

**MICHIGAN VEHICLE CODE (EXCERPT)**  
**Act 300 of 1949**

CHAPTER III  
OPERATOR'S AND CHAUFFEUR'S LICENSE

**257.301 Valid operator's or chauffeur's license required; group designation and indorsements; surrender of other valid licenses; notice; number of licenses permitted; certifying nonpossession of valid license.**

Sec. 301. (1) Except as provided in this act, a person shall not drive a motor vehicle upon a highway in this state unless that person has a valid operator's or chauffeur's license with the appropriate group designation and indorsements for the type or class of vehicle being driven or towed. A resident of this state holding a commercial driver's license group indorsement issued by another state shall apply for a license transfer within 30 days after establishing domicile in this state.

(2) A person shall not receive a license to operate a motor vehicle until that person surrenders to the secretary of state all valid licenses to operate a motor vehicle issued to that person by this or any state or certifies that he or she does not possess a valid license. The secretary of state shall notify the issuing state that the licensee is now licensed in this state.

(3) A person shall not have more than 1 valid driver's license.

(4) A person shall not drive a motor vehicle as a chauffeur unless that person holds a valid chauffeur's license. A person shall not receive a chauffeur's license until that person surrenders to the secretary of state a valid operator's or chauffeur's license issued to that person by this or any state or certifies that he or she does not possess a valid license.

(5) A person holding a valid chauffeur's license need not procure an operator's license.

**History:** 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1967, Act 7, Imd. Eff. Apr. 21, 1967;—Am. 1978, Act 139, Eff. May 1, 1979;—Am. 1980, Act 398, Eff. Mar. 31, 1981;—Am. 1988, Act 346, Eff. Jan. 1, 1990;—Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011.

**Compiler's note:** Section 2 of Act 346 of 1988 provides:

“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”

Section 2 of Act 173 of 1989 provides:

“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

**257.302 Operators' and chauffeurs' licenses; persons exempt.**

Sec. 302. The following persons are exempt from obtaining a license under this chapter:

(a) A person serving in the armed forces of the United States if furnished with a driver's permit and operating an official motor vehicle in that service or a person who is a military driver and operates a commercial motor vehicle for a military purpose. This exemption applies to active duty military personnel, members of the military reserves, active duty United States coast guard personnel, and members of the national guard while on active duty, including, but not limited to, personnel on full-time national guard duty, personnel on part-time national guard training, and national guard military technicians who are civilians required to wear military uniforms. This exemption does not apply to any of the following:

(i) United States reserve technicians.

(ii) Except as otherwise provided in this subdivision, a person who is a civilian and in the employ of the armed forces of the United States.

(b) A person while driving or operating a road roller, a snow motor, road machinery, or a farm tractor or implement of husbandry temporarily drawn, moved, or propelled on a highway, if the person is a citizen of the United States or is otherwise eligible to be issued an operator's license or chauffeur's license under section 307(1).

(c) A nonresident who is not less than 16 years of age and who has been licensed either as an operator or a chauffeur under a law requiring the licensing of operators or chauffeurs in his or her home state and who has in his or her immediate possession either a valid operator's or a valid chauffeur's license issued to him or her in his or her home state.

(d) A nonresident who is over the age of 17 years, whose home state does not require the licensing of operators, may operate a motor vehicle as an operator only, for a period of not more than 90 days in any

calendar year, if all of the following apply:

- (i) The motor vehicle is registered in the home state or country of the nonresident.
- (ii) The nonresident has in his or her immediate possession a registration card evidencing ownership and registration of the motor vehicle in his or her home state or country, or is able at any time or place required to prove lawful possession or the right to operate the motor vehicle and to establish his or her proper identity.
- (iii) The nonresident is a citizen of the United States or is otherwise eligible to be issued an operator's license or chauffeur's license under section 307(1).
- (e) A person who is a member of the armed forces of the United States on official leave, who on the date of his or her orders granting leave possessed an operator's or chauffeur's license, valid except for the expiration date of the license. This exemption applies only to the person's first leave of absence following the expiration of his or her license and exempts the person from the provisions of this act for a period not to exceed 30 days.
- (f) A person who is a discharged member of the armed forces of the United States, who on the date of his or her discharge possesses an operator's or chauffeur's license, valid except for the expiration date, for a period not to exceed 30 days from date of discharge.
- (g) A person who is a member of the armed forces of the United States, stationed in this state, who resides in another state and has a valid license issued by the state in which he or she resides.
- (h) A person while operating a commercial motor vehicle in the course of a driving test administered by a certified examiner appointed by the secretary of state and while accompanied by the examiner, if the person is a citizen of the United States or is otherwise eligible to be issued an operator's license or chauffeur's license under section 307(1).

(i) A person while operating a commercial motor vehicle who is not disqualified from operating a commercial motor vehicle and who holds a commercial driver license that is issued to him or her by another state or jurisdiction under 49 CFR part 383.

**History:** 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1968, Act 90, Imd. Eff. June 4, 1968;—Am. 1972, Act 89, Imd. Eff. Mar. 20, 1972;—Am. 1991, Act 100, Eff. Jan. 1, 1993;—Am. 2006, Act 298, Imd. Eff. July 20, 2006;—Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008.

\*\*\*\*\* 257.302a THIS SECTION IS AMENDED 91 DAYS AFTER ADJOURNMENT OF THE 2016 REGULAR SESSION SINE DIE: See 257.302a.amended \*\*\*\*\*

### **257.302a Reciprocal operating privileges.**

Sec. 302a. (1) Except as otherwise provided by this act, a nonresident operator of a motor vehicle who is the holder of a license to operate a motor vehicle in the country in which he or she resides is not required to obtain a license to operate a passenger vehicle within this state, if he or she does not receive compensation for such operation. This subsection does not apply unless all of the following conditions have been satisfied:

(a) The secretary of state determines that the standards of the other country for licensing operators correspond substantially to those of this state and that the other country extends the same privileges to persons licensed to operate vehicles by this state.

(b) The secretary of state and the other country have exchanged letters confirming the reciprocal extension of privileges to operate vehicles.

(2) The secretary of state shall publish on its public internet site a list of the countries for which reciprocal operating privileges have been extended and withdrawn. If any changes are made, a revised list shall be mailed to the courts, prosecuting attorneys, and law enforcement agencies of this state.

**History:** Add. 1990, Act 181, Imd. Eff. July 18, 1990;—Am. 2006, Act 298, Imd. Eff. July 20, 2006.

\*\*\*\*\* 257.302a.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2016 REGULAR SESSION SINE DIE \*\*\*\*\*

### **257.302a.amended Nonresident using license to operate motor vehicle issued by another country; establishment of unique driver record; reciprocal agreement.**

Sec. 302a. (1) Except as otherwise provided by this act, and as provided in this section, a nonresident operator of a motor vehicle who is the holder of a license to operate a motor vehicle issued by a country other than the United States is not required to obtain a license to operate a passenger vehicle in this state if he or she does not receive compensation for such operation. The nonresident operator may operate a motor vehicle in compliance with otherwise applicable state and federal law using the license to operate a motor vehicle issued by a country other than the United States if the country that issued the nonresident operator's license is a party to an international treaty, convention, or agreement regulating traffic, driving, or the operation of motor vehicles to which the United States or this state is also a party, according to the terms of that treaty, convention, or agreement. If the issuing country is not a party to a treaty, convention, or agreement described

in this subsection, the nonresident operator may operate a motor vehicle using the license issued by his or her home country if he or she would otherwise be able to satisfy the requirements of section 307(1) except for any requirement to establish an address in this state or residency. While operating a passenger vehicle in this state, a nonresident operator who is the holder of a license to operate a motor vehicle issued by a country other than the United States shall have in his or her immediate possession his or her valid license to operate a motor vehicle issued by that country and, if no English translation appears on the front or back of the license, 1 of the following:

(a) A valid international driving permit.

(b) If the license to operate a motor vehicle is issued by a country that does not permit the issuance of an international driving permit, a document containing a photo and an English translation that substantially corresponds to an international driving permit, which shall be used solely to properly identify the individual appearing on the license for the purpose of enforcing this act.

(2) The secretary of state shall establish a unique driver record for an individual upon receipt of an abstract of conviction for any offense committed in violation of this act by that individual who is operating a motor vehicle in this state as provided in subsection (1). The operation of a motor vehicle in this state by an individual who possesses a valid license to operate a motor vehicle issued by a country other than the United States is subject to this act.

(3) An individual for whom a unique driver record has been created under subsection (2) is subject to all fees, fines, restrictions, and enforcement as if he or she were licensed under this act.

(4) Nothing in this section prohibits the secretary of state from entering into a reciprocal agreement and exchanging letters confirming the extension of privileges to operate vehicles with another country.

(5) The secretary of state shall publish on its website a list of the countries with which it has entered into a reciprocal agreement described in subsection (4).

**History:** Add. 1990, Act 181, Imd. Eff. July 18, 1990;—Am. 2006, Act 298, Imd. Eff. July 20, 2006;—Am. 2016, Act 138, Eff. (since die).

### **257.303 Operator's or chauffeur's license; issuance; prohibitions; revocation; denial of license; multiple convictions or civil infractions; "felony in which a motor vehicle was used" defined.**

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

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

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

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

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

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

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

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

(h) A nonresident, including, but not limited to, a foreign exchange student.

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

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

licensed at the time of the violation.

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

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

(m) A person whose commercial driver license application is canceled under section 324(2).

(n) Unless otherwise eligible under section 307(1), a person who is not a citizen of the United States.

(2) Upon receiving the appropriate records of conviction, the secretary of state shall revoke the operator's or chauffeur's license of a person and deny issuance of an operator's or chauffeur's license to a person having any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, a law of another state substantially corresponding to a law of this state, or, beginning October 31, 2010, a law of the United States substantially corresponding to a law of this state:

(a) Any combination of 2 convictions within 7 years for reckless driving in violation of section 626 before October 31, 2010 or, beginning October 31, 2010, 626(2).

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

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

(ii) A violation or attempted violation of section 601b(2) or (3), section 601c(1) or (2), section 602a(4) or (5), section 617, section 653a(3) or (4), or section 904(4) or (5).

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

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

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

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

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

(iii) A violation or attempted violation of former section 625b.

(d) One conviction for a violation or attempted violation of section 315(5), section 601b(3), section 601c(2), section 602a(4) or (5), section 617, section 625(4) or (5), section 653a(4), section 904(4) or (5), or, beginning October 31, 2010, section 626(3) or (4).

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

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

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

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

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

(iii) A violation or attempted violation of former section 625b.

(3) The secretary of state shall revoke a license under subsection (2) notwithstanding a court order unless the court order complies with section 323.

(4) Except as otherwise provided under section 304, the secretary of state shall not issue a license under this act to a person whose license has been revoked under this act or revoked and denied under subsection (2) until all of the following occur, as applicable:

(a) The later of the following:

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

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

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

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

(5) The secretary of state may deny issuance of an operator's license as follows:

(a) Until the age of 17, to a person not licensed under this act who was convicted of or received a juvenile disposition for violating or attempting to violate section 411a(2) of the Michigan penal code, 1931 PA 328, MCL 750.411a, involving a school when he or she was less than 14 years of age. A person not issued a license under this subdivision is not eligible to begin graduated licensing training until he or she attains 16 years of age.

(b) To a person less than 21 years of age not licensed under this act who was convicted of or received a juvenile disposition for violating or attempting to violate section 411a(2) of the Michigan penal code, 1931 PA 328, MCL 750.411a, involving a school when he or she was 14 years of age or older, until 3 years after the date of the conviction or juvenile disposition. A person not issued a license under this subdivision is not eligible to begin graduated licensing training or otherwise obtain an original operator's or chauffeur's license until 3 years after the date of the conviction or juvenile disposition.

(6) The secretary of state shall deny issuance of a vehicle group designation to a person under either of the following circumstances:

(a) The person has been disqualified by the United States secretary of transportation from operating a commercial motor vehicle.

(b) Beginning on and after January 30, 2012, the person does not meet the requirements of the federal regulations under parts 383 and 391 by refusing to certify the type of commercial motor vehicle operation the person intends to perform and, if required, fails to present to the secretary of state a valid medical certification.

(7) Multiple convictions or civil infraction determinations resulting from the same incident shall be treated as a single violation for purposes of denial or revocation of a license under this section.

(8) As used in this section, "felony in which a motor vehicle was used" means a felony during the commission of which the person operated a motor vehicle and while operating the vehicle presented real or potential harm to persons or property and 1 or more of the following circumstances existed:

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

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

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

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

**History:** 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1961, Act 123, Eff. Sept. 8, 1961;—Am. 1978, Act 139, Eff. May 1, 1979;—Am. 1978, Act 391, Eff. Jan. 15, 1979;—Am. 1980, Act 515, Eff. Apr. 1, 1981;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1983, Act 216, Imd. Eff. Nov. 11, 1983;—Am. 1988, Act 346, Eff. Jan. 1, 1990;—Am. 1991, Act 98, Eff. Jan. 1, 1992;—Am. 1993, Act 359, Eff. Sept. 1, 1994;—Am. 1994, Act 449, Eff. May 1, 1995;—Am. 1996, Act 387, Eff. Apr. 1, 1997;—Am. 1996, Act 493, Eff. Apr. 1, 1997;—Am. 1996, Act 587, Eff. June 1, 1997;—Am. 1998, Act 351, Eff. Oct. 1, 1999;—Am. 1999, Act 73, Eff. Oct. 1, 1999;—Am. 2000, Act 460, Eff. Mar. 28, 2001;—Am. 2001, Act 103, Eff. Oct. 1, 2001;—Am. 2001, Act 159, Eff. Feb. 1, 2002;—Am. 2002, Act 422, Eff. Oct. 1, 2002;—Am. 2003, Act 61, Eff. Sept. 30, 2003;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2005, Act 142, Imd. Eff. Sept. 29, 2005;—Am. 2006, Act 298, Imd. Eff. July 20, 2006;—Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008;—Am. 2008, Act 462, Eff. Oct. 31, 2010;—Am. 2008, Act 463, Eff. Oct. 31, 2010;—Am. 2010, Act 155, Eff. Jan. 1, 2011;—Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011;—Am. 2012, Act 306, Imd. Eff. Oct. 1, 2012;—Am. 2012, Act 498, Eff. Mar. 28, 2013.

**Compiler's note:** Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public

Acts of 1988 shall take effect January 1, 1990.

“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

**257.303a Suspension, revocation, denial, disqualification, or cancellation of license by another state.**

Sec. 303a. Except as otherwise provided in this act, the suspension, revocation, denial, disqualification, or cancellation of an operator's license, chauffeur's license, or commercial driver license by another state or the United States shall run concurrently with a suspension, revocation, denial, disqualification, or cancellation of an operator's license, chauffeur's license, or commercial driver license by this state that is imposed for the same offense.

**History:** Add. 2006, Act 298, Imd. Eff. July 20, 2006.

**Compiler's note:** Former MCL 257.303a, which pertained to mental or physical infirmities or disabilities, was repealed by Act 76 of 1989, Imd. Eff. June 16, 1989.

**257.304 Restricted license; issuance; conditions; carrying and displaying restricted license; order; prohibition; completion of DWI/sobriety court program and certificate as evidence of abstinence; "certificate" defined; imposition of license sanctions; completion of DWI/sobriety court program; disposition of driver responsibility fees; exemption from immobilization or forfeiture; applicability of section; definitions.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) Section 323c.

