4 restricted to operating a motor vehicle with a level 1 graduated
5 licensing status for not less than 6 months.

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

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

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

14 (c) Not incurred a moving violation resulting in a conviction
15 or civil infraction determination or been involved in an accident
16 for which the official police report indicates a moving violation
17 on the part of the person during the 90-day period immediately
18 preceding application.

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

25 (e) Successfully completed a secretary of state approved
26 ~~performance road~~ **driving skills** test. The secretary of state
27 may enter into an agreement with another public or private

1 ~~person~~ **corporation** or agency ~~, including a city, village, or~~
2 ~~township,~~ to conduct this ~~performance road~~ **driving skills**
3 test. **Before the secretary of state authorizes a person to**
4 **administer a corporation's or agency's driver skills testing**
5 **operations or authorizes an examiner to conduct a driving skills**
6 **test, that person or examiner must complete both a state and**
7 **federal bureau of investigation fingerprint based criminal**
8 **history check through the department of state police. This**
9 subdivision applies to a person 16 years of age or over only if
10 the person has satisfied subdivisions (a), (b), (c), and (d).

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

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

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

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

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

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

4 (8) The provisional period described in subsection (4) shall
5 be extended under subsection (7) until the licensee completes 90
6 consecutive days without a moving violation, an accident in which
7 a moving violation resulted, accident, suspension, or provisional
8 period violation listed in subsection (7) or until age 18,
9 whichever occurs first. The provisional period described in
10 subsection (6) shall be extended under subsection (7) until the
11 licensee completes 12 consecutive months without a moving
12 violation, accident, suspension, or restricted period violation
13 listed in subsection (7) or until age 18, whichever occurs
14 first.

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

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

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

27 (12) If a person is determined responsible for a violation of

1 subsection (4) or (6), the secretary of state shall send written
2 notification of any conviction or moving violation to a
3 designated parent or guardian of the person.

4 (13) For purposes of this section:

5 (a) Upon conviction for a moving violation, the date of the
6 arrest for the violation shall be used in determining whether the
7 conviction occurred within a provisional licensure period under
8 this section.

9 (b) Upon entry of a civil infraction determination for a
10 moving violation, the date of issuance of a citation for a civil
11 infraction shall be used in determining whether the civil
12 infraction determination occurred within a provisional licensure
13 period under this section.

14 (c) The date of the official police report shall be used in
15 determining whether a licensee was driving a motor vehicle
16 involved in an accident for which the official police report
17 indicates a moving violation on the part of the licensee or
18 indicates the licensee had been drinking alcoholic liquor.

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

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

1 ~~on April 1, 1997.~~

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

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

1 motorcycle driving **skills** test may be waived if the applicant has
2 a valid license or endorsement to operate a motorcycle from
3 another state.

4 (3) A motorcycle endorsement issued to a person who operates
5 a 3-wheeled motorcycle or an autocycle shall be restricted to
6 operation of that type of motorcycle and does not permit
7 operation of a 2-wheeled motorcycle. The secretary of state
8 shall develop a driving test specifically pertaining to an
9 autocycle or a 3-wheeled motorcycle.

10 (4) The secretary of state is responsible for establishing
11 and conducting the motorcycle operator driving **skills** test and
12 shall promulgate rules under the administrative procedures act of
13 1969, 1969 PA 306, MCL 24.201 to 24.328, for purposes of this
14 subsection. An audit of the motorcycle safety fund shall be
15 conducted by the office of the auditor general to determine
16 compliance with the requirement that funds are being withdrawn
17 only in relation to this act. A copy of the audit shall be
18 transmitted to the legislature upon completion.

19 (5) The secretary of state may enter into an agreement with
20 another public or private ~~person~~ **corporation** or agency to
21 conduct a driving **skills** test required under this section.
22 **Before the secretary of state authorizes a person to administer a**
23 **corporation's or agency's driver skills testing operations or**
24 **authorizes an examiner to conduct a driving skills test, that**
25 **person or examiner must complete both a state and federal bureau**
26 **of investigation fingerprint based criminal history check through**
27 **the department of state police.** In an agreement with another

1 ~~person~~ **public or private corporation** or agency to conduct a
2 driving **skills** test under this section, the secretary of state
3 ~~may~~ **shall** prescribe the method and examination criteria to be
4 followed by the ~~person or~~ **corporation, agency, or examiner** when
5 conducting the driving **skills** test and the form of the
6 certification to be issued to a person who satisfactorily
7 completes a driving **skills** test. For administering and
8 overseeing a third party motorcycle testing program, the
9 secretary of state shall be reimbursed from the motorcycle safety
10 fund a total amount that does not exceed 50% of the department's
11 1995-1996 fiscal year appropriation for motorcycle testing under
12 this section.

13 (6) A person who corrupts or attempts to corrupt a ~~person~~
14 ~~or~~ **corporation, agency, or examiner** that conducts a driving
15 **skills** test under an agreement entered into with the secretary of
16 state under this section by giving, offering, or promising any
17 gift or gratuity with the intent to influence the opinion or
18 decision of the ~~person or~~ **corporation, agency, or examiner**
19 conducting the driving **skills** test is guilty of a felony.

20 (7) A designated examining officer appointed or designated by
21 the secretary of state who conducts a driving **skills** test under
22 an agreement entered into under this section and who varies from,
23 shortens, or in any other way changes the method or examination
24 criteria prescribed to be followed under that agreement in
25 conducting a driving **skills** test under this section is guilty of
26 a felony.

27 (8) A person who forges, counterfeits, or alters a

1 satisfactorily completed driving **skills** test certification issued
2 by a designated examining officer appointed or designated by the
3 secretary of state under this section is guilty of a felony.

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

7 (a) A person, before operating a combination of vehicles with
8 a gross combination weight rating of 26,001 pounds or more
9 including a towed vehicle with a gross vehicle weight rating of
10 more than 10,000 pounds, shall procure a group A vehicle
11 designation on his or her operator's or chauffeur's license.
12 Unless an indorsement or the removal of restrictions is required,
13 a person licensed to operate a group A vehicle may operate a
14 group B or C vehicle without taking another test.

15 (b) A person, before operating a vehicle having a gross
16 vehicle weight rating of 26,001 pounds or more, shall procure a
17 group B vehicle designation on his or her operator's or
18 chauffeur's license. Unless an indorsement or the removal of
19 restrictions is required, a person licensed to operate a group B
20 vehicle may operate a group C vehicle without taking another
21 test.

22 (c) A person, before operating a single vehicle having a
23 gross vehicle weight rating under 26,001 pounds or a vehicle
24 having a gross vehicle weight rating under 26,001 pounds towing a
25 trailer or other vehicle and carrying hazardous materials on
26 which a placard is required under ~~49 C.F.R.~~ **49 CFR** parts 100 to
27 199, or designed to transport 16 or more passengers including the

1 driver, shall procure a group C vehicle designation and a
2 hazardous material or passenger vehicle indorsement on his or her
3 operator's or chauffeur's license.

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

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

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

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

19 (b) If a person operates a group C passenger vehicle while
20 taking his or her driving skills test for a P indorsement, he or
21 she is restricted to operating only group C passenger vehicles
22 under that P indorsement. **If a person operates a group C school**
23 **bus while taking his or her driving skills test for an S**
24 **indorsement, he or she is restricted to operating only group C**
25 **school buses under that S indorsement.**

26 (c) A person who fails the air brake portion of the written
27 or driving skills test provided under section 312f or who takes

1 the driving skills test provided under that section in a
2 commercial motor vehicle that is not equipped with air brakes
3 shall not operate a commercial motor vehicle equipped with air
4 brakes.