(i) Section 625f.

(j) Section 732a(5).

(k) Section 904(10).

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

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

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

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

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

- (b) To and from any combination of the following:
- (i) The person's residence.
  - (ii) The person's work location.
  - (iii) An alcohol, drug, or mental health education and treatment as ordered by the court.
  - (iv) Alcoholics anonymous, narcotics anonymous, or other court-ordered self-help programs.
  - (v) Court hearings and probation appointments.
  - (vi) Court-ordered community service.
  - (vii) An educational institution at which the person is enrolled as a student.
  - (viii) A place of regularly occurring medical treatment for a serious condition or medical emergency for the person or a member of the person's household or immediate family.
  - (ix) Alcohol or drug testing as ordered by the court.
  - (x) Ignition interlock service provider as required.
- (5) While driving with a restricted license, the person shall carry proof of his or her destination and the hours of any employment, class, or other reason for traveling and shall display that proof upon a peace officer's request.
- (6) Except as otherwise provided in this section, a restricted license issued under subsection (1) is effective until a hearing officer orders an unrestricted license under section 322. Subject to subsection (7), the hearing officer shall not order an unrestricted license until the later of the following events occurs:
- (a) The court notifies the secretary of state that the person has successfully completed the DWI/sobriety court program.
  - (b) The minimum period of license sanction that would have been imposed under section 303 or 319 but for this section has been completed.
  - (c) The person demonstrates that he or she has operated with an ignition interlock device for not less than 1 year.
  - (d) The person satisfies the requirements of section 303 and R 257.313 of the Michigan administrative code.
- (7) A hearing officer shall not issue an unrestricted license for at least 1 year if either of the following applies:
- (a) The hearing officer determines that the person consumed any alcohol during the period that his or her license was restricted under this section, as determined by breath, blood, urine, or transdermal testing unless a second test, administered within 5 minutes after administering the first test, showed an absence of alcohol.
  - (b) The hearing officer determines that the person consumed or otherwise used any controlled substance during the period that his or her license was restricted under this section, except as lawfully prescribed.
- (8) In determining whether to order an unrestricted license under subsection (6), the successful completion of the DWI/sobriety court program and a certificate from the DWI/sobriety court judge shall be considered positive evidence of the petitioner's abstinence while the petitioner participated in the DWI/sobriety court program. This subsection does not apply to a determination made under subsection (7). As used in this subsection, "certificate" includes, but is not limited to, a statement that the participant has maintained a period of abstinence from alcohol for not less than 6 months at the time the participant completed the DWI/sobriety court program.
- (9) If the secretary of state receives a notification from the DWI/sobriety court under section 1084(6) of the revised judicature act of 1961, 1961 PA 236, MCL 600.1084, the secretary of state shall summarily impose 1 of the following license sanctions, as applicable:
- (a) Suspension for the full length of time provided under section 319(8). However, a restricted license shall not be issued as provided under section 319(8). This subdivision applies if the underlying conviction or convictions would have subjected the person to a license sanction under section 319(8) if this section did not apply.
  - (b) A license revocation and denial for the full length of time provided under section 303. The minimum period of license revocation and denial imposed shall be the same as if this section did not apply. This subdivision applies if the underlying conviction or convictions would have caused a license revocation and denial under section 303 if this section did not apply.
- (10) After the person completes the DWI/sobriety court program, the following apply:
- (a) The secretary of state shall postpone considering the issuance of an unrestricted license under section 322 for a period of 3 months for each act that would be a minor violation if the person's license had been issued under section 322(6). As used in this subdivision, "minor violation" means that term as defined in R 257.301a of the Michigan administrative code.
  - (b) The restricted license issued under this section shall be suspended or revoked or denied as provided in subsection (9), unless set aside under section 322(5), if any of the following events occur:

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

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

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

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

(A) Section 625.

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

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

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

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

(11) All driver responsibility fees required to be assessed by the secretary of state under section 732a for the conviction or convictions that led to the restricted license under this section shall be held in abeyance as follows:

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

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

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

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

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

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

(14) As used in this section:

(a) "DWI/sobriety court" means that term as defined in section 1084 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1084.

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

**History:** Add. 2010, Act 155, Eff. Jan. 1, 2011;—Am. 2012, Act 306, Imd. Eff. Oct. 1, 2012;—Am. 2012, Act 498, Eff. Mar. 28, 2013;—Am. 2013, Act 226, Imd. Eff. Dec. 26, 2013;—Am. 2016, Act 32, Eff. June 6, 2016.

**Compiler's note:** Former MCL 257.304, which pertained to report of name change, was repealed by Act 172 of 2000, Imd. Eff. June 20, 2000.

Enacting section 1 of Act 32 of 2016 provides:

"Enacting section 1. R 257.1005 and R 257.1006 of the Michigan Administrative Code are rescinded."

### **257.305, 257.305a Repealed. 1990, Act 188, Eff. Aug. 15, 1990.**

**Compiler's note:** The repealed sections pertained to qualifications of school bus drivers.

### **257.306 Temporary instruction permit; operation of motor vehicle without operator's license or permit; temporary driver education certificate; motorcycle temporary instruction permit.**

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

(2) The secretary of state may issue an original operator's license and designate level 1, 2, or 3 graduated licensing provisions to a person who is less than 18 years of age, has been licensed in another state or country,

and has satisfied the applicable requirements of section 310e.

(3) A student enrolled in a driver education course as defined in section 3 of the driver education provider and instructor act, 2006 PA 384, MCL 256.623, or a motorcycle safety course approved by the department of state may operate a motor vehicle that does not require a group designation under section 312e without holding an operator's license or permit while under the direct supervision of the program instructor.

(4) A student enrolled in a driver education course as defined in section 3 of the driver education provider and instructor act, 2006 PA 384, MCL 256.623, and who has successfully completed 10 hours of classroom instruction and the equivalent of 2 hours of behind-the-wheel training may be issued a temporary driver education certificate furnished by the department of state that authorizes a student to drive a motor vehicle, other than a motor vehicle requiring an indorsement under section 312a or a vehicle group designation under section 312e, when accompanied by a licensed parent or guardian, or when accompanied by a nonlicensed parent or guardian and a licensed adult for the purpose of receiving additional instruction until the end of the student's driver education course.

(5) Beginning January 1, 2015, the secretary of state, upon receiving proper application from a person 16 or 17 years of age who is enrolled in or has successfully completed an approved motorcycle safety course under section 811a, or a person who is 18 years of age or older and who holds a valid operator's or chauffeur's license, may issue a motorcycle temporary instruction permit entitling the applicant, while carrying the permit, to operate a motorcycle upon the public streets and highways for a period of 180 days under the following conditions:

(a) The applicant shall operate the motorcycle under the constant visual supervision of a licensed motorcycle operator who is at least 18 years of age.

(b) The applicant shall not operate the motorcycle at night.

(c) The applicant shall not operate the motorcycle with a passenger.

(d) The applicant shall not be eligible for more than 2 motorcycle temporary instruction permits in a 10-year period.

**History:** 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1956, Act 60, Imd. Eff. Apr. 2, 1956;—Am. 1957, Act 141, Imd. Eff. May 28, 1957;—Am. 1972, Act 61, Imd. Eff. Mar. 1, 1972;—Am. 1976, Act 24, Imd. Eff. Feb. 27, 1976;—Am. 1978, Act 139, Eff. May 1, 1979;—Am. 1979, Act 8, Imd. Eff. May 1, 1979;—Am. 1980, Act 174, Imd. Eff. June 23, 1980;—Am. 1980, Act 335, Imd. Eff. Dec. 23, 1980;—Am. 1982, Act 187, Eff. Jan. 1, 1984;—Am. 1988, Act 346, Eff. Jan. 1, 1990;—Am. 1996, Act 387, Eff. Apr. 1, 1997;—Am. 1999, Act 40, Imd. Eff. June 9, 1999;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2004, Act 71, Imd. Eff. Apr. 20, 2004;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2006, Act 298, Imd. Eff. July 20, 2006;—Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011;—Am. 2014, Act 120, Eff. Jan. 1, 2015;—Am. 2015, Act 11, Eff. July 8, 2015.

**Compiler's note:** Section 2 of Act 346 of 1988 provides:

“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”

Section 2 of Act 173 of 1989 provides:

“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

### **257.306a Commercial learner's permit.**

Sec. 306a. (1) The secretary of state may issue a commercial learner's permit entitling a person to drive a vehicle requiring a vehicle group designation or indorsement under section 312e if all of the following apply:

(a) The person submits a proper application and meets the requirements of 49 CFR part 383.

(b) The person is 18 years of age or older.

(c) The person holds a valid operator's or chauffeur's license that is not a restricted license.

(d) The person passes the knowledge tests for an original vehicle group designation or indorsement, as required by 49 CFR part 383.

(e) If the person is applying for a hazardous materials indorsement, he or she has been approved for the hazardous materials indorsement by the federal transportation security administration.

(2) A person issued a commercial learner's permit under subsection (1), or an equivalent commercial learner's permit issued by another jurisdiction, may operate a vehicle requiring a vehicle group designation or indorsement under section 312e, if all of the following apply:

(a) The person has the permit and a valid operator's or chauffeur's license in his or her possession while operating the vehicle.

(b) The person is accompanied by an instructor certified under the driver education provider and instructor

act, 2006 PA 384, MCL 256.621 to 256.705, or an adult with a valid operator's or chauffeur's license, and all of the following apply:

(i) The instructor or licensed adult has in his or her possession a valid license with a vehicle group designation and any indorsement necessary to operate the vehicle as provided in section 312e.

(ii) The instructor or licensed adult is at all times physically present in the front seat of the vehicle next to the operator or, in the case of a passenger vehicle, directly behind the operator or in the first row behind the operator.

(iii) The instructor or licensed adult has the operator under observation and direct supervision.

(c) The person shall not operate a vehicle transporting hazardous materials as defined in 49 CFR part 383.

(d) If the person has a permit to operate a tank vehicle, the person may only operate an empty tank vehicle and shall not operate any tank vehicle that previously contained hazardous materials unless the tank has been purged of all hazardous material residue.

(e) If the person has a permit to operate a vehicle designed to carry 16 or more passengers or a school bus, the person shall not operate a vehicle designed to carry 16 or more passengers or a school bus with any passengers other than the following individuals:

(i) The instructor or licensed adult described in this section.

(ii) Federal or state auditors or inspectors.

(iii) Test examiners.

(iv) Other trainees.

(3) A commercial learner's permit issued under this section is valid for 180 days from the date of issuance. A person may apply 1 time to renew the permit for an additional 180 days without taking the knowledge tests described in subsection (1) if the person applies for the renewal before the expiration of the original permit.

**History:** Add. 2015, Act 11, Eff. July 8, 2015.

**257.307 Application for operator's or chauffeur's license to operate noncommercial motor vehicle; documents to be supplied to verify citizenship or identity and legal presence; manner; contents; image and signature; equipment; signature and certification; application fee; duties of secretary of state; donor registry; driving record from another jurisdiction; operation of commercial motor vehicle; application for original, renewal, or upgrade of vehicle group designation or indorsement; verification of identity and citizenship or residency; issuing renewal license by mail or other methods; information manual; social security number; electronic access to donor registry; agreements with federal government; termination of license issued by another state; duties of secretary of state; access to prisoner information.**

Sec. 307. (1) If an applicant for an operator's license or chauffeur's license to operate a noncommercial motor vehicle is a citizen of the United States, the applicant shall supply a photographic identity document, a birth certificate, or other sufficient documents as the secretary of state may require, to verify the identity and citizenship of the applicant. If an applicant for an operator's or chauffeur's license is not a citizen of the United States, the applicant shall supply a photographic identity document and other sufficient documents to verify the identity of the applicant and the applicant's legal presence in the United States under subdivision (b). The documents required under this subsection shall include the applicant's full legal name, date of birth, and address and residency and demonstrate that the applicant is a citizen of the United States or is legally present in the United States. If the applicant's full legal name differs from the name of the applicant that appears on a document presented under this subsection, the applicant shall present documents to verify his or her current full legal name. The secretary of state shall accept as 1 of the required identification documents an identification card issued by the department of corrections to prisoners who are placed on parole or released from a correctional facility, containing the prisoner's legal name, photograph, and other information identifying the prisoner as provided in section 37(4) of the corrections code of 1953, 1953 PA 232, MCL 791.237. An application for an operator's or chauffeur's license shall be made in a manner prescribed by the secretary of state and shall contain all of the following:

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

(b) If the applicant is not a citizen of the United States, the applicant shall provide, and the department shall verify, documents demonstrating his or her legal presence in the United States. Nothing in this act shall

obligate or be construed to obligate this state to comply with title II of the real ID act of 2005, Public Law 109-13. The secretary of state may adopt rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, as are necessary for the administration of this subdivision. A determination by the secretary of state that an applicant is not legally present in the United States may be appealed under section 631 of the revised judicature act of 1961, 1961 PA 236, MCL 600.631.

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

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

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

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

(i) The applicant meets the applicable federal driver qualification requirements under 49 CFR parts 383 and 391 or meets the applicable qualifications of the department of state police under the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25.

(ii) The vehicle in which the applicant will take the driving 28 skills tests is representative of the type of vehicle the applicant operates or intends to operate.

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

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

(f) An applicant for an operator's or chauffeur's license with a vehicle group designation and a hazardous material indorsement shall provide his or her fingerprints as prescribed by state and federal law.

(2) An applicant for an operator's or chauffeur's license may have his or her image and signature captured or reproduced when the application for the license is made. The secretary of state shall acquire equipment purchased or leased under this section under standard purchasing procedures of the department of technology, management, and budget based on standards and specifications established by the secretary of state. The secretary of state shall not purchase or lease equipment until an appropriation for the equipment has been made by the legislature. A digital photographic image and signature captured under this section shall appear on the applicant's operator's license or chauffeur's license. A person's digital photographic image and signature shall be used as follows:

(a) By a federal, state, or local governmental agency for a law enforcement purpose authorized by law.

(b) By the secretary of state for a use specifically authorized by law.

(c) By the secretary of state for forwarding to the department of state police the images of persons required to be registered under the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, upon the department of state police providing the secretary of state an updated list of the names of those persons.

(d) As necessary to comply with a law of this state or of the United States.

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

(4) In conjunction with the application for an operator's license or chauffeur's license, the secretary of state shall do all of the following:

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

(i) Information explaining the applicant's right to make an anatomical gift in the event of death in accordance with section 310.

(ii) Information describing the anatomical gift donor registry program under part 101 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10123. The information required under this subparagraph includes the address and telephone number of Michigan's federally designated organ procurement organization or its successor organization as defined in section 10102 of the public health code, 1978 PA 368, MCL 333.10102.

(iii) Information giving the applicant the opportunity to be placed on the donor registry described in subparagraph (ii).

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

(c) Inform the applicant that, if he or she indicates to the secretary of state under this section a willingness to have his or her name placed on the donor registry described in subdivision (a)(ii), the secretary of state will mark the applicant's record for the donor registry.

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

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

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

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

(6) The secretary of state shall maintain a record of an individual who indicates a willingness to have his or her name placed on the donor registry described in subsection (4)(a)(ii). Information about an applicant's indication of a willingness to have his or her name placed on the donor registry that is obtained by the secretary of state under subsection (4) and forwarded under subsection (14) is exempt from disclosure under section 13(1)(d) of the freedom of information act, 1976 PA 442, MCL 15.243.