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

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

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

13 (c) A person, before operating a commercial motor vehicle
14 carrying hazardous materials on which a placard is required under
15 ~~49 C.F.R.~~ **49 CFR** parts 100 to 199, shall procure the
16 appropriate vehicle group designation and an H vehicle
17 indorsement under this act.

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

23 (e) A person, before operating a vehicle **that is** designed to
24 transport 16 or more passengers including the driver ~~—~~ **but is**
25 **not a school bus** shall procure the appropriate vehicle group
26 designation and a P vehicle indorsement under this act. An
27 applicant for a P vehicle indorsement shall take the driving

1 skills test in a vehicle designed to transport 16 or more
2 passengers including the driver.

3 (f) Effective October 1, 2004, a person who does not
4 currently possess a P indorsement, before operating a school bus
5 designed to transport 16 or more passengers, including the
6 driver, shall procure the appropriate vehicle group designation,
7 pass the knowledge tests for the P and S indorsements, and
8 procure the P and S vehicle indorsements under this act. An
9 applicant for an S vehicle indorsement shall take a driving
10 skills test in a school bus designed to transport 16 or more
11 passengers, including the driver, that represents the same type
12 of vehicle that the applicant intends to operate as a school
13 bus.

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

24 (6) Until September 30, 2005, the secretary of state may
25 waive the driving skills test for an applicant for an S
26 indorsement if the applicant certifies, and the secretary of
27 state verifies, that during the 2-year period immediately prior

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1 to applying for the school bus indorsement the applicant met all
2 of the following conditions:

3 <<(a)>> The applicant holds a valid driver license with a vehicle
4 group designation and a P indorsement.

5 <<(b)>> The applicant has not had an operator's, chauffeur's, or
6 commercial motor vehicle driver license suspended, revoked,
7 denied, or canceled.

8 <<(c)>> The applicant has not been disqualified by the United
9 States secretary of transportation from operating a commercial
10 motor vehicle.

11 <<(d)>> The applicant has not been convicted of any
12 disqualifying offense listed in 49 CFR 383.51(b) while operating
13 a commercial motor vehicle.

14 <<(e)>> The applicant has not been convicted of any disqualifying
15 offense listed in 49 CFR 383.51(b) while operating a
16 noncommercial motor vehicle that would be a disqualifying offense
17 under 49 CFR 383.51(b) if the applicant had committed the offense
18 while operating a commercial motor vehicle.

19 <<(f)>> The applicant has not had more than 1 conviction for a
20 serious traffic violation as defined in 49 CFR 383.51 while
21 operating any type of motor vehicle.

22 <<(g)>> Except for parking violations, the applicant has not
23 had any conviction for a violation of any state or local motor
24 vehicle traffic control law involving a vehicle accident and has
25 not been found at fault in a vehicle accident.

26 <<(h)>> The applicant has been regularly employed as a school
27 bus driver for the past 2 years and has, for those 2 years,

1 operated a school bus representing the type of school bus that
 2 the applicant intends to operate, and the applicant provides
 3 satisfactory evidence of that employment to the secretary of
 4 state.

5 (7) ~~—(6)—~~ An applicant for an indorsement shall take the
 6 knowledge and driving skills tests described and required
 7 pursuant to ~~—49 C.F.R.—~~ 49 CFR part 383.

8 (8) ~~—(7)—~~ The holder of an unexpired operator's or
 9 chauffeur's license may be issued a vehicle group designation and
 10 indorsement valid for the remainder of the license upon meeting
 11 the qualifications of section 312f and payment of the original
 12 vehicle group designation fee of \$25.00 and an indorsement fee of
 13 \$5.00 per indorsement, and a corrected license fee of \$18.00. A
 14 person required to procure an F vehicle indorsement pursuant to
 15 subsection ~~—(9)—~~ (10) shall pay an indorsement fee of \$5.00.

16 (9) ~~—(8)—~~ Except as otherwise provided in subsections ~~—(9)—~~
 17 ~~and~~ (10) **and** (11), this section does not apply to a driver or
 18 operator of a vehicle under all of the following conditions:

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

21 (b) The vehicle is used to transport agricultural products,
 22 farm machinery, farm supplies, or a combination of these items,
 23 to or from a farm.

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

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

27 (10) ~~—(9)—~~ A person, before driving or operating a

1 combination of vehicles having a gross vehicle weight rating of
2 26,001 pounds or more on the power unit that is used as described
3 in subsection ~~(8)(a)~~ **(9)(a)** to (d), shall obtain an F vehicle
4 indorsement. The F vehicle indorsement shall be issued upon
5 successful completion of a knowledge test only.

6 **(11)** ~~(10)~~ A person, before driving or operating a single
7 vehicle truck having a gross vehicle weight rating of 26,001
8 pounds or more or a combination of vehicles having a gross
9 vehicle weight rating of 26,001 pounds or more on the power unit
10 that is used as described in subsection ~~(8)(a)~~ **(9)(a)** to (d)
11 for carrying hazardous materials on which a placard is required
12 under ~~49 C.F.R.~~ **49 CFR** parts 100 to 199, shall successfully
13 complete both a knowledge test and a driving skills test. Upon
14 successful completion of the knowledge test and driving skills
15 test, the person shall be issued the appropriate vehicle group
16 designation and any vehicle indorsement necessary under this
17 act.

18 **(12)** ~~(11)~~ This section does not apply to a police officer
19 operating an authorized emergency vehicle or to a firefighter
20 operating an authorized emergency vehicle who has met the driver
21 training standards of the Michigan fire fighters' training
22 council.

23 **(13)** ~~(12)~~ This section does not apply to a person operating
24 a motor home or a vehicle used exclusively to transport personal
25 possessions or family members for nonbusiness purposes.

26 **(14)** ~~(13)~~ The money collected under subsection ~~(7)~~ **(8)**
27 for a vehicle group designation or indorsement shall be deposited

1 in the state treasury to the credit of the general fund. The
2 secretary of state shall refund out of the fees collected to each
3 county or municipality acting as an examining officer or
4 examining bureau \$3.00 for each applicant examined for a first
5 designation or indorsement to an operator's or chauffeur's
6 license and \$1.50 for each renewal designation or indorsement to
7 an operator's or chauffeur's license, whose application is not
8 denied, on the condition that the money refunded shall be paid to
9 the county or local treasurer and is appropriated to the county,
10 municipality, or officer or bureau receiving that money for the
11 purpose of carrying out this act.

12 (15) ~~(14)~~ Notwithstanding any other provision of this
13 section, a person operating a vehicle described in subsections
14 ~~(8)~~ (9) and ~~(9)~~ (10) is subject to the provisions of
15 sections 303 and 319b.