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

(8) If a person applies for a commercial learner's permit for an original vehicle group designation or indorsement to operate a commercial motor vehicle, the secretary of state may verify the person's identity, may require proof of Michigan domicile under 49 CFR 383.5, and may verify the person's proof of United States citizenship or proof of lawful permanent residency as required under 49 CFR 383.71 and 383.73, if that information is not on the person's Michigan driving record. If a person applies for a renewal of an operator's or chauffeur's license to operate a commercial motor vehicle, the secretary of state may verify the person's identity, may require proof of Michigan domicile under 49 CFR 383.5, and may verify the person's proof of citizenship or lawful permanent residency under 49 CFR 383.71 and 383.73, if that information is not on the person's Michigan driving record. If a person applies for an upgrade of a vehicle group designation or indorsement, the secretary of state may verify the person's identity, may require proof of Michigan domicile under 49 CFR 383.5, and may verify the person's proof of citizenship or lawful permanent residency under 49 CFR 383.71 and 383.73, if that information is not on the person's Michigan driving record. The secretary of state shall request the person's complete driving record from all states where the applicant was previously licensed to drive any type of motor vehicle over the last 10 years before issuing a vehicle group designation or indorsement to the applicant. If the applicant does not hold a valid commercial motor vehicle driver license from a state where he or she was licensed in the last 10 years, this complete driving record request must be made not earlier than 24 hours before the secretary of state issues the applicant a vehicle group designation or indorsement. For all other drivers, this request must be made not earlier than 10 days before the secretary of state issues the applicant a vehicle group designation or indorsement. If the application is for the renewal of a vehicle group designation or indorsement, and if the secretary of state enters on the person's driving record maintained under section 204a a notation that the request was made and the date of the request, the secretary of state is required to request the applicant's complete driving record from other states only once under this section. The secretary of state shall also check the applicant's driving record with the national driver register and the federal commercial driver license information system before issuing that group designation or indorsement.

(9) Except for a vehicle group designation or indorsement or as provided in this subsection or section 314(5), the secretary of state may issue a renewal operator's or chauffeur's license for 1 additional 4-year period or until the person is no longer determined to be legally present under this section by mail or by other methods prescribed by the secretary of state. The secretary of state may check the applicant's driving record through the national driver register and the commercial driver license information system before issuing a license under this section. The secretary of state shall issue a renewal license only in person if the person is a person required under section 5a of the sex offenders registration act, 1994 PA 295, MCL 28.725a, to maintain a valid operator's or chauffeur's license or official state personal identification card. If a license is renewed by mail or by other method, the secretary of state shall issue evidence of renewal to indicate the date the license expires in the future. The department of state police shall provide to the secretary of state updated lists of persons required under section 5a of the sex offenders registration act, 1994 PA 295, MCL 28.725a, to maintain a valid operator's or chauffeur's license or official state personal identification card.

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

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

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

(b) To carry out the purposes of section 466(a) of the social security act, 42 USC 666, in connection with matters relating to paternity, child support, or overdue child support.

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

(d) With the department of community health, for comparison with vital records maintained by the department of community health under part 28 of the public health code, 1978 PA 368, MCL 333.2801 to 333.2899.

(e) As otherwise required by law.

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

(13) A requirement under this section to include a social security number on an application does not apply to an applicant who demonstrates he or she is exempt under law from obtaining a social security number.

(14) As required in section 10120 of the public health code, 1978 PA 368, MCL 333.10120, the secretary of state shall maintain the donor registry in a manner that provides electronic access, including, but not limited to, the transfer of data to this state's federally designated organ procurement organization or its successor organization, tissue banks, and eye banks, in a manner that complies with that section.

(15) The secretary of state, with the approval of the state administrative board created under 1921 PA 2, MCL 17.1 to 17.3, may enter into agreements with the United States government to verify whether an applicant for an operator's license or a chauffeur's license under this section who is not a citizen of the United States is authorized under federal law to be present in the United States.

(16) The secretary of state shall not issue an operator's license or a chauffeur's license to a person holding an operator's license or chauffeur's license issued by another state without confirmation that the person is terminating or has terminated the operator's license or chauffeur's license issued by the other state.

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

(a) Ensure the physical security of locations where operator's licenses and chauffeur's licenses are produced and the security of document materials and papers from which operator's licenses and chauffeur's licenses are produced.

(b) Subject all persons authorized to manufacture or produce operator's licenses or chauffeur's licenses and all persons who have the ability to affect the identity information that appears on operator's licenses or chauffeur's licenses to appropriate security clearance requirements. The security requirements of this subdivision and subdivision (a) may require that licenses be manufactured or produced in this state.

(c) Provide fraudulent document recognition programs to department of state employees engaged in the issuance of operator's licenses and chauffeur's licenses.

(18) The secretary of state shall have electronic access to prisoner information maintained by the department of corrections for the purpose of verifying the identity of a prisoner who applies for an operator's or chauffeur's license under subsection (1).

**History:** 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1958, Act 217, Eff. Sept. 13, 1958;—Am. 1964, Act 260, Imd. Eff. June 3, 1964;—Am. 1967, Act 212, Eff. Nov. 2, 1967;—Am. 1972, Act 357, Imd. Eff. Jan. 9, 1973;—Am.

1975, Act 122, Imd. Eff. July 1, 1975;—Am. 1976, Act 358, Imd. Eff. Dec. 23, 1976;—Am. 1980, Act 174, Imd. Eff. June 23, 1980;—Am. 1982, Act 25, Imd. Eff. Mar. 4, 1982;—Am. 1983, Act 216, Imd. Eff. Nov. 11, 1983;—Am. 1984, Act 30, Eff. Apr. 28, 1984;—Am. 1988, Act 346, Eff. Jan. 1, 1990;—Am. 1989, Act 286, Imd. Eff. Dec. 26, 1989;—Am. 1990, Act 181, Imd. Eff. July 18, 1990;—Am. 1996, Act 205, Eff. Jan. 1, 1997;—Am. 1998, Act 120, Eff. July 3, 1998;—Am. 1998, Act 330, Imd. Eff. Aug. 10, 1998;—Am. 1999, Act 88, Eff. Sept. 1, 1999;—Am. 1999, Act 118, Eff. Apr. 1, 2000;—Am. 2001, Act 159, Imd. Eff. Nov. 6, 2001;—Am. 2002, Act 259, Imd. Eff. May 1, 2002;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2003, Act 152, Eff. Oct. 1, 2003;—Am. 2004, Act 52, Eff. May 1, 2004;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2004, Act 502, Imd. Eff. Dec. 29, 2004;—Am. 2005, Act 142, Imd. Eff. Sept. 29, 2005;—Am. 2006, Act 298, Imd. Eff. July 20, 2006;—Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008;—Am. 2008, Act 36, Imd. Eff. Mar. 17, 2008;—Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011;—Am. 2012, Act 26, Imd. Eff. Feb. 23, 2012;—Am. 2012, Act 55, Eff. June 30, 2012;—Am. 2015, Act 11, Eff. July 8, 2015.

**Compiler's note:** Section 2 of Act 216 of 1983 provides: "Not later than 2 years after the effective date of this amendatory act, the secretary of state shall report to the legislature regarding the effect on highway safety that eliminating the age requirement under subsection (5) has had."

Section 2 of Act 30 of 1984 provides: "The secretary of state shall implement section 307 as amended by this amendatory act beginning with operator's and chauffeur's licenses which expire on May 19, 1984."

Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

Enacting section 1 of Act 330 of 1998 provides:

"Enacting section 1. The family independence agency shall request from the federal government an exemption from the provisions regarding the recording of social security numbers added by this 1998 amendatory act, which are intended to be used for the collection of child support, as required by federal law in order for this state to receive certain federal funds. Upon the granting of the exemption, those provisions referred to by this enacting section shall not be utilized or enforced by the state or a local governmental entity."

In subsection (1)(e)(ii), the reference to "driving 28 skills tests" evidently should read "driving skills tests."

**Administrative rules:** R 460.16101 et seq. of the Michigan Administrative Code.

### **257.307a Operator or chauffeur license containing vehicle group designation; contents.**

Sec. 307a. For an operator or chauffeur license that contains a vehicle group designation, the secretary of state shall issue a license that contains the information required under this act and all of the following information:

(a) The name and address of residence of the licensee.

(b) Date of birth.

(c) Height and sex.

(d) Information required by the United States department of transportation under 49 CFR 383.153.

(e) In accordance with federal regulations, the vehicle group designation and any indorsement or restriction of a commercial motor vehicle the licensee is authorized to operate.

(f) The name of this state.

(g) The expiration date of the license.

**History:** Add. 1988, Act 346, Imd. Eff. Oct. 25, 1988;—Am. 2006, Act 298, Imd. Eff. July 20, 2006;—Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011.

**Compiler's note:** Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

### **257.307b Application by male for operator's license or chauffeur's license; registration of applicant with federal selective service system.**

Sec. 307b. (1) Beginning October 1, 2010, when any male citizen of the United States or a male immigrant to the United States who is less than 26 years of age applies for an operator's license or chauffeur's license, the secretary of state shall, with the applicant's consent, obtain the information that is necessary to register the

applicant with the federal selective service system in compliance with the requirements of 50 USC Appx 453, including, but not limited to, the applicant's social security number.

(2) Each application described in subsection (1) shall contain all of the following:

(a) A statement that, if the applicant gives his consent to the secretary of state to provide his registration information to the selective service system, the secretary of state is authorized to provide that information to the selective service system under this section.

(b) The following statement: "If I am less than 18 years of age and give my consent to the secretary of state to provide the information necessary to register me for selective service, I understand that I will automatically be registered for selective service when I become 18 years of age if required by federal law."

(c) A statement of the criminal penalties and other sanctions that apply for failing to register with selective service.

(d) The following statement: "I acknowledge having been given information regarding the penalties for not registering for selective service."

(e) A statement appearing in capitalized, bold-faced type that declining to give consent to registration under this section does not affect the applicant's privilege to receive an operator's or chauffeur's license.

(f) A location on the application where the applicant shall indicate that he either consents to forwarding his registration information to the selective service system or that he does not consent to forwarding his registration information to the selective service system.

(3) The secretary of state shall forward the information obtained under subsection (1) to the federal selective service system in a format consistent with selective service system requirements.

(4) The secretary of state shall not forward any information regarding an applicant who is less than 18 years of age to the selective service system under this section unless the applicant gives his consent to provide that information to the selective service system as provided in this section.

**History:** Add. 2006, Act 642, Eff. Oct. 1, 2010.

#### **257.308 Application of minor for operator's license; condition to approval; exception.**

Sec. 308. (1) The secretary of state shall not approve the application of a person who is 17 years of age or less for an operator's license unless the application is signed by the parent or guardian of the applicant and the person has satisfied the appropriate requirements of section 310e, or if the person does not have a parent or guardian, then a license shall not be granted to the person unless the application is signed by another responsible adult and the person has satisfied the appropriate requirements of section 310e.

(2) This section does not apply to minors emancipated under 1968 PA 293, MCL 722.1 to 722.6.

**History:** 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1958, Act 123, Eff. Sept. 13, 1958;—Am. 1972, Act 49, Imd. Eff. Feb. 19, 1972;—Am. 1978, Act 139, Eff. May 1, 1979;—Am. 1988, Act 404, Eff. Mar. 30, 1989;—Am. 1996, Act 387, Eff. Apr. 1, 1997;—Am. 1999, Act 40, Imd. Eff. June 9, 1999.

#### **257.309 Examination of applicant for operator's or chauffeur's license; criminal history check; waiver; exception; certification of licensee applying for renewal of license by mail; examining officers; conducting examinations; report of findings and recommendations; rules; issuance of original operator's or chauffeur's license without vehicle group designation or indorsement; driver skills test; waiver; behind-the-wheel road test; prohibited conduct; penalty; applicant for original motorcycle endorsement; waiver of certain requirements.**

Sec. 309. (1) Before issuing a license, the secretary of state shall examine each applicant for an operator's or chauffeur's license who at the time of the application is not the holder of a valid, unrevoked operator's or chauffeur's license under a law of this state providing for the licensing of drivers. Before the secretary of state authorizes a person to administer vehicle group designation or endorsement knowledge tests, that person must successfully complete both a state and Federal Bureau of Investigation fingerprint-based criminal history check or the equivalent through the department of state police. In all other cases, the secretary of state may waive the examination, except that an examination shall not be waived if it appears from the application, from the apparent physical or mental condition of the applicant, or from any other information that has come to the secretary of state from another source, that the applicant does not possess the physical, mental, or other qualifications necessary to operate a motor vehicle in a manner as not to jeopardize the safety of persons or property, or that the applicant is not entitled to a license under section 303. A licensee who applies for the renewal of his or her license by mail under section 307 shall certify to his or her physical capability to operate a motor vehicle. The secretary of state may check the applicant's driving record through the national driver register and the commercial driver license information system before issuing a license under this section.

(2) The secretary of state may appoint sheriffs, their deputies, the chiefs of police of cities and villages

having organized police departments within this state, their duly authorized representatives, or employees of the secretary of state as examining officers for the purpose of examining applicants for operator's and chauffeur's licenses. An examining officer shall conduct examinations of applicants for operator's and chauffeur's licenses in accordance with this chapter and the rules promulgated by the secretary of state under subsection (3). After conducting an examination an examining officer shall make a written report of his or her findings and recommendations to the secretary of state.

(3) The secretary of state shall promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for the examination of the applicant's physical and mental qualifications to operate a motor vehicle in a manner as not to jeopardize the safety of persons or property, and shall ascertain whether facts exist that would bar the issuance of a license under section 303. The secretary of state may consider a written medical report and recommendation submitted under section 5139 of the public health code, 1978 PA 368, MCL 333.5139, from the personal physician or optometrist of an applicant, in making the examination regarding the applicant's physical and mental qualifications to operate a motor vehicle under this section and R 257.851 to R 257.855 of the Michigan administrative code. A report received by the secretary of state from a physician or an optometrist under this section is confidential. The secretary of state shall also ascertain whether the applicant has sufficient knowledge of the English language to understand highway warnings or direction signs written in that language. The examination shall not include investigation of facts other than those facts directly pertaining to the ability of the applicant to operate a motor vehicle with safety or facts declared to be prerequisite to the issuance of a license under this act.

(4) The secretary of state shall not issue an original operator's or chauffeur's license without a vehicle group designation or indorsement without an examination that includes a driving skills test conducted by the secretary of state or by a designated examining officer under subsection (2) or section 310e. The secretary of state may enter into an agreement with another public or private corporation or agency to conduct a driving skills test conducted under this section. Before the secretary of state authorizes a person to administer a corporation's or agency's driver skills testing operations or authorizes an examiner to conduct a driving skills test, that person or examiner must successfully complete both a state and Federal Bureau of Investigation fingerprint based criminal history check through the department of state police as required by law and as provided under 49 CFR 384.228. In an agreement with another public or private corporation or agency to conduct a driving skills test, the secretary of state shall prescribe the method and examination criteria to be followed by the corporation, agency, or examiner when conducting the driving skills test and the form of the certification to be issued to a person who satisfactorily completes a driving skills test. An original vehicle group designation or indorsement shall not be issued by the secretary of state without a knowledge test conducted by the secretary of state. Except as provided in section 312f(1), an original vehicle group designation or passenger or school bus indorsement shall not be issued by the secretary of state without a driving skills test conducted by an examiner appointed or authorized by the secretary of state or an equivalent driving skills test meeting the requirements of 49 CFR part 383 conducted in another jurisdiction.

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

(6) A driving skills test conducted under this section shall include a behind-the-wheel road test. Before conducting a behind-the-wheel road test for an applicant seeking a vehicle group designation, including any upgrade to a vehicle group designation, or for any indorsement required to operate a commercial motor vehicle, the examiner shall determine that the applicant was issued his or her commercial learner's permit not less than 14 days before the date of that test and that he or she has that permit in his or her possession.

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

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

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

(10) The secretary of state shall waive the requirement of a written knowledge test, road sign test, and driving skills test of an applicant for an original motorcycle endorsement if the person has successfully passed

a motorcycle safety course approved by the department as described in sections 811a and 811b.

**History:** 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1953, Act 215, Eff. Oct. 2, 1953;—Am. 1958, Act 123, Eff. Sept. 13, 1958;—Am. 1978, Act 139, Eff. May 1, 1979;—Am. 1980, Act 290, Imd. Eff. Oct. 15, 1980;—Am. 1982, Act 25, Imd. Eff. Mar. 4, 1982;—Am. 1987, Act 232, Imd. Eff. Dec. 28, 1987;—Am. 1988, Act 346, Eff. Jan. 1, 1990;—Am. 1989, Act 280, Imd. Eff. Dec. 26, 1989;—Am. 1996, Act 387, Eff. Mar. 31, 1997;—Am. 1996, Act 551, Eff. Apr. 1, 1997;—Am. 2000, Act 456, Imd. Eff. Jan. 10, 2001;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2012, Act 355, Imd. Eff. Dec. 13, 2012;—Am. 2015, Act 11, Eff. July 8, 2015;—Am. 2016, Act 23, Eff. May 23, 2016.

**Compiler's note:** Section 2 of Act 346 of 1988 provides:

“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”

Section 2 of Act 173 of 1989 provides:

“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

**Administrative rules:** R 257.851 et seq. of the Michigan Administrative Code.

**257.310 Operator's or chauffeur's license; issuance; applicant for motorcycle indorsement or vehicle group designation or indorsement; contents of license; fingerprint or finger image; digitized license; information; manufacture; unlawful acts; penalties; temporary driver's permit; medical data; emergency contact information; designation of patient advocate or emancipated status; duplicates of license; emergency medical information card; participation in anatomical gift donor registry.**

Sec. 310. (1) The secretary of state shall issue an operator's license to each person licensed as an operator and a chauffeur's license to each person licensed as a chauffeur. An applicant for a motorcycle indorsement under section 312a or a vehicle group designation or indorsement shall first qualify for an operator's or chauffeur's license before the indorsement or vehicle group designation application is accepted and processed. An original license or the first renewal of an existing license issued to a person less than 21 years of age shall be portrait or vertical in form and a license issued to a person 21 years of age or over shall be landscape or horizontal in form.

(2) The license issued under subsection (1) shall contain all of the following:

(a) The distinguishing number permanently assigned to the licensee.

(b) The full legal name, date of birth, address of residence, height, eye color, sex, digital photographic image, expiration date, and signature of the licensee.

(c) In the case of a licensee who has indicated his or her wish to participate in the anatomical gift donor registry under part 101 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10123, a heart insignia on the front of the license.

(d) Physical security features designed to prevent tampering, counterfeiting, or duplication of the license for fraudulent purposes.

(e) If requested by an individual who is a veteran of the armed forces of this state, another state, or the United States, a designation that the individual is a veteran. The designation shall be in a style and format considered appropriate by the secretary of state. The secretary of state shall require proof of discharge or separation of service from the armed forces of this state, another state, or the United States, and the nature of that discharge, for the purposes of verifying an individual's status as a veteran under this subdivision. The secretary of state shall consult with the department of military and veterans affairs in determining the proof that shall be required to identify an individual's status as a veteran for the purposes of this subsection. The secretary of state may provide the department of military and veterans affairs and agencies of the counties of this state that provide veteran services with information provided by an applicant under this subsection for the purpose of veterans' benefits eligibility referral. As used in this subdivision, "veteran" means that term as defined in section 1 of 1965 PA 190, MCL 35.61.

(3) Except as otherwise required under this chapter, other information required on the license pursuant to this chapter may appear on the license in a form prescribed by the secretary of state.

(4) The license shall not contain a fingerprint or finger image of the licensee.

(5) A digitized license may contain an identifier for voter registration purposes. The digitized license may contain information appearing in electronic or machine readable codes needed to conduct a transaction with the secretary of state. The information shall be limited to the information described in subsection (2)(a) and

(b) except for the person's digital photographic image and signature, state of issuance, license expiration date, and other information necessary for use with electronic devices, machine readers, or automatic teller machines and shall not contain the driving record or other personal identifier. The license shall identify the encoded information.

(6) The license shall be manufactured in a manner to prohibit as nearly as possible the ability to reproduce, alter, counterfeit, forge, or duplicate the license without ready detection. In addition, a license with a vehicle group designation shall contain the information required under 49 CFR part 383.

(7) Except as provided in subsection (11), a person who intentionally reproduces, alters, counterfeits, forges, or duplicates a license photograph, the negative of the photograph, image, license, or electronic data contained on a license or a part of a license or who uses a license, image, or photograph that has been reproduced, altered, counterfeited, forged, or duplicated is subject to 1 of the following:

(a) If the intent of the reproduction, alteration, counterfeiting, forging, duplication, or use is to commit or aid in the commission of an offense that is a felony punishable by imprisonment for 10 or more years, the person committing the reproduction, alteration, counterfeiting, forging, duplication, or use is guilty of a felony, punishable by imprisonment for not more than 10 years or a fine of not more than \$20,000.00, or both.

(b) If the intent of the reproduction, alteration, counterfeiting, forging, duplication, or use is to commit or aid in the commission of an offense that is a felony punishable by imprisonment for less than 10 years or a misdemeanor punishable by imprisonment for 6 months or more, the person committing the reproduction, alteration, counterfeiting, forging, duplication, or use is guilty of a felony, punishable by imprisonment for not more than 5 years, or a fine of not more than \$10,000.00, or both.

(c) If the intent of the reproduction, alteration, counterfeiting, forging, duplication, or use is to commit or aid in the commission of an offense that is a misdemeanor punishable by imprisonment for less than 6 months, the person committing the reproduction, alteration, counterfeiting, forging, duplication, or use is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$2,000.00, or both.

(8) Except as provided in subsections (11) and (16), a person who sells, or who possesses with the intent to deliver to another, a reproduced, altered, counterfeited, forged, or duplicated license photograph, negative of the photograph, image, license, or electronic data contained on a license or part of a license is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00, or both.

(9) Except as provided in subsections (11) and (16), a person who is in possession of 2 or more reproduced, altered, counterfeited, forged, or duplicated license photographs, negatives of the photograph, images, licenses, or electronic data contained on a license or part of a license is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00, or both.

(10) Except as provided in subsection (16), a person who is in possession of a reproduced, altered, counterfeited, forged, or duplicated license photograph, negative of the photograph, image, license, or electronic data contained on a license or part of a license is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$2,000.00, or both.

(11) Subsections (7)(a) and (b), (8), and (9) do not apply to a minor whose intent is to violate section 703 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703.

(12) The secretary of state, upon determining after an examination that an applicant is mentally and physically qualified to receive a license, may issue the applicant a temporary driver's permit. The temporary driver's permit entitles the applicant, while having the permit in his or her immediate possession, to operate a motor vehicle upon the highway for a period not exceeding 60 days before the secretary of state has issued the applicant an operator's or chauffeur's license. The secretary of state may establish a longer duration for the validity of a temporary driver's permit if necessary to accommodate the process of obtaining a background check that is required for an applicant by federal law.

(13) An operator or chauffeur may indicate on the license in a place designated by the secretary of state his or her blood type, emergency contact information, immunization data, medication data, or a statement that the licensee is deaf. The secretary of state shall not require an applicant for an original or renewal operator's or chauffeur's license to provide emergency contact information as a condition of obtaining a license. However, the secretary of state may inquire whether an operator or chauffeur would like to provide emergency contact information. Emergency contact information obtained under this subsection shall be disclosed only to a state or federal law enforcement agency for law enforcement purposes or to the extent necessary for a medical emergency. No later than January 1, 2017, the secretary of state shall develop and shall, in conjunction with the department of state police, implement a process using the L.E.I.N. or any other appropriate system that limits access to law enforcement that would allow law enforcement agencies of this state to access emergency contact information that the holder of an operator's license has voluntarily provided to the secretary of state. As used in this subsection, "emergency contact information" means the name, telephone number, or address

of an individual that is used for the sole purpose of contacting that individual when the holder of an operator's license has been involved in an emergency.

(14) An operator or chauffeur may indicate on the license in a place designated by the secretary of state that he or she has designated a patient advocate in accordance with sections 5506 to 5515 of the estates and protected individuals code, 1998 PA 386, MCL 700.5506 to 700.5515.

(15) If the applicant provides proof to the secretary of state that he or she is a minor who has been emancipated under 1968 PA 293, MCL 722.1 to 722.6, the license shall bear the designation of the individual's emancipated status in a manner prescribed by the secretary of state.

(16) Subsections (8), (9), and (10) do not apply to a person who is in possession of 1 or more photocopies, reproductions, or duplications of a license to document the identity of the licensee for a legitimate business purpose.

(17) A sticker or decal may be provided by any person, hospital, school, medical group, or association interested in assisting in implementing an emergency medical information card, but shall meet the specifications of the secretary of state. An emergency medical information card may contain information concerning the licensee's patient advocate designation, other emergency medical information, or an indication as to where the licensee has stored or registered emergency medical information.

(18) The secretary of state shall inquire of each licensee, in person or by mail, whether the licensee agrees to participate in the anatomical gift donor registry under part 101 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10123.

(19) A licensee who has agreed to participate in the anatomical gift donor registry under part 101 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10123, shall not be considered to have revoked that agreement solely because the licensee's license has been revoked or suspended or has expired. Enrollment in the donor registry constitutes a legal agreement that remains binding and in effect after the donor's death regardless of the expressed desires of the deceased donor's next of kin who may oppose the donor's anatomical gift.

**History:** 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1953, Act 144, Eff. Oct. 2, 1953;—Am. 1957, Act 164, Eff. Sept. 27, 1957;—Am. 1958, Act 217, Eff. Sept. 13, 1958;—Am. 1966, Act 206, Eff. Aug. 1, 1966;—Am. 1967, Act 212, Eff. Nov. 2, 1967;—Am. 1972, Act 357, Imd. Eff. Jan. 9, 1973;—Am. 1976, Act 358, Imd. Eff. Dec. 23, 1976;—Am. 1977, Act 259, Eff. Mar. 30, 1978;—Am. 1978, Act 139, Eff. May 1, 1979;—Am. 1980, Act 174, Imd. Eff. June 23, 1980;—Am. 1985, Act 219, Imd. Eff. Jan. 10, 1986;—Am. 1988, Act 346, Eff. Oct. 1, 1989;—Am. 1988, Act 404, Eff. Mar. 30, 1989;—Am. 1989, Act 286, Imd. Eff. Dec. 26, 1989;—Am. 1996, Act 205, Eff. Jan. 1, 1997;—Am. 1998, Act 226, Imd. Eff. July 3, 1998;—Am. 2001, Act 216, Imd. Eff. Dec. 28, 2001;—Am. 2002, Act 126, Eff. Apr. 22, 2002;—Am. 2002, Act 554, Eff. Oct. 1, 2002;—Am. 2002, Act 652, Eff. Jan. 1, 2003;—Am. 2003, Act 152, Eff. Oct. 1, 2003;—Am. 2004, Act 495, Eff. Jan. 31, 2005;—Am. 2005, Act 141, Imd. Eff. Sept. 29, 2005;—Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008;—Am. 2008, Act 36, Imd. Eff. Mar. 17, 2008;—Am. 2012, Act 498, Eff. Mar. 28, 2013;—Am. 2013, Act 27, Eff. May 1, 2014;—Am. 2016, Act 4, Imd. Eff. Feb. 2, 2016;—Am. 2016, Act 219, Eff. Sept. 20, 2016.

**Compiler's note:** Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

### **257.310a Repealed. 1978, Act 139, Eff. May 1, 1979.**

**Compiler's note:** The repealed section pertained to color of instruction permit or license issued to minor.

### **257.310b Expired. 1979, Act 66, Eff. Oct. 1, 1980.**

**Compiler's note:** The expired section pertained to designation of original license as probationary for 1 year.

### **257.310c Operator's or chauffeur's license; persons not previously licensed; temporary instruction permit; exception.**

Sec. 310c. (1) The secretary of state shall not issue an operator's or chauffeur's license to a person who is 18 years of age or older and has not been previously licensed in this or any other state or country until 30 days after he or she has obtained a temporary instruction permit.

(2) This section does not apply to a person who is on active duty in the armed forces of the United States if he or she is on furlough and possesses a valid United States government motor vehicle operator's identification card and furlough papers.

**History:** Add. 1968, Act 263, Eff. Nov. 15, 1968;—Am. 1972, Act 89, Imd. Eff. Mar. 20, 1972;—Am. 1996, Act 387, Eff. Apr. 1, 1997.

**257.310d Designation of license as probationary for 3 years; suspension of license or imposition of probationary terms and conditions; duration; reexamination; extension of probationary period; failure to appear for reexamination; notice; additional provisions.**

Sec. 310d. (1) A license issued under this act to a person not previously licensed in this or in another state shall be designated as probationary for 3 years after the date of issuance. During the first 12 months of probation, the license may be suspended or probationary terms and conditions may be imposed upon failure of the licensee to appear before a magistrate, as provided in this chapter, or upon conviction of the licensee or determination of the licensee's responsibility for a moving violation in this state. The period of suspension or the probationary terms and conditions shall not be for more than 12 months and shall be determined by the secretary of state.

(2) Upon completion of the first 12 months of probation, the secretary of state may require a licensee to be reexamined by the secretary of state if the licensee's driving record contains any of the following:

(a) A conviction or civil infraction determination for a moving violation that was assessed 4 or more points as provided in section 320a.

(b) Three convictions or 3 civil infraction determinations, or a combination of convictions and civil infraction determinations that equals 3, for moving violations.

(c) A total of 6 or more points as provided in section 320a.

(d) A conviction or civil infraction determination for a moving violation and an accident for which the official police report indicates the licensee had been drinking alcoholic liquor.

(e) A conviction or civil infraction determination for a moving violation and an accident for which the official police report indicates a moving violation on the part of the licensee.

(f) Three accidents for which the official police report indicates a moving violation on the part of the licensee.

(g) A suspension under section 625f.

(3) The probationary period shall be extended beyond 3 years and the secretary of state may reexamine a licensee as provided in subsection (2) if any of the following occur and are recorded on the licensee's driving record during the last 10 months of the probationary period:

(a) A moving violation resulting in a conviction or civil infraction determination.

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

(c) An accident for which the official police report indicates the licensee had been drinking alcoholic liquor.

(d) A license suspension for a reason other than a mental or physical disability.