16 Sec. 312f. (1) Except as otherwise provided in this
17 section, a person shall be at least 18 years of age before he or
18 she is issued a vehicle group designation or indorsement, other
19 than a motorcycle indorsement, on an operator's or chauffeur's
20 license and, as provided in this section, the person shall pass
21 knowledge and driving skills tests that comply with minimum
22 federal standards prescribed in ~~49 C.F.R.~~ 49 CFR part 383. A
23 person operating a vehicle to be used for farming purposes only
24 may obtain an A or B vehicle group designation or an F vehicle
25 indorsement if he or she is at least 16 years of age. Each
26 written examination given an applicant for a vehicle group
27 designation or indorsement shall include subjects designed to

1 cover the type or general class of vehicle to be operated. A
2 person shall pass an examination that includes a driving skills
3 test designed to test competency of the applicant for an original
4 vehicle group designation and passenger indorsement on an
5 operator's or chauffeur's license to drive that type or general
6 class of vehicle upon the highways of this state with safety to
7 persons and property. The secretary of state shall waive the
8 driving skills test for a person operating a vehicle that is used
9 under the conditions described in section ~~312e(8)(a)~~ **312e(9)(a)**
10 to (d) unless the vehicle has a gross vehicle weight rating of
11 26,001 pounds or more on the power unit and is to be used to
12 carry hazardous materials on which a placard is required under
13 ~~49 C.F.R.~~ **49 CFR** parts 100 to 199. The driving skills test may
14 be waived if the applicant has a valid license with the
15 appropriate vehicle group designation, ~~or~~ passenger vehicle
16 indorsement, **or school bus indorsement** in another state issued in
17 compliance with ~~chapter 313 of title 49 of the United States~~
18 ~~Code, 49 U.S.C.~~ **49 USC** 31301 to 31317.

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

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

27 (i) An applicant who has between 1 and 2 years of driving

1 experience shall possess a good driving record for his or her
2 entire driving history.

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

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

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

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

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

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

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

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

27 (iii) The commercial motor vehicle does not require the H, N,

1 P, **S**, T, or X vehicle indorsement.

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

5 (4) The secretary of state may enter into an agreement with
6 another public or private ~~person~~ **corporation** or agency to
7 conduct a **driving** skills test required under this section,
8 section 312e, or ~~49 C.F.R.~~ **49 CFR** part 383. **Before the**
9 **secretary of state authorizes a person to administer a**
10 **corporation's or agency's driver skills testing operations or**
11 **authorizes an examiner to conduct a driving skills test, that**
12 **person or examiner must complete both a state and federal bureau**
13 **of investigation fingerprint based criminal history check through**
14 **the department of state police.**

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

19 (a) The applicant has had his or her license suspended or
20 revoked for a reason other than as provided in section 321a, 515,
21 or 801c in the 36 months immediately preceding application,
22 except that a vehicle group designation may be issued if the
23 suspension or revocation was due to a temporary medical condition
24 or failure to appear at a reexamination as provided in section
25 320.

26 (b) The applicant was convicted of or incurred a bond
27 forfeiture in relation to a 6-point violation as provided in

1 section 320a in the 24 months immediately preceding application
2 **if the violation occurred while the applicant was operating a**
3 **commercial motor vehicle**, or a violation of section 625(3) or
4 former section 625b, or a local ordinance substantially
5 corresponding to section 625(3) or former section 625b in the 24
6 months immediately preceding application, if the ~~violation~~
7 ~~occurred while the~~ applicant was operating ~~a commercial~~ **any**
8 **type of** motor vehicle.

9 (c) The applicant is listed on the national driver register,
10 the commercial driver license information system, or the driving
11 records of the state in which the applicant was previously
12 licensed as being disqualified from operating a commercial motor
13 vehicle or as having a license or driving privilege suspended,
14 revoked, canceled, or denied.

15 (d) The applicant is listed on the national driver register,
16 the commercial driver license information system, or the driving
17 records of the state in which the applicant was previously
18 licensed as having had a license suspended, revoked, or canceled
19 in the 36 months immediately preceding application if a
20 suspension or revocation would have been imposed under this act
21 had the applicant been licensed in this state in the original
22 instance. This subdivision does not apply to a suspension or
23 revocation that would have been imposed due to a temporary
24 medical condition or pursuant to section 321a, 515, or 801c.

25 (e) The applicant is subject to a suspension or revocation
26 under section 319b or would have been subject to a suspension or
27 revocation under section 319b if the applicant had been issued a

1 vehicle group designation or vehicle indorsement.

2 (f) The applicant has been disqualified from operating a
3 commercial motor vehicle under ~~chapter 313 of title 49 of the~~
4 ~~United States Code, 49 U.S.C. 49 USC~~ 31301 to 31317 or the
5 applicant's license to operate a commercial motor vehicle has
6 been suspended, revoked, denied, or canceled within 36 months
7 immediately preceding the date of application.

8 (g) **The United States secretary of transportation has**
9 **disqualified the applicant from operating a commercial motor**
10 **vehicle.**

11 (6) The secretary of state shall not ~~issue a vehicle group~~
12 ~~designation to an applicant to~~ renew or upgrade a vehicle group
13 designation if **the United States secretary of transportation has**
14 **disqualified the applicant from operating a commercial motor**
15 **vehicle, or** the applicant is listed on the national driver
16 register or the commercial driver license information system as
17 being disqualified from operating a commercial motor vehicle or
18 as having a driver license or driving privilege suspended,
19 revoked, canceled, or denied.

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

24 (8) If an applicant for an original vehicle group designation
25 was previously licensed in another jurisdiction, the secretary of
26 state shall request a copy of the applicant's driving record from
27 that jurisdiction. If 1 or more of the conditions described in

1 subsection (5) exist in that jurisdiction when the secretary of
2 state receives the copy, the secretary of state shall cancel all
3 vehicle group designations on the person's operator's or
4 chauffeur's license.

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

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

21 (11) Subsection (5)(a), (b), (d), and (f) do not apply to an
22 applicant for an original vehicle group designation who at the
23 time of application has a valid license to operate a commercial
24 motor vehicle issued by any state in compliance with ~~chapter 313~~
25 ~~of title 49 of the United States Code, 49 U.S.C.~~ **49 USC** 31301 to
26 31317.

27 (12) As used in this section:

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

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

7 Sec. 313. (1) Except as provided in subsection (2) **and**
8 **section 812**, if an operator's or chauffeur's license issued under
9 this chapter is lost, destroyed, or mutilated, or becomes
10 illegible, the person to whom the license was issued may obtain a
11 duplicate upon the payment of the fee required in section 812,
12 upon furnishing proof satisfactory to the secretary of state that
13 the license has been lost, destroyed, or mutilated, or has become
14 illegible, and upon certifying that the license is not being held
15 by a court as a condition of that person's recognizance. **The**
16 **secretary of state may check the applicant's driving record**
17 **through the national driver register and the commercial driver**
18 **license information system before issuing a license under this**
19 **section.**

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

23 Sec. 314. (1) Except as otherwise provided in this section,
24 an operator's license shall expire on the birthday of the person
25 to whom the license is issued in the fourth year following the
26 date of the issuance of the license unless suspended or revoked
27 before that date. ~~or issued pursuant to section 314b.~~ A license

1 shall not be issued for a period longer than 4 years. A person
2 holding a license at any time within 45 days before the
3 expiration of his or her license may make application for a new
4 license as provided for in this chapter. However, a knowledge
5 test for an original group designation or indorsement may be
6 taken at any time during this period and the results shall be
7 valid for 12 months. However, if the licensee will be out of the
8 state during the 45 days immediately preceding expiration of the
9 license or for other good cause shown cannot apply for a license
10 within the 45-day period, application for a new license may be
11 made not more than 6 months before expiration of the license.
12 This new license when granted shall expire as provided for in
13 this chapter.

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

20 (3) The first chauffeur's license issued to a person shall
21 expire on the licensee's birthday in the fourth year following
22 the date of issuance unless the license is suspended or revoked
23 before that date. ~~or is issued pursuant to section 314b.~~ The
24 chauffeur's license of a person who at the time of application is
25 less than 20-1/2 years of age shall expire on the licensee's
26 twenty-first birthday unless suspended or revoked. Until July 1,
27 2003, the secretary of state shall code the license in a manner

1 which clearly identifies the licensee as being less than 21 years
2 of age. A subsequent chauffeur's license shall expire on the
3 birthday of the person to whom the license is issued in the
4 fourth year following the date of issuance of the license unless
5 the license is suspended or revoked before that date. ~~or is~~
6 ~~issued pursuant to section 314b.~~

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

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

21 (6) **The secretary of state may check the applicant's driving**
22 **record through the national driver register and the commercial**
23 **driver license information system before issuing a renewal under**
24 **this section.**

25 Sec. 316. The secretary of state shall file each
26 application for an operator's or chauffeur's license and index
27 the application by name and number. The secretary of state shall

1 maintain suitable records of licenses issued, applications for
2 licenses denied, and a record of licenses which have been
3 revoked, **canceled**, or suspended. The secretary of state shall
4 note upon those records each conviction, civil infraction
5 determination, and probate court finding of the person to whom
6 the license is granted, as provided in this act, and shall
7 preserve those records for not less than 6 years after the date
8 of application.

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

16 (2) The secretary of state, upon receiving a record of the
17 conviction, civil infraction determination, **suspension**,
18 **revocation**, or forfeiture of bail in this state of a nonresident
19 of a violation the record of which is required to be maintained
20 under section 204a, ~~may~~ **shall** forward a certified copy of the
21 record to the motor vehicle administrator or other appropriate
22 officer in the state in which the person is a resident.

23 (3) **Beginning October 1, 2005, within 30 days after an appeal**
24 **is completed or the appeal period has expired if an appeal is not**
25 **made in a conviction, civil infraction determination, or bond**
26 **forfeiture entered against a nonresident in this state for a**
27 **violation committed while operating a commercial motor vehicle or**

1 any violation for a commercial driver license holder regardless
2 of vehicle type, except a parking violation, the secretary of
3 state shall notify the motor vehicle administration or other
4 appropriate officer of the state where the nonresident is
5 licensed of that conviction, determination, or forfeiture.
6 Beginning October 1, 2008, the secretary of state must give
7 notice under this subsection within 10 days after an appeal is
8 completed or the appeal period has expired if an appeal is not
9 made.

10 (4) If the secretary of state suspends, revokes, cancels, or
11 denies the driving privileges of a nonresident for 60 days or
12 more and that nonresident is licensed by another state to operate
13 a commercial motor vehicle, the secretary of state shall, within
14 10 days after the effective date of the suspension, revocation,
15 cancellation, or denial, forward a notification about that
16 suspension, revocation, cancellation, or denial to the motor
17 vehicle administrator or other appropriate officer of the state
18 where the nonresident is licensed to operate a motor vehicle. A
19 notice given under this subsection must include both the denial,
20 if any, and the violation that caused the suspension, revocation,
21 cancellation, or denial of the nonresident's driving privileges.

22 Sec. 319. (1) The secretary of state shall immediately
23 suspend a person's license as provided in this section upon
24 receiving a record of the person's conviction for a crime
25 described in this section, whether the conviction is under a law
26 of this state, a local ordinance substantially corresponding to a
27 law of this state, or a law of another state substantially

1 corresponding to a law of this state.

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

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

6 (b) A violation of section 413 of the Michigan penal code,
7 1931 PA 328, MCL 750.413.

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

10 (d) A felony in which a motor vehicle was used. As used in
11 this section, "felony in which a motor vehicle was used" means a
12 felony during the commission of which the person convicted
13 operated a motor vehicle and while operating the vehicle
14 presented real or potential harm to persons or property and 1 or
15 more of the following circumstances existed:

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

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

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

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

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

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

27 (a) Failing to stop and disclose identity at the scene of an

1 accident resulting in injury in violation of section 617a.

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

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

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

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

13 (5) For perjury or making a false certification to the
14 secretary of state under any law requiring the registration of a
15 motor vehicle or regulating the operation of a vehicle on a
16 highway, or for conduct prohibited under section 324(1) or a
17 local ordinance substantially corresponding to section 324(1),
18 the secretary shall suspend the person's license as follows:

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

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

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

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

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

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

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

12 (b) If the person has 2 or more prior convictions for an
13 offense described in this subsection or section 33b(1) of former
14 1933 (Ex Sess) PA 8, for 1 year. The secretary of state may
15 issue the person a restricted license after the first 60 days of
16 suspension.

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

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

25 (b) For 90 days for a violation of section 625(3) if the
26 person has no prior convictions within 7 years. However, if the
27 person is convicted of a violation of section 625(3), for

1 operating a vehicle when, due to the consumption of a controlled
2 substance or a combination of alcoholic liquor and a controlled
3 substance, the person's ability to operate the vehicle was
4 visibly impaired, the secretary of state shall suspend the
5 person's license under this subdivision for 180 days. The
6 secretary of state may issue the person a restricted license
7 during all or a specified portion of the suspension.

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

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

15 (e) For 180 days for a violation of section 625(7) if the
16 person has no prior convictions within 7 years. The secretary of
17 state may issue the person a restricted license after the first
18 90 days of suspension.

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

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

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

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

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

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

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

16 (13) If the secretary of state receives records of more than
17 1 conviction of a person resulting from the same incident, a
18 suspension shall be imposed only for the violation to which the
19 longest period of suspension applies under this section.

20 (14) The secretary of state may waive a restriction,
21 suspension, or revocation of a person's license imposed under
22 this act if the person submits proof that a court in another
23 state revoked, suspended, or restricted his or her license for a
24 period equal to or greater than the period of a restriction,
25 suspension, or revocation prescribed under this act for the
26 violation and that the revocation, suspension, or restriction was
27 served for the violation, or may grant a restricted license.

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

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

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

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

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

16 (i) The person's residence.

17 (ii) The person's work location.

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

20 (iv) The court probation department.

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

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

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

27 (18) While driving with a restricted license, the person

1 shall carry proof of his or her destination and the hours of any
2 employment, class, or other reason for traveling and shall
3 display that proof upon a peace officer's request.

4 (19) Subject to subsection (21), as used in subsection (8),
5 "prior conviction" means a conviction for any of the following,
6 whether under a law of this state, a local ordinance
7 substantially corresponding to a law of this state, or a law of
8 another state substantially corresponding to a law of this
9 state:

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

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

19 (ii) Section 625m.

20 (iii) Former section 625b.

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

24 (20) Except for purposes of the suspensions described in
25 subsection (8)(c) and (d), only 1 violation or attempted
26 violation of section 625(6), a local ordinance substantially
27 corresponding to section 625(6), or a law of another state

1 substantially corresponding to section 625(6) may be used as a
2 prior conviction.

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

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

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

27 (i) Two serious traffic violations arising from separate

1 incidents within 36 months.

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

3 (iii) A violation of motor carrier safety regulations 49 CFR
4 392.10 or 392.11, as adopted by section 1a of the motor carrier
5 safety act of 1963, 1963 PA 181, MCL 480.11a.

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

8 (v) A violation of motor carrier safety regulations 49 CFR
9 392.10 or 392.11, as adopted by section 31 of the motor bus
10 transportation act, 1982 PA 432, MCL 474.131.

11 (vi) A violation of motor carrier safety regulations 49 CFR
12 392.10 or 392.11 while operating a commercial motor vehicle other
13 than a vehicle covered under subparagraph (iii), (iv), or (v).

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

18 (i) Three serious traffic violations.

19 (ii) Any combination of 2 violations described in
20 subdivision (a) (ii).