(4) The probationary period shall be extended under subsection (3) until the licensee completes 10 consecutive months without a moving violation, accident, or suspension enumerated in subsection (3).

(5) Upon completion of a reexamination, the secretary of state may suspend or impose probationary terms and conditions on the license of a probationary licensee, except that a reexamination for subsection (2)(d), (e), or (f) shall not result in a license suspension or the imposition of probationary terms or conditions.

(6) For 24 months immediately after a licensee's probationary period, the secretary of state may require the licensee to be reexamined by the secretary of state if the licensee's driver record has a total of 9 or more points, as provided in section 320a, imposed in a period of 2 years and if the licensee's record contains 1 or more of the following:

(a) A conviction for a violation or attempted violation of any of the following:

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

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

(iii) Former section 625b.

(iv) A local ordinance substantially corresponding to a conviction described in this subdivision.

(v) A law of another state substantially corresponding to a conviction described in this subdivision.

(b) A suspension of the licensee's license under section 625f.

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

(d) An accident for which the official police report indicates the licensee had been drinking alcoholic liquor.

(7) Upon completion of a reexamination under subsection (6), the secretary of state may suspend the

license of the licensee, except that a reexamination for subsection (6)(c) or (d) shall not result in a license suspension or restriction.

(8) If a licensee fails to appear for a reexamination scheduled by the secretary of state under this section, the licensee's license may be suspended immediately and remain suspended until the licensee appears for a reexamination by the secretary of state. The secretary of state may restrict, suspend, or revoke a licensee's license based solely on his or her driving record.

(9) Notice of suspension, the imposition of probationary terms or conditions, or a reexamination required under this section shall be given by first-class mail to the last known address of the licensee. The notice shall provide that the suspension or imposition of probationary terms or conditions will be effective 14 days from the date of the notice, unless the probationary licensee requests a reexamination.

(10) For purposes of this section:

(a) Upon conviction for a moving violation, the date of the violation shall be used in determining whether the conviction occurred within the probationary period.

(b) Upon entry of a civil infraction determination for a moving violation, the date of the violation shall be used in determining whether the civil infraction determination occurred within the probationary period.

(c) Information of a reexamination shall not be placed on a driver's record unless the secretary of state suspends a license or imposes probationary terms and conditions.

(d) A suspension shall be considered part of a driving record from the date the suspension is imposed until the suspension is terminated.

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

**History:** Add. 1978, Act 545, Eff. Oct. 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1991, Act 99, Eff. Jan. 1, 1992;—Am. 1998, Act 343, Eff. Oct. 1, 1999;—Am. 1999, Act 73, Eff. Oct. 1, 1999;—Am. 2003, Act 61, Eff. Sept. 30, 2003;—Am. 2004, Act 62, Eff. May 3, 2004;—Am. 2015, Act 11, Eff. July 8, 2015.

**Compiler's note:** Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

### **257.310e Graduated licensing.**

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

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

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

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

(b) Successfully completed segment 1 of a driver education course as that term is defined in section 7 of the driver education provider and instructor act, 2006 PA 384, MCL 256.627, including a minimum of 6 hours of on-the-road driving time with the instructor.

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

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

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

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

(b) Successfully completed segment 2 of a driver education course as that term is defined in section 7 of the driver education provider and instructor act, 2006 PA 384, MCL 256.627.

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

(d) Presented a certification by the parent or guardian that the person, accompanied by his or her licensed parent or legal guardian or, with the permission of the parent or legal guardian, any licensed driver 21 years of

age or older, has accumulated a total of not less than 50 hours of behind-the-wheel experience including not less than 10 nighttime hours.

(e) Successfully completed a secretary of state approved driving skills test. The secretary of state may enter into an agreement with another public or private corporation or agency to conduct this driving skills test. Before the secretary of state authorizes a person to administer a corporation's or agency's driver skills testing operations or authorizes an examiner to conduct a driving skills test, that person or examiner must complete both a state and Federal Bureau of Investigation fingerprint based criminal history check through the department of state police. This subdivision applies to a person 16 years of age or over only if the person has satisfied subdivisions (a), (b), (c), and (d).

(6) A person issued a level 2 graduated licensing status under subsection (5) shall remain at level 2 for not less than 6 months. A person issued a level 2 graduated licensing status under subsection (5) shall not operate a vehicle under the following circumstances:

(a) Between the hours of 10 p.m. and 5 a.m. This subdivision does not apply if either of the following applies:

(i) The person is accompanied by a parent or legal guardian or a licensed driver 21 years of age or older designated by the parent or legal guardian.

(ii) The person is operating the vehicle in the course of his or her employment or while going to or from employment or while going to or from an authorized activity.

(b) With more than 1 passenger in the vehicle who is less than 21 years of age. This subdivision does not apply if any of the following apply:

(i) The person is accompanied by a parent or legal guardian or a licensed driver 21 years of age or older designated by the parent or legal guardian.

(ii) Any additional passengers who are less than 21 years of age are members of his or her immediate family.

(iii) The person is operating the vehicle in the course of his or her employment or while going to or from employment or while going to or from an authorized activity.

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

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

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

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

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

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

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

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

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

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

(13) For purposes of this section:

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

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

(c) The date of the official police report shall be used in determining whether a licensee was driving a

motor vehicle involved in an accident for which the official police report indicates a moving violation on the part of the licensee or indicates the licensee had been drinking alcoholic liquor.

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

(15) As used in this section, "authorized activity" means any of the following:

(a) A school or a school-sanctioned event or activity. For purposes of this subdivision, school means a public or private school, including a home school.

(b) A sporting event or activity, or extracurricular event or activity, that is not school-sanctioned but that is part of an official sports league or association or an official extracurricular club, or that is paid for as a service offered by a business specializing in those events or activities or training for those events or activities.

(c) A class or program of vocational instruction offered by a college, community college, nonprofit association, or unit of government or by a business specializing in vocational training.

(d) An event or activity sponsored by a religious organization that is tax-exempt under federal law.

(e) Transporting an individual in need of immediate emergency care or personal protection to a health care professional, hospital, police station, domestic violence shelter, or public safety location.

**History:** Add. 1996, Act 387, Eff. Apr. 1, 1997;—Am. 1999, Act 40, Imd. Eff. June 9, 1999;—Am. 2000, Act 456, Imd. Eff. Jan. 10, 2001;—Am. 2002, Act 422, Eff. Oct. 1, 2002;—Am. 2002, Act 554, Eff. Oct. 1, 2002;—Am. 2003, Act 61, Eff. Sept. 30, 2003;—Am. 2004, Act 71, Imd. Eff. Apr. 20, 2004;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2010, Act 268, Eff. Mar. 30, 2011;—Am. 2011, Act 124, Imd. Eff. July 20, 2011;—Am. 2015, Act 11, Eff. July 8, 2015.

### **257.311 Possession of operator's or chauffeur's license or receipt when operating motor vehicle required; display; identification.**

Sec. 311. The licensee shall have his or her operator's or chauffeur's license, or the receipt described in section 311a, in his or her immediate possession at all times when operating a motor vehicle, and shall display the same upon demand of any police officer, who shall identify himself or herself as such.

**History:** 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1983, Act 63, Eff. Mar. 29, 1984.

### **257.311a Issuance of receipt for operator's or chauffeur's license; form; approval; design; effect; expiration of receipt and license; renewal of license.**

Sec. 311a. If the court requires a person who is accused of a misdemeanor or ordinance violation to surrender his or her operator's or chauffeur's license pursuant to section 6 of chapter V of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being section 765.6 of the Michigan Compiled Laws, or section 4 of Act No. 257 of the Public Acts of 1966, being section 780.64 of the Michigan Compiled Laws, and if the license is not expired, suspended, revoked, or canceled, the court shall issue to the licensee a receipt for the license. The form of the receipt shall be approved or provided by the secretary of state. The form shall be designed so that it may contain a photocopy of an operator's or chauffeur's license. The receipt shall have the effect of granting driving privileges identical to the operator's or chauffeur's license surrendered to the court but that effect shall cease on the date on which the receipt expires or on the date on which the license expires, whichever date occurs first. If the license expires or will expire while the license is surrendered, the secretary of state may renew the operator's or chauffeur's license pursuant to section 314. The expiration date of the receipt shall be specified by the court on the receipt.

**History:** Add. 1983, Act 63, Eff. Mar. 29, 1984.

### **257.312 Restricted operator's or chauffeur's license; contents; expiration; suspension or revocation; violation as misdemeanor; exceptions.**

Sec. 312. (1) Upon proper showing of extenuating circumstances and special reasons, or need by an applicant who meets the age qualifications and when accompanied by the fee as provided in this act, the secretary of state may recommend a restricted operator's or chauffeur's license containing conditions and restrictions applicable to the licensee, the type of special mechanical control devices required in a motor vehicle operated by the licensee, and the area, time, or other condition that the secretary of state considers necessary to assure the safe operation of a vehicle by the licensee and under which the licensee may operate a motor vehicle. A license issued to a person who is at least 14 years of age and under 16 years of age shall contain only the conditions determining the hours during which the licensee may drive a motor vehicle and the purpose for which it is to be driven. A license issued to a minor who is at least 14 years of age and under 16 years of age shall be revoked by the secretary of state on the written request of a parent, guardian, or person standing in loco parentis.

(2) An operator's license issued to a person who is at least 14 years of age and under 16 years of age

expires on the birthday following issuance of the license or if that birthday is within 6 months after the date of issuance of the license, then 1 year after the date of that birthday.

(3) Upon receiving satisfactory evidence of a violation of the restrictions of the license, the secretary of state may suspend or revoke the license.

(4) A person who violates a restriction imposed in a restricted license issued to that person is guilty of a misdemeanor. This subsection does not apply to a person who is at least 14 years of age and under 16 years of age.

(5) If a motor vehicle is being driven by a person who is at least 14 years of age and under 16 years of age, and that person is accompanied by a parent, guardian, or person standing in loco parentis, the conditions, limitations, and restrictions set forth in this section do not apply.

**History:** 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 139, Eff. May 1, 1979;—Am. 2000, Act 456, Imd. Eff. Jan. 10, 2001.

\*\*\*\*\* 257.312a THIS SECTION IS AMENDED EFFECTIVE FEBRUARY 7, 2017: See 257.312a.amended \*\*\*\*\*

### **257.312a Motorcycle indorsement; issuance, suspension, revocation, cancellation, or renewal; special restricted license to operate moped; requirements; expiration; duration; fees.**

Sec. 312a. (1) A person, before operating a motorcycle, other than an autocycle, upon a public street or highway in this state, shall procure a motorcycle indorsement on his or her operator's or chauffeur's license. The license shall be issued, suspended, revoked, canceled, or renewed in accordance with and governed by this act.

(2) A person, before operating a moped upon a highway shall procure a special restricted license to operate a moped unless the person has a valid operator's or chauffeur's license. A special restricted license to operate a moped may be issued to a person 15 years of age or older if the person satisfies the secretary of state that he is competent to operate a moped with safety. The secretary of state shall not require a road test before issuance of a special restricted license to operate a moped.

(3) A special restricted license to operate a moped shall expire on the birthday of the person to whom it is issued in the fourth year following the date of issuance. A license shall not be issued for a period longer than 4 years. A person issued a license to operate a moped shall pay \$7.50 for an original license and \$6.00 for a renewal license. The money received and collected under this subsection shall be deposited in the state treasury to the credit of the general fund. The secretary of state shall refund out of the fees collected to each county or municipality, acting as an examining officer, \$2.50 for each applicant examined for an original license and \$1.00 for a renewal license.

**History:** Add. 1956, Act 178, Imd. Eff. Apr. 16, 1956;—Am. 1959, Act 260, Eff. Mar. 19, 1960;—Am. 1969, Act 134, Eff. June 1, 1970;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977;—Am. 2013, Act 177, Imd. Eff. Nov. 26, 2013.

\*\*\*\*\* 257.312a.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 7, 2017 \*\*\*\*\*

### **257.312a.amended Motorcycle indorsement; issuance, suspension, revocation, cancellation, or renewal; special restricted license to operate moped; requirements; expiration; duration; fees; violation as misdemeanor; penalty.**

Sec. 312a. (1) A person, before operating a motorcycle, other than an autocycle, upon a public street or highway in this state, shall procure a motorcycle indorsement on his or her operator's or chauffeur's license. The license shall be issued, suspended, revoked, canceled, or renewed in accordance with and governed by this act.

(2) A person, before operating a moped upon a highway shall procure a special restricted license to operate a moped unless the person has a valid operator's or chauffeur's license. A special restricted license to operate a moped may be issued to a person 15 years of age or older if the person satisfies the secretary of state that he is competent to operate a moped with safety. The secretary of state shall not require a road test before issuance of a special restricted license to operate a moped.

(3) A special restricted license to operate a moped shall expire on the birthday of the person to whom it is issued in the fourth year following the date of issuance. A license shall not be issued for a period longer than 4 years. A person issued a license to operate a moped shall pay \$7.50 for an original license and \$6.00 for a renewal license. The money received and collected under this subsection shall be deposited in the state treasury to the credit of the general fund. The secretary of state shall refund out of the fees collected to each county or municipality, acting as an examining officer, \$2.50 for each applicant examined for an original license and \$1.00 for a renewal license.

(4) A person who violates subsection (1) is guilty of a misdemeanor punishable as follows:

(a) For a first violation, by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.

(b) For a violation that occurs after a prior conviction, by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

**History:** Add. 1956, Act 178, Imd. Eff. Apr. 16, 1956;—Am. 1959, Act 260, Eff. Mar. 19, 1960;—Am. 1969, Act 134, Eff. June 1, 1970;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977;—Am. 2013, Act 177, Imd. Eff. Nov. 26, 2013;—Am. 2016, Act 318, Eff. Feb. 7, 2017.

**257.312b Motorcycle endorsement; examination; motorcycle safety course; waiver of certain tests; 3-wheeled motorcycle; restriction; establishing and conducting driving skills test; rules; audit of motorcycle safety fund; third party motorcycle program; prohibited conduct; violation as felony.**

Sec. 312b. (1) Before a person who is less than 18 years of age is issued an original motorcycle endorsement on an operator's or chauffeur's license, the person shall pass a motorcycle safety course approved by the department as described in sections 811a and 811b.

(2) Before a person who is 18 years of age or older is issued an original motorcycle endorsement on an operator's or chauffeur's license, the person shall pass an examination as required by this section. A person who fails this examination 2 or more times is required to successfully complete a motorcycle safety course approved by the department as described in sections 811a and 811b. Each written examination given an applicant for a motorcycle endorsement on an operator's or chauffeur's license as provided in section 309 shall also include subjects designed to cover a motorcycle. A person shall pass an examination that shall include a driving test designed to test the competency of the applicant for the first motorcycle endorsement on an operator's or chauffeur's license to operate a motorcycle upon the roads and highways of this state with safety to himself or herself and other persons and property. All examinations shall be administered as provided in this act. The requirement of a written knowledge test, road sign test, and motorcycle driving skills test shall be waived for an applicant who has successfully completed a motorcycle safety course approved by the department as described in sections 811a and 811b. The motorcycle safety course skills test shall meet or exceed the motorcycle skills test from the secretary of state. The requirement of a motorcycle driving skills test may be waived if the applicant has a valid license or endorsement to operate a motorcycle from another state.