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

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

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

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

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

8 (v) **Operating a commercial motor vehicle in violation of a**
9 **suspension, revocation, denial, or cancellation that was imposed**
10 **for previous violations committed while operating a commercial**
11 **motor vehicle.**

12 (vi) **Causing a fatality through the negligent or criminal**
13 **operation of a commercial motor vehicle, including, but not**
14 **limited to, the crimes of motor vehicle manslaughter, motor**
15 **vehicle homicide, and negligent homicide.**

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

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

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

26 (e) Revocation for **life, but with eligibility after** not less
27 than 10 years and until the person is approved **by the secretary**

1 **of state** for the issuance of a vehicle group designation if ~~a~~
2 ~~licensee~~ **the person** is convicted of or found responsible for 1
3 of the following:

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

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

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

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

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

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

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

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

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

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

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

13 (iii) A conviction of a violation of chapter LXXXVIII-A of the
14 Michigan penal code, 1931 PA 328, MCL 750.543a to 750.543z.

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

24 (3) The secretary of state shall immediately suspend all
25 vehicle group designations on the operator's or chauffeur's
26 license of a person upon receiving notice of a conviction, bond
27 forfeiture, or civil infraction determination of the person, or

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

9 (a) Suspension for 90 days if the ~~licensee~~ **person** is
10 convicted of or found responsible for a violation of section
11 319d(4) or 319f while operating a commercial motor vehicle.

12 (b) Suspension for 180 days if the ~~licensee~~ **person** is
13 convicted of or found responsible for a violation of section
14 319d(4) or 319f while operating a commercial motor vehicle that
15 is either carrying hazardous material required to have a placard
16 pursuant to 49 CFR parts 100 to 199 or designed to carry 16 or
17 more passengers, including the driver.

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

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

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

8 (4) As used in this section:

9 (a) "Felony in which a commercial motor vehicle was used"
10 means a felony during the commission of which the person
11 convicted operated a commercial motor vehicle and while the
12 person was operating the vehicle 1 or more of the following
13 circumstances existed:

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

15 (ii) The vehicle was used to transport a victim of the
16 felony.

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

18 (iv) The vehicle was necessary for the commission of the
19 felony.

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

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

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

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

1 (iv) Improper lane use. ~~—, following~~

2 (v) Following too closely. ~~—, or any~~

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

5 (vii) Driving a commercial motor vehicle without an
6 operator's or chauffeur's license in possession. However, a
7 person who, not later than the date by which the person must
8 appear in court or pay any fine for a violation, provides proof
9 to the court that the person held a valid vehicle group
10 designation and indorsement on the date the citation was issued,
11 is not guilty of this offense.

12 (viii) Driving a commercial motor vehicle while in possession
13 of an operator's or chauffeur's license that has a vehicle group
14 designation but does not have the appropriate vehicle group
15 designation or indorsement required for the specific vehicle
16 group being operated or the passengers or type of cargo being
17 transported.

18 (ix) Any other serious traffic violation as defined in 49 CFR
19 383.5 or as prescribed under this act.

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

24 (6) The secretary of state shall suspend or revoke a vehicle
25 group designation under subsection (1) notwithstanding a
26 suspension, restriction, revocation, or denial of an operator's
27 or chauffeur's license or vehicle group designation under another

1 section of this act or a court order issued under another section
2 of this act or a local ordinance substantially corresponding to
3 another section of this act.

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

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

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

24 (c) Leaving the scene of an accident.

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

26 (8) ~~(7)~~ When determining the applicability of conditions
27 listed in this section, the secretary of state shall only

1 consider violations that occurred after January 1, 1990.

2 (9) When determining the applicability of conditions listed
3 in subsection (1)(a) or (b), the secretary of state shall only
4 count from incident date to incident date.

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

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

12 (b) A notice of a suspension, revocation, or denial of a
13 license within 10 days after the suspension, revocation, or
14 denial. ~~If the licensee is a nonresident, a notice of the state~~
15 ~~that issued the suspension, revocation, or denial of the license~~
16 ~~shall also be provided.~~

17 (2) Within 10 days after receiving a record of conviction,
18 civil infraction determination, or forfeiture of bail in this
19 state of a nonresident driver of a commercial motor vehicle for a
20 violation under the motor vehicle laws of this state, other than
21 a parking violation, the secretary of state shall notify the
22 motor vehicle administrator or other appropriate officer in the
23 state in which the person is licensed.

24 Sec. 320. (1) The secretary of state after notice as
25 provided in this section may conduct an investigation and
26 reexamination of a person, based upon 1 or more of the
27 following:

1 (a) The secretary of state has reason to believe that the
2 person is incompetent to drive a motor vehicle or is afflicted
3 with a mental or physical infirmity or disability rendering it
4 unsafe for that person to drive a motor vehicle.

5 (b) The person, as a driver, has in 1 or more instances been
6 involved in an accident resulting in the death of a person.

7 (c) The person, within a 24-month period, has been involved
8 in 3 accidents resulting in personal injury or damage to the
9 property of a person, and the official police report indicates a
10 moving violation on the part of the driver in each of the
11 accidents.

12 (d) The person has charged against him or her a total of 12
13 or more points as provided in section 320a within a period of 2
14 years.

15 (e) The person has been convicted of violating restrictions,
16 terms, or conditions of the person's license.

17 (2) The secretary of state, upon good cause, may restrict,
18 suspend, revoke, or impose other terms and conditions on the
19 license of a person subject to reexamination and require the
20 immediate surrender of the license of that person. The secretary
21 of state shall, in all cases, prescribe the period of
22 restriction, suspension, revocation, or other terms and
23 conditions.

24 (3) Service of notice shall be made by regular mail to the
25 last known address of the licensee as shown on the most recent
26 license application or change of address on the license as
27 provided by section 315.

1 (4) A license shall not be suspended under this section for
2 a period of more than 1 year.

3 (5) The reexamination may be held by the secretary of state
4 pursuant to this section notwithstanding any restriction,
5 suspension, revocation, or denial of a license under this
6 section, section 303 or 319, chapter V, section 625 or 625b, or
7 under any other law of this state. A suspension ordered pursuant
8 to this section shall be in addition to other suspensions.

9 (6) If a licensed operator or chauffeur fails to appear for
10 a reexamination scheduled by the secretary of state pursuant to
11 this section, the licensed operator's or chauffeur's license may
12 be suspended immediately and shall remain suspended until the
13 licensed operator or chauffeur appears for a reexamination by the
14 secretary of state. However, the secretary of state may
15 restrict, suspend, or revoke the license based solely on the
16 licensed operator's or chauffeur's driving record.