(3) A motorcycle endorsement issued to a person who operates a 3-wheeled motorcycle other than an auticycle is restricted to operation of that type of motorcycle and does not permit operation of a 2-wheeled motorcycle. The secretary of state shall develop a driving test specifically pertaining to a 3-wheeled motorcycle other than an auticycle.

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

(5) The secretary of state may enter into an agreement with another public or private corporation or agency to conduct a driving skills test required under this section. Before the secretary of state authorizes a person to administer a corporation's or agency's driver skills testing operations or authorizes an examiner to conduct a driving skills test, that person or examiner must complete both a state and Federal Bureau of Investigation fingerprint based criminal history check through the department of state police. In an agreement with another public or private corporation or agency to conduct a driving skills test under this section, the secretary of state shall prescribe the method and examination criteria to be followed by the corporation, agency, or examiner when conducting the driving skills test and the form of the certification to be issued to a person who satisfactorily completes a driving skills test. For administering and overseeing a third party motorcycle testing program, the secretary of state shall be reimbursed from the motorcycle safety fund a total amount that does not exceed 50% of the department's 1995-1996 fiscal year appropriation for motorcycle testing under this section.

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

(7) A designated examining officer appointed or designated by the secretary of state who conducts a

driving skills test under an agreement entered into under this section and who varies from, shortens, or in any other way changes the method or examination criteria prescribed to be followed under that agreement in conducting a driving skills test under this section is guilty of a felony.

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

**History:** Add. 1969, Act 134, Eff. June 1, 1970;—Am. 1974, Act 108, Imd. Eff. May 21, 1974;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977;—Am. 1982, Act 187, Eff. Jan. 1, 1984;—Am. 1984, Act 328, Imd. Eff. Dec. 26, 1984;—Am. 1987, Act 85, Imd. Eff. June 29, 1987;—Am. 1988, Act 68, Imd. Eff. Mar. 25, 1988;—Am. 1988, Act 495, Eff. Apr. 1, 1989;—Am. 1992, Act 59, Imd. Eff. May 20, 1992;—Am. 1996, Act 345, Imd. Eff. June 28, 1996;—Am. 2000, Act 456, Imd. Eff. Jan. 10, 2001;—Am. 2003, Act 103, Eff. Oct. 1, 2003;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2013, Act 177, Imd. Eff. Nov. 26, 2013;—Am. 2016, Act 23, Eff. May 23, 2016.

**Compiler's note:** Section 2 of Act 187 of 1982 provides:

“(1) Except as provided in subsection (2), this amendatory act shall take effect January 1, 1984.

“(2) Sections 312b(2) and 811a(3) shall take effect July 1, 1982.”

**Administrative rules:** R 257.971 et seq. of the Michigan Administrative Code.

### **257.312c Motorcycle endorsement; application; fee; disposition of money.**

Sec. 312c. (1) Every application for a motorcycle endorsement on an operator's or chauffeur's license for operation of motorcycles as provided in section 312a shall be accompanied by the following fees which shall be in addition to any other original or renewal operator or chauffeur license fee:

Original motorcycle endorsement.....	\$ 13.50
Renewal of motorcycle endorsement.....	\$ 5.00

(2) Except as otherwise provided in this subsection, the money received and collected under this section shall be deposited in the state treasury to the credit of the general fund. The secretary of state shall refund out of the fees collected to each county or municipality, acting as an examining officer or examining bureau, \$3.00 for each applicant examined for a first endorsement to a 3- or 4-year operator's or chauffeur's license, \$2.50 for each original endorsement to a 2-year operator's or chauffeur's license, \$1.50 for each renewal endorsement to a 2-year operator's or chauffeur's license, and \$1.50 for every other applicant examined whose application is not denied, on the condition, however, that the money refunded shall be paid to the county or local treasurer and is appropriated to the county, municipality, or officer or bureau receiving the money for the purpose of carrying out this act. Ten dollars of each original motorcycle endorsement and \$3.00 of each renewal motorcycle endorsement shall be placed in a motorcycle safety fund in the state treasury and shall be used only by the secretary of state for the motorcycle safety education program as provided under section 811a.

**History:** Add. 1969, Act 134, Eff. June 1, 1970;—Am. 1975, Act 122, Imd. Eff. July 1, 1975;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977;—Am. 1982, Act 187, Eff. Jan. 1, 1984;—Am. 1988, Act 495, Eff. Apr. 1, 1989;—Am. 1996, Act 345, Imd. Eff. June 28, 1996;—Am. 2003, Act 103, Eff. Oct. 1, 2003.

### **257.312d Reference to operator's or chauffeur's license as including motorcycle or vehicle indorsement or vehicle group designation.**

Sec. 312d. If a reference is made in this act to operator's or chauffeur's license, or both, the reference includes a motorcycle or vehicle indorsement or vehicle group designation under section 312e on the operator's or chauffeur's license.

**History:** Add. 1969, Act 134, Eff. June 1, 1970;—Am. 1978, Act 139, Eff. May 1, 1979;—Am. 1980, Act 174, Imd. Eff. June 23, 1980;—Am. 1988, Act 346, Eff. Jan. 1, 1990.

**Compiler's note:** Section 2 of Act 346 of 1988 provides:

“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”

Section 2 of Act 173 of 1989 provides:

“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

### **257.312e Operation of commercial motor vehicle; vehicle group designation; tests; holder of unexpired operator's or chauffeur's license; qualifications and fees for vehicle group designation and indorsement; operation of school bus; exceptions; F vehicle**

**indorsement; knowledge test and driving skills test; disposition of money collected under subsection (7); refund to county or municipality; compliance with MCL 257.303 and 257.319b; requirements for implementing and enforcing federal law.**

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

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

(b) A person, before operating a single vehicle having a gross vehicle weight rating or gross vehicle weight of 26,001 pounds or more, whichever is greater, including while towing a vehicle having a gross vehicle weight rating or gross vehicle weight of not more than 10,000 pounds, shall procure a group B vehicle designation on his or her operator's or chauffeur's license. Unless an indorsement or the removal of restrictions is required, a person licensed to operate a group B vehicle may operate a group C vehicle without taking another test.

(c) A person, before operating a single vehicle or a combination of vehicles that fits the definition of small vehicle (group C) under 49 CFR 383.91(a)(3) shall procure a group C vehicle designation and a hazardous material or passenger vehicle indorsement on his or her operator's or chauffeur's license.

(2) An applicant for a vehicle group designation shall take knowledge and driving skills tests that comply with minimum federal standards prescribed in 49 CFR part 383 as required under this act.

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

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

(a) If a person operates a group B passenger vehicle while taking his or her driving skills test for a P indorsement, he or she is restricted to operating only group B or C passenger vehicles under that P indorsement. If a person operates a group B school bus while taking his or her driving skills test for an S indorsement, he or she is restricted to operating only group B or C school buses under that S indorsement. Except as provided in this section, beginning on the effective date of the amendatory act that added this sentence, the secretary of state shall place on the commercial learner's permit or commercial driver license the following restriction code as provided under 49 CFR 383.95 and 383.153: not valid to operate a group A passenger commercial motor vehicle.

(b) If a person operates a group C passenger vehicle while taking his or her driving skills test for a P indorsement, he or she is restricted to operating only group C passenger vehicles under that P indorsement. If a person operates a group C school bus while taking his or her driving skills test for an S indorsement, he or she is restricted to operating only group C school buses under that S indorsement. Except as provided in this section, beginning on the effective date of the amendatory act that added this sentence, the secretary of state shall place on the commercial learner's permit or commercial driver license the following restriction code as provided under 49 CFR 383.95 and 383.153: not valid to operate a group A or group B passenger commercial motor vehicle.

(c) A person who fails the air brake portion of the written or driving skills test provided under section 312f or who takes the driving skills test provided under that section in a commercial motor vehicle that is not equipped with air brakes shall not operate a commercial motor vehicle equipped with air brakes. Except as provided in this section, beginning on the effective date of the amendatory act that added this sentence, the secretary of state shall place on the commercial learner's permit or commercial driver license the following restriction code as provided under 49 CFR 383.95 and 383.153: CDL not valid for vehicle with air brakes.

(d) Except as provided in this section, beginning on the effective date of the amendatory act that added this subdivision, the secretary of state shall place on a commercial learner's permit or commercial driver license the following restriction codes as provided under 49 CFR 383.95 and 383.153:

(i) For a commercial learner's permit:

- (A) No passengers in a commercial motor vehicle bus.
- (B) No cargo in a commercial motor vehicle tank vehicle.
- (C) Commercial motor vehicle operation with medical variance.
- (D) Commercial motor vehicle operation intrastate only.

(ii) For a commercial driver license:

- (A) Not valid to operate commercial motor vehicle equipped with full air brakes.
- (B) Not valid to operate commercial motor vehicle equipped with manual transmission.

(C) Not valid to operate a group A commercial vehicle tractor-trailer combination connected by fifth wheel.

(D) Commercial motor vehicle operation intrastate only.

(E) Commercial motor vehicle operation with medical variance.

(5) A person, before operating a commercial motor vehicle, shall obtain the following vehicle endorsements as provided under 49 CFR 383.93 and 383.153:

(a) A person, before operating a commercial motor vehicle pulling double trailers, shall obtain the appropriate vehicle group designation and a T vehicle endorsement under this act.

(b) A person applying for a commercial learner's permit to operate an empty tank motor vehicle shall obtain the appropriate vehicle group designation and an N endorsement. A person, before operating a tank motor vehicle, shall have on a commercial driver license the appropriate vehicle group designation and an N vehicle endorsement under this act.

(c) A person, before operating a commercial motor vehicle carrying hazardous materials on which a placard is required under 49 CFR parts 100 to 199, shall procure the appropriate vehicle group designation and an H vehicle endorsement under this act.

(d) A person, before operating a tank motor vehicle carrying hazardous materials, shall obtain the appropriate vehicle group designation and both an N and H vehicle endorsement, which shall be designated by the code letter X on the person's operator's or chauffeur's license.

(e) A person applying for a commercial learner's permit to operate a passenger commercial motor vehicle that is not a school bus, as set forth in section 306a(2)(e), shall obtain the appropriate commercial vehicle group designation and a P endorsement. A person, before operating a vehicle that is designed to transport 16 or more passengers including the driver but that is not a school bus shall have on a commercial driver license the appropriate vehicle group designation and a P vehicle endorsement under this act. An applicant for a P vehicle endorsement shall take the driving skills test in a vehicle designed to transport 16 or more passengers including the driver.

(f) A person applying for a commercial learner's permit to operate a school bus designed to transport 16 or more passengers, including the driver, as set forth in section 306a(2)(e), who does not currently possess a P endorsement, shall obtain the appropriate vehicle group designation and pass the knowledge tests for both the P and S endorsements. A person, before operating a school bus, shall have on a commercial driver license the appropriate vehicle group designation and both the P and S vehicle endorsements under this act. An applicant for an S vehicle endorsement shall take a driving skills test in a school bus designed to transport 16 or more passengers, including the driver, that represents the same type of vehicle that the applicant intends to operate as a school bus.

(g) A person who currently possesses a P endorsement and is applying for a commercial learner's permit to operate a school bus designed to transport 16 or more passengers, including the driver, as set forth in section 306(a)(2)(e), shall obtain the appropriate vehicle group designation and pass the knowledge test for the S endorsement. A person who currently possesses a P endorsement, before operating a school bus designed to transport 16 or more passengers, including the driver, shall obtain the appropriate vehicle group designation, pass the knowledge test for an S endorsement, and obtain an S vehicle endorsement for his or her commercial driver license under this act. An applicant for an S vehicle endorsement shall take a driving skills test in a school bus designed to transport 16 or more passengers, including the driver, that represents the same type of vehicle that the applicant intends to operate as a school bus.

(6) An applicant for an endorsement shall take the knowledge and driving skills tests described and required under 49 CFR part 383.

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

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

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

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

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

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

(9) A person, before driving or operating a combination of vehicles having a gross vehicle weight rating of 26,001 pounds or more on the power unit that is used as described in subsection (8)(a) to (d), shall obtain an F

vehicle indorsement. The F vehicle indorsement shall be issued upon successful completion of a knowledge test only.

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

(11) This section does not apply to a police officer operating an authorized emergency vehicle or to a firefighter operating an authorized emergency vehicle who has met the driver training standards published under the firefighters training council act, 1966 PA 291, MCL 29.361 to 29.377.

(12) This section does not apply to a person operating a vehicle used exclusively to transport personal possessions or family members for nonbusiness purposes.

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

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

(15) This state shall comply with the requirements of the American Association of Motor Vehicle Administrators' AAMVAnet, Incorporated's "Commercial Driver License Information System (CDLIS) State Procedures Manual" that the secretary of state determines are required for implementing and enforcing federal law.

**History:** Add. 1978, Act 139, Eff. May 1, 1979;—Am. 1980, Act 1, Imd. Eff. Jan. 25, 1980;—Am. 1980, Act 123, Imd. Eff. May 21, 1980;—Am. 1980, Act 174, Imd. Eff. June 23, 1980;—Am. 1987, Act 232, Imd. Eff. Dec. 28, 1987;—Am. 1988, Act 346, Eff. Jan. 1, 1990;—Am. 1989, Act 280, Imd. Eff. Dec. 26, 1989;—Am. 1989, Act 299, Imd. Eff. Jan. 3, 1990;—Am. 1990, Act 67, Imd. Eff. Apr. 27, 1990;—Am. 1990, Act 181, Imd. Eff. July 18, 1990;—Am. 1991, Act 100, Eff. Jan. 1, 1993;—Am. 2000, Act 158, Imd. Eff. June 14, 2000;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2002, Act 652, Eff. Jan. 1, 2003;—Am. 2003, Act 152, Eff. Oct. 1, 2003;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2006, Act 212, Imd. Eff. June 19, 2006;—Am. 2006, Act 298, Imd. Eff. July 20, 2006;—Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011;—Am. 2015, Act 11, Eff. July 8, 2015.

**Compiler's note:** Section 2 of Act 346 of 1988 provides:

“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”

Section 2 of Act 173 of 1989 provides:

“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

**257.312f Vehicle group designation or indorsement on operator's or chauffeur's license; hazardous material endorsement; vehicle used for farming purposes; age; tests; waiver; seasonal restricted vehicle group designation; conditions prohibiting issuance of commercial learner's permit, vehicle group designation, or vehicle indorsement; cancellation; determining applicability of subsection (5); "farm related service industry" defined.**

Sec. 312f. (1) Except as otherwise provided in this section, a person shall be not less than 18 years of age before he or she is issued a vehicle group designation or indorsement, other than a motorcycle indorsement, or not less than 21 years of age and has been approved by the Transportation Security Administration for a hazardous material endorsement before he or she is issued a hazardous material indorsement on an operator's or chauffeur's license and, as provided in this section, the person shall pass knowledge and driving skills tests that comply with minimum federal standards prescribed in 49 CFR part 383. The knowledge and skills test scores shall be retained by the secretary of state as provided under 49 CFR 383.135. A person who is 18 years

of age or older operating a vehicle to be used for farming purposes only may obtain an A or B vehicle group designation or an F vehicle indorsement. Each written examination given an applicant for a vehicle group designation or indorsement shall include subjects designed to cover the type or general class of vehicle to be operated. Except as follows, a person shall pass an examination that includes a driving skills test designed to test competency of the applicant for an original vehicle group designation and passenger indorsement on an operator's or chauffeur's license to drive that type or general class of vehicle upon the highways of this state with safety to persons and property:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The applicant has had his or her license suspended or revoked for a reason other than as provided in section 321a, 515, 732a, or 801c or section 30 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.630, in the 36 months immediately preceding application. However, a vehicle group designation may be issued if the suspension or revocation was due to a temporary medical condition or failure to appear at a reexamination as provided in section 320.