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

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

- 1 (a) Manslaughter, negligent homicide, or a felony
2 resulting from the operation of a motor vehicle, ORV, or
3 snowmobile..... 6 points
- 4 (b) A violation of section 601b(2) or (3), 601c(1) or
5 (2), or 653a(3) or (4)..... 6 points

- 6 (c) A violation of section 625(1), (4), (5), (7), or
7 (8), section 81134 or 82127(1) of the natural resources
8 and environmental protection act, 1994 PA 451,
9 MCL 324.81134 and 324.82127, or a law or ordinance
10 substantially corresponding to section 625(1), (4), (5),
11 (7), or (8) — or section 81134 or 82127(1) of the
12 natural resources and environmental protection act, 1994
13 PA 451, MCL 324.81134 and 324.82127..... 6 points

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

- 16 (e) Operating a motor vehicle in violation of section
17 626..... 6 points

- 18 (f) Fleeing or eluding an officer..... 6 points

- 19 (g) A violation of section 627(9) pertaining to speed
20 in a work zone described in that section by exceeding the
21 lawful maximum by more than 15 miles per hour..... 5 points

1 (h) A violation of any law other than the law described
2 in subdivision (g) or ordinance pertaining to speed by
3 exceeding the lawful maximum by more than 15 miles per
4 hour..... 4 points

5 (i) A violation of section 625(3) or (6), section 81135
6 or 82127(3) of the natural resources and environmental
7 protection act, 1994 PA 451, MCL 324.81135 and 324.82127,
8 or a law or ordinance substantially corresponding to
9 section 625(3) or (6) or section 81135 or 82127(3) of the
10 natural resources and environmental protection act, 1994
11 PA 451, MCL 324.81135 and 324.82127..... 4 points

12 (j) A violation of section 626a or a law or ordinance
13 substantially corresponding to section 626a..... 4 points

14 (k) A violation of section 653a(2)..... 4 points

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

19 (m) A violation of any law other than the law described
20 in subdivision (l) or ordinance pertaining to speed by
21 exceeding the lawful maximum by more than 10 but not more
22 than 15 miles per hour or careless driving in violation
23 of section 626b or a law or ordinance substantially

1 corresponding to section 626b..... 3 points

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

5 (o) A violation of any law other than the law described
6 in subdivision (n) or ordinance pertaining to speed by
7 exceeding the lawful maximum by 10 miles per hour or less2 points

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

10 (q) A violation of section 624a, 624b, or a law or
11 ordinance substantially corresponding to section 624a or
12 624b..... 2 points

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

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

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

21 (2) Points shall not be entered for a violation of section

1 310e(14), 311, 625m, 658, 717, 719, 719a, or 723.

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

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

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

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

15 (7) If a person violates a speed restriction established by
16 an executive order issued during a state of energy emergency as
17 provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of
18 state shall enter points for the violation pursuant to subsection
19 (1).

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

26 (9) If a Michigan driver commits a violation in another state
27 that would be a civil infraction if committed in Michigan, and a

1 conviction results solely because of the failure of the Michigan
2 driver to appear in that state to contest the violation, upon
3 receipt of the abstract of conviction by the secretary of state,
4 the violation shall be noted on the driver's record, but no
5 points shall be assessed against his or her driver's license.

6 Sec. 321a. (1) A person who fails to answer a citation, or
7 a notice to appear in court for a violation reportable to the
8 secretary of state under section 732 or a local ordinance
9 substantially corresponding to a violation of a law of this state
10 reportable to the secretary of state under section 732, or for
11 any matter pending, or who fails to comply with an order or
12 judgment of the court, including, but not limited to, paying all
13 fines, costs, fees, and assessments, is guilty of a misdemeanor
14 punishable by imprisonment for not more than 93 days or a fine of
15 not more than \$100.00, or both. A violation of this subsection
16 or failure to answer a citation or notice to appear for a
17 violation of section 33b(1) of former 1933 (Ex Sess) PA 8,
18 section 703(1) of the Michigan liquor control code of 1998, 1998
19 PA 58, MCL 436.1703, or a local ordinance substantially
20 corresponding to either of those sections shall not be considered
21 a violation for any purpose under section 320a.

22 (2) Except as provided in subsection (3), 28 days or more
23 after a person fails to answer a citation, or a notice to appear
24 in court for a violation reportable to the secretary of state
25 under section 732 or a local ordinance substantially
26 corresponding to a violation of a law of this state reportable to
27 the secretary of state under section 732, or for any matter

1 pending, or fails to comply with an order or judgment of the
2 court, including, but not limited to, paying all fines, costs,
3 fees, and assessments, the court shall give notice by mail at the
4 last known address of the person that if the person fails to
5 appear or fails to comply with the order or judgment within 14
6 days after the notice is issued, the secretary of state shall
7 suspend the person's operator's or chauffeur's license. If the
8 person fails to appear or fails to comply with the order or
9 judgment within the 14-day period, the court shall, within 14
10 days, inform the secretary of state, who shall immediately
11 suspend the license of the person. The secretary of state shall
12 immediately notify the person of the suspension by regular mail
13 at the person's last known address.

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

1 the person fails to appear within the 7-day period, or fails to
2 comply with the order or judgment of the court, including, but
3 not limited to, paying all fines, costs, and crime victim rights
4 assessments, within the 14-day period, the court shall
5 immediately inform the secretary of state who shall immediately
6 suspend the person's operator's or chauffeur's license and notify
7 the person of the suspension by first-class mail sent to the
8 person's last known address.

9 (4) If the person is charged with, or convicted of, a
10 violation of section 33b(1) of former 1933 (Ex Sess) PA 8,
11 section 703(1) of the Michigan liquor control code of 1998, 1998
12 PA 58, MCL 436.1703, section 624a, section 624b, or a local
13 ordinance substantially corresponding to those sections and the
14 person fails to answer a citation or a notice to appear in court
15 issued pursuant to section 33b of former 1933 (Ex Sess) PA 8,
16 section 703 of the Michigan liquor control code of 1998, 1998
17 PA 58, MCL 436.1703, section 624a, section 624b, or a local
18 ordinance substantially corresponding to those sections or fails
19 to comply with an order or judgment of the court issued pursuant
20 to section 33b of former 1933 (Ex Sess) PA 8, section 703 of the
21 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703,
22 section 624a, section 624b, or a local ordinance substantially
23 corresponding to those sections including, but not limited to,
24 paying all fines and costs, the court shall immediately give
25 notice by first-class mail sent to the person's last known
26 address that if the person fails to appear within 7 days after
27 the notice is issued, or fails to comply with the order or

1 judgment of the court, including, but not limited to, paying all
2 fines and costs, within 14 days after the notice is issued, the
3 secretary of state shall suspend the person's operator's or
4 chauffeur's license. If the person fails to appear within the
5 7-day period, or fails to comply with the order or judgment of
6 the court, including, but not limited to, paying all fines and
7 costs, within the 14-day period, the court shall immediately
8 inform the secretary of state who shall immediately suspend the
9 person's operator's or chauffeur's license and notify the person
10 of the suspension by first-class mail sent to the person's last
11 known address.

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

14 (a) The secretary of state is notified by each court in which
15 the person failed to answer a citation or notice to appear or
16 failed to pay a fine or cost that the person has answered that
17 citation or notice to appear or paid that fine or cost.

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

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

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

27 (b) A pedestrian, passenger, or bicycle violation, other than

1 a violation of section 33b(1) or (2) of former 1933 (Ex Sess)
2 PA 8, section 703(1) or (2) of the Michigan liquor control code
3 of 1998, 1998 PA 58, MCL 436.1703, section 624a or 624b, or a
4 local ordinance substantially corresponding to section 33b(1) or
5 (2) of former 1933 (Ex Sess) PA 8, section 703(1) or (2) of the
6 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703,
7 or section 624a or 624b.

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

12 (a) Failed to answer 2 or more parking violation notices or
13 citations for violating a provision of this act or an ordinance
14 substantially corresponding to a provision of this act pertaining
15 to parking for persons with disabilities.

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

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

22 (a) The court informs the secretary of state that the person
23 has resolved all outstanding matters regarding the notices or
24 citations.

25 (b) The person has paid to the court a \$45.00 driver license
26 clearance fee. If the court determines that the person is
27 responsible for only 1 parking violation under subsection (7)(a)

1 or less than 6 parking violations under subsection (7)(b) for
2 which the person's license was not issued or renewed under this
3 subsection, the court may waive payment of the fee.

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

17 (a) The court informs the secretary of state that the person
18 has resolved all outstanding matters regarding each notice or
19 citation.

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

25 (10) For the purposes of subsections (5)(a), (8)(a), and
26 (9)(a), the court shall give to the person a copy of the
27 information being transmitted to the secretary of state. Upon

1 showing that copy, the person shall not be arrested or issued a
2 citation for driving on a suspended license, on an expired
3 license, or without a license on the basis of any matter resolved
4 under subsection (5)(a), (8)(a), or (9)(a), even if the
5 information being sent to the secretary of state has not yet been
6 received or recorded by the department.

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

10 (a) Fifteen dollars to the secretary of state. The funds
11 received by the secretary of state under this subdivision shall
12 be deposited in the state general fund and shall be used to
13 defray the expenses of the secretary of state in processing the
14 suspension and reinstatement of driver licenses under this
15 section.

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

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

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

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

27 (c) Fifteen dollars to the juror compensation reimbursement

1 fund created in section 151d of the revised judicature act of
2 1961, 1961 PA 236, MCL 600.151d.

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

7 (13) The secretary of state shall immediately suspend the
8 operator's and chauffeur's license of a person licensed to
9 operate a commercial motor vehicle, or a person who operates a
10 commercial motor vehicle without a license to operate that
11 vehicle, if the person fails to answer an out-state citation, or
12 a notice to appear in a court or an authorized administrative
13 tribunal for a violation reportable to the secretary of state
14 under section 732(16), or fails to comply with an order or
15 judgment of an out-state court or an authorized administrative
16 tribunal reportable to the secretary of state under section
17 732(16), or fails to appear or fails to comply with the out-state
18 court or an authorized administrative tribunal order or judgment
19 reportable to the secretary of state under section 732(16),
20 including, but not limited to, paying all fines, costs, fees, and
21 assessments. For a suspension imposed under this subsection, the
22 secretary of state shall immediately notify the person of the
23 suspension by regular mail at the person's last known address.

24 (14) A suspension imposed under subsection (13) remains in
25 effect until the secretary of state is notified by the court or
26 authorized administrative tribunal of the other state in which
27 the person failed to answer a citation, or notice to appear, or

1 failed to pay a fine or cost, that the person has answered that
2 citation or notice to appear or has paid the fine or cost.

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

8 (16) The secretary of state, upon being informed of the
9 failure of a person to appear or comply as provided in subsection
10 (13), shall not issue a license to the person or renew a license
11 for the person until the court or authorized administrative
12 tribunal of the other state informs the secretary of state that
13 the person has resolved all outstanding matters regarding the
14 notices, orders, or citations.

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

1 institution at which the person is enrolled as a student; or
2 pursuant to a combination of these restrictions. **The restricted**
3 **license shall permit the driver to take any driving skills test**
4 **required by the secretary of state.** If the denial, suspension, or
5 revocation of a person's license or vehicle group designation
6 under section 625f occurred in connection with the operation of a
7 commercial motor vehicle, the court shall not order the secretary
8 of state to issue a restricted license that would permit the
9 person to operate a commercial motor vehicle. The court shall
10 not order the secretary of state to issue a restricted operator's
11 or chauffeur's license that would permit a person to operate a
12 commercial motor vehicle hauling hazardous material. The court
13 shall not order the secretary of state to issue a restricted
14 license unless the person states under oath and the court finds
15 that the person is unable to take public transportation to and
16 from his or her work location, place of alcohol or drug education
17 or treatment, or educational institution, and does not have a
18 family member or other person able to provide transportation.
19 The court order and license shall indicate the person's work
20 location and the approved route or routes and permitted times of
21 travel. For purposes of this section, "work location" includes,
22 as applicable, either or both of the following:

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

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

26 (2) If the person's license has been suspended pursuant to
27 section 625f within the immediately preceding 7-year period, a

1 restricted license shall not be issued.

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

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

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

16 (2) This section does not apply to:

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

19 (b) Driver, passenger, and vehicle information and navigation
20 systems displaying information pertaining to vehicle location,
21 available routes and destinations, road layouts, weather
22 conditions, traffic and road conditions, and vehicle conditions.

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

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

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

11 (4) Upon receipt of a completed application, on a form
12 prescribed by the secretary of state, and payment of a fee of
13 \$10.00, the secretary of state may issue a special permit
14 authorizing a research vehicle to use the highways of this
15 state. A copy of the authority received by the applicant under
16 subsection (2)(c) shall be submitted as part of the application
17 for the special permit. The special permit may be in a form as
18 prescribed by, and shall be displayed on a research vehicle in a
19 manner determined by, the secretary of state. The special permit
20 shall expire upon completion of or expiration of the specific
21 test plan approved under subsection (2)(c), whichever occurs
22 first, and shall be immediately removed from the research vehicle
23 and destroyed. A special permit shall not be transferred to
24 another vehicle or person. The fee collected under this
25 subsection shall be credited to the Michigan transportation fund
26 and used to defray the expenses of the secretary of state in
27 administering the special permit program. In addition to a

1 special permit, the appropriate vehicle registration plate shall
2 be displayed on a research vehicle to use a highway of this
3 state.

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

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

13 Except as provided in subsection (16), the municipal judge or
14 clerk of the court of record shall prepare and forward to the
15 secretary of state an abstract of the court record as follows:

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

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

27 (c) Immediately for each case charging a violation of section

1 82127(1) or (3), 81134, or 81135 of the natural resources and
2 environmental protection act, 1994 PA 451, MCL 324.82127,
3 324.81134, and 324.81135, or a local ordinance substantially
4 corresponding to those sections.

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

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

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

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

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

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

27 (e) The date of the conviction, finding, forfeiture,

1 judgment, or civil infraction determination.

2 (f) Whether bail was forfeited.

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

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

8 (i) Other information considered necessary to the secretary
9 of state.

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

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

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

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

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

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

23 (f) A violation of motor carrier safety regulations, 49 CFR
24 392.10 or 392.11, as adopted by section 1a of the motor carrier
25 safety act of 1963, 1963 PA 181, MCL 480.11a.

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

1 (h) A violation of motor carrier safety regulations, 49 CFR
2 392.10 or 392.11, as adopted by section 31 of the motor bus
3 transportation act, 1982 PA 432, MCL 474.131.

4 (i) An attempt to violate, a conspiracy to violate, or a
5 violation of part 74 of the public health code, 1978 PA 368,
6 MCL 333.7401 to 333.7461, or a local ordinance that prohibits
7 conduct prohibited under part 74 of the public health code, 1978
8 PA 368, MCL 333.7401 to 333.7461, unless the convicted person is
9 sentenced to life imprisonment or a minimum term of imprisonment
10 that exceeds 1 year for the offense.

11 (j) An attempt to commit an offense described in subdivisions
12 (a) to (h).

13 (k) A violation of chapter LXXXVIII-A of the Michigan penal
14 code, 1931 PA 328, MCL 750.543a to 750.543z.

15 (l) A violation of section 3101, 3102(1), or 3103 of the
16 insurance code of 1956, 1956 PA 218, MCL 500.3101, 500.3102, and
17 500.3103.

18 **(m) A violation listed as a disqualifying offense under the**
19 **federal motor carrier safety regulations, 49 CFR 383.51.**

20 (5) Beginning September 1, 2004, the clerk of the court shall
21 also forward an abstract of the court record to the secretary of
22 state if a person has pled guilty to, or offered a plea of
23 admission in a juvenile proceeding for, a violation of section
24 703 of the Michigan liquor control code of 1998, 1998 PA 58, MCL
25 436.1703, or a local ordinance substantially corresponding to
26 that section, and has had further proceedings deferred under that
27 section. If the person is sentenced to a term of probation and

1 terms and conditions of probation are fulfilled and the court
2 discharges the individual and dismisses the proceedings, the
3 court shall also report the dismissal to the secretary of state.