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

provided in section 320a in the 24 months immediately preceding application if the violation occurred while the applicant was operating a commercial motor vehicle, or a violation of section 625(3) or former section 625b, or a local ordinance substantially corresponding to section 625(3) or former section 625b in the 24 months immediately preceding application, if the applicant was operating any type of motor vehicle.

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

(d) The applicant is listed on the national driver register, the commercial driver's license information system, or the driving records of the state in which the applicant was previously licensed as having had a license suspended, revoked, or canceled in the 36 months immediately preceding application if a suspension or revocation would have been imposed under this act had the applicant been licensed in this state in the original instance. This subdivision does not apply to a suspension or revocation that would have been imposed due to a temporary medical condition or under section 321a, 515, 732a, or 801c or section 30 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.630.

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

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

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

(h) The applicant fails to satisfy the federal regulations promulgated under 49 CFR parts 383 and 391 by refusing to certify the type of commercial motor vehicle operation the applicant intends to perform and fails to present valid medical certification to the secretary of state if required to do so.

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

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

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

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

(b) The applicant is listed on the national driver register or the commercial driver's license information system as being disqualified from operating a commercial motor vehicle or as having a driver license or driving privilege suspended, revoked, canceled, or denied.

(c) On or after January 30, 2012, the applicant fails to meet the requirements of 49 CFR parts 383 and 391 by refusing to certify the type of commercial motor vehicle operation the applicant intends to perform and fails to present medical certification to the secretary of state if required to do so.

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

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

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

(10) The secretary of state shall cancel all vehicle group designations on the person's operator's or chauffeur's license upon receiving proper notice that the person no longer meets the federal driver qualification requirements under 49 CFR parts 383 and 391 to operate a commercial motor vehicle in

interstate or intrastate commerce, or the person no longer meets the driver qualification requirements to operate a commercial motor vehicle in intrastate commerce under the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25.

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

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

**History:** Add. 1978, Act 139, Eff. May 1, 1979;—Am. 1980, Act 174, Imd. Eff. June 23, 1980;—Am. 1981, Act 92, Imd. Eff. July 2, 1981;—Am. 1984, Act 306, Imd. Eff. Dec. 21, 1984;—Am. 1988, Act 346, Eff. Jan. 1, 1990;—Am. 1990, Act 67, Imd. Eff. Apr. 27, 1990;—Am. 1990, Act 181, Imd. Eff. July 18, 1990;—Am. 1991, Act 99, Eff. Jan. 1, 1992;—Am. 1991, Act 100, Eff. Jan. 1, 1993;—Am. 1992, Act 179, Imd. Eff. July 31, 1992;—Am. 1992, Act 180, Eff. Jan. 1, 1993;—Am. 2002, Act 259, Imd. Eff. May 1, 2002;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2006, Act 298, Imd. Eff. July 20, 2006;—Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011;—Am. 2012, Act 473, Eff. Mar. 28, 2013;—Am. 2015, Act 11, Eff. July 8, 2015;—Am. 2016, Act 58, Imd. Eff. Mar. 29, 2016.

**Compiler's note:** Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

### **257.312g Transportation of hazardous material; hazardous material endorsement on operator's or chauffeur's license required; violation; penalty.**

Sec. 312g. A person shall not transport or require, permit, or knowingly allow to be transported a hazardous material for which a placard is required under 49 CFR parts 100 to 199 in a commercial motor vehicle if the operator of the vehicle does not have a hazardous material endorsement on his or her operator's or chauffeur's license. A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$500.00, or both.

**History:** Add. 2005, Act 179, Imd. Eff. Oct. 20, 2005.

**Compiler's note:** Former MCL 257.312g, which pertained to disposition and refund of fees, was repealed by Act 280 of 1989, Imd. Eff. Dec. 26, 1989.

### **257.312h Vehicle group designation and indorsement on chauffeur's license; additional fees; duration of indorsement; disposition and refund of fees.**

Sec. 312h. (1) A person who is issued an original chauffeur's license as described in section 314(3), upon payment of a vehicle group designation fee as provided under section 312e(7) and \$5.00 for each indorsement in addition to any other chauffeur's license fees and compliance with section 312f, may be issued a vehicle group designation and indorsement for the same period.

(2) The money collected under this section shall be deposited in the state treasury to the credit of the general fund. The secretary of state shall refund out of the fees collected to each county or municipality acting as an examining officer or examining bureau, \$2.00 for each applicant examined for a vehicle group designation or indorsement to a first chauffeur's license whose application is not denied, on the condition, however, that the money refunded shall be paid to the county or local treasurer and is appropriated to the county, municipality, or officer or bureau receiving that money for the purpose of carrying out this act.

**History:** Add. 1978, Act 139, Eff. May 1, 1979;—Am. 1980, Act 174, Imd. Eff. June 23, 1980;—Am. 1988, Act 346, Eff. Jan. 1, 1990;—Am. 1989, Act 280, Imd. Eff. Dec. 26, 1989;—Am. 1989, Act 299, Imd. Eff. Jan. 3, 1990;—Am. 2003, Act 152, Eff. Oct. 1, 2003;—Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011.

**Compiler's note:** Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

Acts of 1988 shall take effect January 1, 1990.

“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

**257.312i Pickup truck with fifth wheel assembly and attached semitrailer; R vehicle indorsement required; prohibition; written examination; fee; exemption.**

Sec. 312i. (1) A person, before operating a pickup truck equipped with a fifth wheel assembly with an attached semitrailer designed for recreational living purposes and towing an additional trailer or semitrailer, shall procure an R vehicle indorsement on the operator's or chauffeur's license. An R vehicle indorsement shall not be issued to a person who is 17 years of age or less.

(2) Before a person is issued an original R vehicle indorsement on an operator's or chauffeur's license, the person shall pass a written examination which shall include subjects designed to cover knowledge needed to tow a double trailer combination. All examinations shall be administered as provided in this act.

(3) Every application for an R vehicle indorsement on an operator's or chauffeur's license for operation of a pickup truck as provided in this section shall be accompanied by a fee of \$10.00 which shall be in addition to any other original or renewal operator or chauffeur license fee.

(4) A person who is licensed under this act to operate either a group A designated vehicle with a T vehicle indorsement or a group B designated vehicle with a T vehicle indorsement is exempt from the requirements of this section.

**History:** Add. 1990, Act 75, Imd. Eff. May 17, 1990.

\*\*\*\*\* 257.312j.added THIS ADDED SECTION IS EFFECTIVE FEBRUARY 20, 2017 \*\*\*\*\*

**257.312j.added Skills testing of individual holding valid out-of-state commercial learner's permit; pilot program.**

Sec. 312j. (1) The department shall establish a pilot program that, as determined by the department, provides for the skills testing of an individual who holds a valid commercial learner's permit issued by a state other than this state.

(2) An individual who holds a valid commercial learner's permit issued by a state other than this state is not eligible for skills testing as described in subsection (1) unless all of the following are satisfied:

(a) The individual has successfully completed a truck driver training curriculum that has been approved by the department and provided by a person that has been approved to provide truck driver training under the driver education provider and instructor act, 2006 PA 384, MCL 256.621 to 256.705.

(b) The state that issued the commercial learner's permit is a participant in an electronic national commercial driver examination reporting system in which this state is also a participant.

(3) The pilot program described in subsection (1) shall continue until the department adopts curriculum requirements for a person providing instruction to individuals seeking a vehicle group designation or indorsement described in section 312e.

**History:** Add. 2016, Act 321, Eff. Feb. 20, 2017.

**257.313 Operator's or chauffeur's license; loss, destruction, mutilation, or illegibility; duplicate; proof.**

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

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

**History:** 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1959, Act 250, Imd. Eff. Aug. 21, 1959;—Am. 1983, Act 63, Eff. Mar. 29, 1984;—Am. 1989, Act 280, Imd. Eff. Dec. 26, 1989;—Am. 1991, Act 99, Eff. Jan. 1, 1992;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004.

**257.314 Operator's or chauffeur's license; duration; expiration; identification of licensee less than 21; renewal; extension.**

Sec. 314. (1) Except as otherwise provided in this section, operator's licenses and chauffeur's licenses expire on the birthday of the person to whom the license is issued in the fourth year following the date of the issuance of the license or on the date the person is no longer considered to be legally present in the United States under section 307, whichever is earlier, unless suspended or revoked before that date. A license shall

not be issued for a period longer than 4 years. A person holding a license at any time 12 months before the expiration of his or her license may apply for a new license as provided for in this chapter. A knowledge test for an original group designation or indorsement may be taken at any time during this period and the results are valid for 12 months. A license renewed under this subsection shall be renewed for the time remaining on the license before its renewal combined with the 4-year renewal period.

(2) The first operator's license issued to a person who at the time of application is less than 20-1/2 years of age expires on the licensee's twenty-first birthday or on the date the person is no longer considered to be legally present in the United States under section 307, whichever is earlier, unless suspended or revoked.

(3) The first chauffeur's license issued to a person expires on the licensee's birthday in the fourth year following the date of issuance or on the date the person is no longer considered to be legally present in the United States under section 307, whichever is earlier, unless the license is suspended or revoked before that date. The chauffeur's license of a person who at the time of application is less than 20-1/2 years of age expires on the licensee's twenty-first birthday or on the date the person is no longer considered to be legally present in the United States under section 307, whichever is earlier, unless suspended or revoked. A subsequent chauffeur's license expires on the birthday of the person to whom the license is issued in the fourth year following the date of issuance of the license or on the date the person is no longer considered to be legally present in the United States under section 307, whichever is earlier, unless the license is suspended or revoked before that date.

(4) A person may apply for an extension of his or her driving privileges if he or she is out of state on the date that his or her operator's or chauffeur's license expires. The extension may extend the license for 180 days beyond the expiration date or not more than 2 weeks after the applicant returns to Michigan, whichever occurs first. This subsection does not apply to a person who fails to meet the requirements of 49 CFR parts 383 and 391 with regard to medical certification documentation requirements.

(5) The secretary of state may issue a renewal operator's or chauffeur's license to a person who will be out of state for more than 180 days beyond the expiration date of his or her operator's or chauffeur's license, if the secretary of state has a digital image of the person on file. The applicant for this renewal shall submit a statement evidencing a vision examination in accordance with the rules promulgated by the secretary of state under section 309 and any other statement required by this act or federal law. A person is not eligible for consecutive renewals of a license under this subsection. This subsection does not apply to a person who fails to meet the requirements of 49 CFR parts 383 and 391 with regard to medical certification documentation requirements, or a person with a hazardous material indorsement on his or her operator's or chauffeur's license.

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

**History:** 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1953, Act 215, Eff. Oct. 2, 1953;—Am. 1967, Act 78, Eff. Jan. 1, 1968;—Am. 1970, Act 124, Imd. Eff. July 23, 1970;—Am. 1972, Act 357, Imd. Eff. Jan. 9, 1973;—Am. 1974, Act 56, Imd. Eff. Apr. 1, 1974;—Am. 1975, Act 122, Imd. Eff. July 1, 1975;—Am. 1980, Act 174, Imd. Eff. June 23, 1980;—Am. 1982, Act 30, Eff. Mar. 15, 1982;—Am. 1984, Act 289, Eff. Mar. 29, 1985;—Am. 1985, Act 67, Imd. Eff. July 1, 1985;—Am. 1988, Act 346, Eff. Jan. 1, 1990;—Am. 1989, Act 280, Imd. Eff. Dec. 26, 1989;—Am. 1989, Act 299, Imd. Eff. Jan. 3, 1990;—Am. 2000, Act 173, Imd. Eff. June 20, 2000;—Am. 2002, Act 554, Eff. Oct. 1, 2002;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2006, Act 298, Imd. Eff. July 20, 2006;—Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008;—Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011.

**Compiler's note:** Section 2 of Act 346 of 1988 provides:

“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”

Section 2 of Act 173 of 1989 provides:

“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

**Administrative rules:** R 257.851 et seq. of the Michigan Administrative Code.

### **257.314a Repealed. 1978, Act 139, Eff. May 1, 1979.**

**Compiler's note:** The repealed section provided for 3-year license to phase in 4-year license.

### **257.314b Repealed. 2004, Act 362, Imd. Eff. Oct. 4, 2004.**

**Compiler's note:** The repealed section pertained to two-year license for certain licensed drivers.

**257.315 Operator's and chauffeur's license; change of address; notice; use of residence address on qualified voter file; failure to report change; violation; penalty; nonappealability.**

Sec. 315. (1) An operator or chauffeur who changes his or her residence before the expiration of a license granted under this chapter shall immediately notify the secretary of state of his or her new residence address. A change of address notification shall be in a manner prescribed by the secretary of state and may include notification by personally appearing at a branch office of the secretary of state or other location designated by the secretary of state, or a notification by mail, telephone, electronically, by submitting a voter registration application unless the person registers to vote in a city, village, or township that prohibits the operation of motor vehicles by law or ordinance, or by any other means prescribed by the secretary of state. The secretary of state shall provide the person changing his or her residence address the notice required by section 307(1)(c) that, under sections 509o and 509r of the Michigan election law, 1954 PA 116, MCL 168.509o and 168.509r, the secretary of state is required to use the residence address provided on this change of address application as the person's residence address on the qualified voter file for voter registration and voting. However, a person may submit to the secretary of state a mailing address that is different than his or her residence address.

(2) Upon receiving a change of address notification, the secretary of state shall change the person's driver license record to indicate the new residence address. The secretary of state shall provide the person with a new license or a label or some other mechanism containing the new residence address. Upon receipt of the label or other mechanism, the person shall affix the label or mechanism to his or her operator's or chauffeur's license as prescribed by the secretary of state. If the secretary of state furnished the person with a new license, the person shall destroy his or her old license and replace it with the new license.

(3) If a person fails to report a change of his or her residence address as required under this section and subsequently there is no response to a notice mailed to the residence address shown by the record of the secretary of state or if the person has provided the secretary of state a mailing address different from his or her residence address and there is no response to a notice mailed to that mailing address, the secretary of state may immediately suspend or revoke his or her license. A person who fails to report a change of his or her residence address is responsible for a civil infraction.

(4) A person shall not knowingly report a change of address to the secretary of state for himself or herself that is not his or her residence address. A person shall not knowingly report a change of address to the secretary of state for another person without the consent of the other person. A person who is convicted of a violation of this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of \$1,000.00, or both. Upon receiving the abstract of a conviction under this subsection, the secretary of state may suspend the person's operator's or chauffeur's license for 6 months. The secretary of state shall not issue a restricted license to the person during the suspension.

(5) Upon a second or subsequent conviction under subsection (4), a person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of \$5,000.00, or both. Upon receiving the abstract of a second or subsequent conviction under subsection (4), the secretary of state shall revoke the person's operator's or chauffeur's license.

(6) The suspension or revocation of an operator's or chauffeur's license under subsection (4) or (5) is not appealable under section 323.

**History:** 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1966, Act 206, Eff. Aug. 1, 1966;—Am. 1999, Act 118, Eff. Apr. 1, 2000;—Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008.