4 (6) As used in subsections (7) to (9), "felony in which a
5 motor vehicle was used" means a felony during the commission of
6 which the person operated a motor vehicle and while operating the
7 vehicle presented real or potential harm to persons or property
8 and 1 or more of the 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
11 felony.

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

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

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

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

26 (8) If a juvenile is accused of an act, the nature of which
27 constitutes a felony in which a motor vehicle was used, other

1 than a felony specified in subsection (4) or section 319, the
2 prosecuting attorney or family division of circuit court shall
3 include the following statement on the petition filed in the
4 court:

5 "You are accused of an act the nature of which constitutes a
6 felony in which a motor vehicle was used. If the accusation is
7 found to be true and the judge or referee finds that the nature
8 of the act constitutes a felony in which a motor vehicle was
9 used, as defined in section 319 of the Michigan vehicle code,
10 1949 PA 300, MCL 257.319, your driver's license shall be
11 suspended by the secretary of state."

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

18 (10) As used in subsections (11) and (12), "felony in which a
19 commercial motor vehicle was used" means a felony during the
20 commission of which the person operated a commercial motor
21 vehicle and while the person was operating the vehicle 1 or more
22 of the following circumstances existed:

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

24 (b) The vehicle was used to transport a victim of the
25 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 (11) If a person is charged with a felony in which a
3 commercial motor vehicle was used and for which a vehicle group
4 designation on a license is subject to suspension or revocation
5 under section 319b(1) (c) (iii), 319b(1) (d), 319b(1) (e) (iii), or
6 319b(1) (f) (i), the prosecuting attorney shall include the
7 following statement on the complaint and information filed in
8 district or circuit court:

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

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

22 (13) Every person required to forward abstracts to the
23 secretary of state under this section shall certify for the
24 period from January 1 through June 30 and for the period from
25 July 1 through December 31 that all abstracts required to be
26 forwarded during the period have been forwarded. The
27 certification shall be filed with the secretary of state not

1 later than 28 days after the end of the period covered by the
2 certification. The certification shall be made upon a form
3 furnished by the secretary of state and shall include all of the
4 following:

5 (a) The name and title of the person required to forward
6 abstracts.

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

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

9 (d) The following statement:

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

14 (e) Other information the secretary of state considers
15 necessary.

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

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

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

27 (16) Except for controlled substance offenses described in

1 subsection (4), the court shall not submit, and the secretary of
2 state shall discard and not enter on the master driving record,
3 an abstract for a conviction or civil infraction determination
4 for any of the following violations:

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

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

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

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

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

21 (f) A violation of section 328(1) if, before the appearance
22 date on the citation, the person submits proof to the court that
23 the motor vehicle had insurance meeting the requirements of
24 sections 3101 and 3102 of the insurance code of 1956, 1956 PA
25 218, MCL 500.3101 and 500.3102, at the time the citation was
26 issued. Insurance obtained subsequent to the time of the
27 violation does not make the violation an exception under this

1 subsection.

2 (g) A violation described in section 319b(4) (b) (vii) if,
3 before the court appearance date or date fines are to be paid,
4 the person submits proof to the court that he or she held a valid
5 commercial driver license on the date the citation was issued.

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

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

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

1 connection with the record of the conviction or civil infraction
2 determination.

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

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

27 (22) ~~—(21)—~~ Except as provided in this act and

1 notwithstanding any other provision of law, a court shall not
2 order expunction of any violation reportable to the secretary of
3 state under this section.

4 Sec. 812. (1) ~~For~~ **Except as otherwise provided in**
5 **subsection (2), for** each duplicate license as provided in section
6 313, and for each correction of a license, a person may apply for
7 renewal of the license and pay the renewal fee prescribed in this
8 act or the person may, at his or her option and upon payment of
9 the fee prescribed in this section, apply for a duplicate license
10 which expires on the same date as the license which was lost,
11 destroyed, mutilated, or became illegible. **The secretary of**
12 **state may check the applicant's driving record through the**
13 **national driver register and the commercial driver license**
14 **information system before issuing a license under this section.**
15 The fee for a duplicate chauffeur's license shall be \$18.00. The
16 fee for a duplicate operator's license shall be \$9.00. ~~In the~~
17 ~~case of a person issued a 2-year license under section 314b, the~~
18 ~~secretary of state may determine whether the license shall be~~
19 ~~renewed for 2 years or 4 years.~~ A renewal fee shall not be
20 charged for a change of address or a correction required to
21 correct a department error.

22 (2) **Except with regard to a person who is less than 21 years**
23 **of age or a person with a license containing a hazardous material**
24 **indorsement, for each duplicate license as provided in section**
25 **313, and for each correction of a license, a person shall apply**
26 **for renewal of the license and pay the renewal fee prescribed in**
27 **this act if the license was due to expire within the next 12**

1 months. Except as otherwise provided in this act, a license
2 renewed under this subsection shall be renewed for the combined
3 period of the time remaining on the license before its renewal
4 and the 4-year renewal period.

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

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

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

25 (a) For a first violation, by imprisonment for not more than
26 93 days or a fine of not more than \$500.00, or both. Unless the
27 vehicle was stolen or used with the permission of a person who

1 did not knowingly permit an unlicensed driver to operate the
2 vehicle, the registration plates of the vehicle shall be canceled
3 by the secretary of state upon notification by a peace officer.

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

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

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

1 function" includes, but is not limited to, 1 or more of the
2 following:

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

4 (b) Loss of a foot, hand, finger, or thumb or loss of use of
5 a foot, hand, finger, or thumb.

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

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

8 (e) Serious visible disfigurement.

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

10 (g) Measurable brain or mental impairment.

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

12 (i) Subdural hemorrhage or subdural hematoma.

13 (6) In addition to being subject to any other penalty

14 provided for in this act, if a person is convicted under

15 subsection (4) or (5), the court may impose the sanction

16 permitted under section 625n. If the vehicle is not ordered

17 forfeited under section 625n, the court shall order vehicle

18 immobilization under section 904d in the judgment of sentence.

19 (7) A person shall not knowingly permit a motor vehicle owned

20 by the person to be operated upon a highway or other place open

21 to the general public or generally accessible to motor vehicles,

22 including an area designated for the parking of vehicles, within

23 this state, by a person whose license or registration certificate

24 is suspended or revoked, whose application for license has been

25 denied, or who has never been licensed except as permitted by

26 this act. If a person permitted to operate a motor vehicle in

27 violation of this subsection causes the serious impairment of a

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

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

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

- 22 (a) An abstract of conviction.
23 (b) A copy of the defendant's driving record.
24 (c) An admission by the defendant.

25 (10) Upon receiving a record of a person's conviction or
26 civil infraction determination for the unlawful operation of a
27 motor vehicle or a moving violation reportable under section 732

1 while the person's operator's or chauffeur's license is suspended
2 or revoked, the secretary of state immediately shall impose an
3 additional like period of suspension or revocation. This
4 subsection applies only if the violation occurs during a
5 suspension of definite length or if the violation occurs before
6 the person is approved for a license following a revocation.

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

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

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

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

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

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

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

26 (17) If a person has a second or subsequent suspension or
27 revocation under this section within 7 years as indicated on the

1 person's Michigan driving record, the court shall proceed as
2 provided in section 904d.

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

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

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