**257.316 Operator's or chauffeur's license; filing and indexing applications; records.**

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

**History:** 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 139, Eff. May 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004.

**257.316a Repealed. 1990, Act 188, Eff. Aug. 15, 1990.**

**Compiler's note:** The repealed section pertained to qualifications of school bus drivers and substitutes.

CANCELLATION, SUSPENSION, OR REVOCATION OF LICENSES

**257.317 Suspension or revocation of right of nonresident to operate vehicle in state; driving**

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**while privilege suspended, revoked, or denied; forwarding certified copy of record; notification to other states.**

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

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

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

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

**History:** 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1967, Act 226, Eff. Nov. 2, 1967;—Am. 1978, Act 139, Eff. May 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1993, Act 359, Eff. Sept. 1, 1994;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004.

**257.318 Suspension or revocation of license of person convicted or determined responsible for violation in another state.**

Sec. 318. The secretary of state may suspend or revoke the license issued under this act upon receiving notice of the conviction of that person in another state of an offense in that state, or the determination of responsibility of that person in an administrative adjudication in another state for a violation in that state which, if committed in this state, would be grounds for the suspension or revocation of the license of an operator or chauffeur.

**History:** 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 139, Eff. May 1, 1979;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008.

\*\*\*\*\* 257.319 THIS SECTION IS AMENDED EFFECTIVE JANUARY 1, 2018: See 257.319.amended \*\*\*\*\*

**257.319 Mandatory suspension of license; restricted license; "prior conviction" defined; 2 or more convictions; appeal.**

Sec. 319. (1) The secretary of state shall immediately suspend a person's license as provided in this section upon receiving a record of the person's conviction for a crime described in this section, whether the conviction is under a law of this state, a local ordinance substantially corresponding to a law of this state, a law of another state substantially corresponding to a law of this state, or, beginning October 31, 2010, a law of the United States substantially corresponding to a law of this state.

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

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

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

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

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

- (i) The vehicle was used as an instrument of the felony.
- (ii) The vehicle was used to transport a victim of the felony.
- (iii) The vehicle was used to flee the scene of the felony.
- (iv) The vehicle was necessary for the commission of the felony.
- (e) A violation of section 602a(2) or (3) of this act or section 479a(2) or (3) of the Michigan penal code, 1931 PA 328, MCL 750.479a.
  - (f) Beginning October 31, 2010, a violation of section 601d.
  - (3) The secretary of state shall suspend the person's license for 90 days for any of the following crimes:
    - (a) Failing to stop and disclose identity at the scene of an accident resulting in injury in violation of section 617a.
    - (b) A violation of section 601b(2), section 601c(1), section 653a(3), section 626 before October 31, 2010, or, beginning October 31, 2010, section 626(2).
    - (c) Malicious destruction resulting from the operation of a vehicle under section 382(1)(b), (c), or (d) of the Michigan penal code, 1931 PA 328, MCL 750.382.
    - (d) A violation of section 703(2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703.
  - (4) The secretary of state shall suspend the person's license for 30 days for malicious destruction resulting from the operation of a vehicle under section 382(1)(a) of the Michigan penal code, 1931 PA 328, MCL 750.382.
  - (5) For perjury or making a false certification to the secretary of state under any law requiring the registration of a motor vehicle or regulating the operation of a vehicle on a highway, or for conduct prohibited under section 324(1) or a local ordinance substantially corresponding to section 324(1), the secretary of state shall suspend the person's license as follows:
    - (a) If the person has no prior conviction for an offense described in this subsection within 7 years, for 90 days.
    - (b) If the person has 1 or more prior convictions for an offense described in this subsection within 7 years, for 1 year.
  - (6) For a violation of section 414 of the Michigan penal code, 1931 PA 328, MCL 750.414, the secretary of state shall suspend the person's license as follows:
    - (a) If the person has no prior conviction for that offense within 7 years, for 90 days.
    - (b) If the person has 1 or more prior convictions for that offense within 7 years, for 1 year.
  - (7) For a violation of section 624a or 624b of this act or section 703(1) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, the secretary of state shall suspend the person's license as follows:
    - (a) If the person has 1 prior conviction for an offense described in this subsection or section 33b(1) of former 1933 (Ex Sess) PA 8, for 90 days. The secretary of state may issue the person a restricted license after the first 30 days of suspension.
    - (b) If the person has 2 or more prior convictions for an offense described in this subsection or section 33b(1) of former 1933 (Ex Sess) PA 8, for 1 year. The secretary of state may issue the person a restricted license after the first 60 days of suspension.
  - (8) The secretary of state shall suspend the person's license for a violation of section 625 or 625m as follows:
    - (a) For 180 days for a violation of section 625(1) or (8) before October 31, 2010 or, beginning October 31, 2010, section 625(1)(a) or (b) or (8) if the person has no prior convictions within 7 years. The secretary of state may issue the person a restricted license during a specified portion of the suspension, except that the secretary of state shall not issue a restricted license during the first 30 days of suspension.
    - (b) For 90 days for a violation of section 625(3) if the person has no prior convictions within 7 years. However, if the person is convicted of a violation of section 625(3), for operating a vehicle when, due to the consumption of a controlled substance or a combination of alcoholic liquor and a controlled substance, the person's ability to operate the vehicle was visibly impaired, the secretary of state shall suspend the person's license under this subdivision for 180 days. The secretary of state may issue the person a restricted license during all or a specified portion of the suspension.
    - (c) For 30 days for a violation of section 625(6) if the person has no prior convictions within 7 years. The secretary of state may issue the person a restricted license during all or a specified portion of the suspension.
    - (d) For 90 days for a violation of section 625(6) if the person has 1 or more prior convictions for that offense within 7 years.
    - (e) For 180 days for a violation of section 625(7) if the person has no prior convictions within 7 years. The secretary of state may issue the person a restricted license after the first 90 days of suspension.
    - (f) For 90 days for a violation of section 625m if the person has no prior convictions within 7 years. The

secretary of state may issue the person a restricted license during all or a specified portion of the suspension.

(g) Beginning October 31, 2010, for 1 year for a violation of section 625(1)(c) if the person has no prior convictions within 7 years or not more than 2 convictions within 10 years. The secretary of state may issue the person a restricted license, except that the secretary of state shall not issue a restricted license during the first 45 days of suspension.

(h) Beginning October 31, 2010, the department shall order a person convicted of violating section 625(1)(c) not to operate a motor vehicle under a restricted license issued under subdivision (g) unless the vehicle is equipped with an ignition interlock device approved, certified, and installed as required under sections 625k and 625l. The ignition interlock device may be removed after the interlock device provider provides the department with verification that the person has operated the vehicle with no instances of reaching or exceeding a blood alcohol level of 0.025 grams per 210 liters of breath. This subdivision does not prohibit the removal of the ignition interlock device for any of the following:

(i) A start-up test failure that occurs within the first 2 months after installation of the device. As used in this subdivision, "start-up test failure" means that the ignition interlock device has prevented the motor vehicle from being started. Multiple unsuccessful attempts at 1 time to start the vehicle shall be treated as 1 start-up test failure only under this subparagraph.

(ii) A start-up test failure occurring more than 2 months after installation of the device, if not more than 15 minutes after detecting the start-up test failure the person delivers a breath sample that the ignition interlock device analyzes as having an alcohol level of less than 0.025 grams per 210 liters of breath.

(iii) A retest prompted by the device, if not more than 5 minutes after detecting the retest failure the person delivers a breath sample that the ignition interlock device analyzes as having an alcohol level of less than 0.025 grams per 210 liters of breath.

(i) Beginning October 31, 2010, if an individual violates the conditions of the restricted license issued under subdivision (g) or operates or attempts to operate a motor vehicle with a blood alcohol level of 0.025 grams per 210 liters of breath, the secretary of state shall impose an additional like period of suspension and restriction as prescribed under subdivision (g). This subdivision does not require an additional like period of suspension and restriction for any of the following:

(i) A start-up test failure within the first 2 months after installation of the ignition interlock device. As used in this subdivision, "start-up test failure" means that the ignition interlock device has prevented the motor vehicle from being started. Multiple unsuccessful attempts at 1 time to start the vehicle shall be treated as 1 start-up test failure only under this subparagraph.

(ii) A start-up test failure occurring more than 2 months after installation of the device, if not more than 15 minutes after detecting the start-up test failure the person delivers a breath sample that the ignition interlock device analyzes as having an alcohol level of less than 0.025 grams per 210 liters of breath.

(iii) Any retest prompted by the device, if not more than 5 minutes after detecting the retest failure the person delivers a breath sample that the ignition interlock device analyzes as having an alcohol level of less than 0.025 grams per 210 liters of breath.

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

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

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

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

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

(12) For a second or subsequent violation of section 701(1) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701, by an individual who is not a retail licensee or a retail licensee's clerk, agent, or employee, the secretary of state shall suspend the person's license for 180 days. The secretary of state may issue a person a restricted license during all or a specified portion of the suspension.

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

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

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

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

(17) The secretary of state shall not issue a restricted license to a person under subsection (8) that would permit the person to operate a commercial motor vehicle.

(18) Except as provided in subsection (17), a restricted license issued under this section shall permit the person to whom it is issued to take any driving skills test required by the secretary of state and to operate a vehicle under 1 or more of the following circumstances:

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

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

(i) The person's residence.

(ii) The person's work location.

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

(iv) The court probation department.

(v) A court-ordered community service program.

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

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

(viii) An ignition interlock service provider as required.

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

(20) Subject to subsection (22), as used in subsection (8), "prior conviction" means a conviction for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

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

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

(ii) Section 625m.

(iii) Former section 625b.

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

(c) Beginning October 31, 2010, a violation of section 601d or section 626(3) or (4).

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

(22) If 2 or more convictions described in subsection (20) are convictions for violations arising out of the same transaction, only 1 conviction shall be used to determine whether the person has a prior conviction.

(23) Any period of suspension or restriction required under this section is not subject to appeal to the secretary of state.

**History:** 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1967, Act 226, Eff. Nov. 2, 1967;—Am. 1976, Act 285, Eff. Apr. 1, 1977;—Am. 1980, Act 398, Eff. Mar. 31, 1981;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 1981, Act 159, Eff. Mar. 31, 1982;—Am. 1981, Act 222, Imd. Eff. Jan. 5, 1982;—Am. 1982, Act 64, Eff. Mar. 30, 1983;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1986, Act 177, Imd. Eff. July 7, 1986;—Am. 1988, Act 205, Eff. July 1, 1988;—Am. 1988, Act 406, Eff. Mar. 30, 1989;—Am. 1991, Act 93, Eff. Jan. 1, 1992;—Am. 1993, Act 359, Eff. Sept. 1, 1994;—Am. 1994, Act 211, Eff. Nov. 1, 1994;—Am. 1994, Act 449, Eff. May 1, 1995;—Am. 1996, Act 493, Eff. Apr. 1, 1997;—Am. 1996, Act 587, Eff. June 1, 1997;—Am. 1998, Act 347, Eff. Oct. 1, 1999;—Am. 1999, Act 118, Eff. Apr. 1, 2000;—Am. 1999, Act 267, Imd. Eff. Dec. 29, 1999;—Am. 2000, Act 152, Imd. Eff. June 12, 2000;—Am. 2000, Act 460, Eff. Mar. 28, 2001;—Am. 2001, Act 103, Eff. Oct. 1, 2001;—Am. 2001, Act 134, Eff. Feb. 1, 2002;—Am. 2001, Act 159, Eff. Feb. 1, 2002;—Am. 2002, Act 422, Eff. Oct. 1, 2002;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2003, Act 61, Eff. Sept. 30, 2003;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2008, Act 462, Eff. Oct. 31, 2010;—Am. 2008, Act 463, Eff. Oct. 31, 2010;—Am. 2010, Act 155, Eff. Jan. 1, 2011;—Am. 2010, Act 267, Eff. June 30, 2011;—Am. 2012, Act 306, Imd. Eff. Oct.

1, 2012;—Am. 2015, Act 11, Eff. July 8, 2015;—Am. 2016, Act 32, Eff. June 6, 2016.

**Compiler's note:** Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

Section 2 of Act 205 of 1988 provides: "This amendatory act shall take effect July 1, 1988 and apply to violations which occur on or after that date."

Enacting section 1 of Act 32 of 2016 provides:

"Enacting section 1. R 257.1005 and R 257.1006 of the Michigan Administrative Code are rescinded."

\*\*\*\*\* 257.319.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1 2018 \*\*\*\*\*

**257.319.amended Suspension of license; crimes; violations; waiver; restricted license; "prior conviction" as used in subsection (7) or (8); 2 or more convictions; appeal.**

Sec. 319. (1) The secretary of state shall immediately suspend a person's license as provided in this section on receiving a record of the person's conviction for a crime described in this section, whether the conviction is under a law of this state, a local ordinance substantially corresponding to a law of this state, a law of another state substantially corresponding to a law of this state, or, beginning October 31, 2010, a law of the United States substantially corresponding to a law of this state.

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

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

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

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

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

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

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

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

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

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

(f) Beginning October 31, 2010, a violation of section 601d.

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

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

(b) A violation of section 601b(2), section 601c(1), section 653a(3), section 626 before October 31, 2010, or, beginning October 31, 2010, section 626(2).

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

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

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

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

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

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

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

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

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

(7) For a violation of section 624a or 624b of this act or section 703(1) of the Michigan liquor control code

of 1998, 1998 PA 58, MCL 436.1703, the secretary of state shall suspend the person's license as follows:

(a) Subject to subsection (24), if the person has 1 prior conviction for an offense described in section 624a or 624b of this act or section 33b(1) of former 1933 (Ex Sess) PA 8, for 90 days. The secretary of state may issue the person a restricted license after the first 30 days of suspension.

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

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

(a) For 180 days for a violation of section 625(1) or (8) before October 31, 2010 or, beginning October 31, 2010, section 625(1)(a) or (b) or (8) if the person has no prior convictions within 7 years. The secretary of state may issue the person a restricted license during a specified portion of the suspension, except that the secretary of state shall not issue a restricted license during the first 30 days of suspension.

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

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

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

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

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

(g) Beginning October 31, 2010, for 1 year for a violation of section 625(1)(c) if the person has no prior convictions within 7 years or not more than 2 convictions within 10 years. The secretary of state may issue the person a restricted license, except that the secretary of state shall not issue a restricted license during the first 45 days of suspension.

(h) Beginning October 31, 2010, the department shall order a person convicted of violating section 625(1)(c) not to operate a motor vehicle under a restricted license issued under subdivision (g) unless the vehicle is equipped with an ignition interlock device approved, certified, and installed as required under sections 625k and 625l. The ignition interlock device may be removed after the interlock device provider provides the department with verification that the person has operated the vehicle with no instances of reaching or exceeding a blood alcohol level of 0.025 grams per 210 liters of breath. This subdivision does not prohibit the removal of the ignition interlock device for any of the following:

(i) A start-up test failure that occurs within the first 2 months after installation of the device. As used in this subdivision, "start-up test failure" means that the ignition interlock device has prevented the motor vehicle from being started. Multiple unsuccessful attempts at 1 time to start the vehicle are treated as 1 start-up test failure only under this subparagraph.

(ii) A start-up test failure occurring more than 2 months after installation of the device, if not more than 15 minutes after detecting the start-up test failure the person delivers a breath sample that the ignition interlock device analyzes as having an alcohol level of less than 0.025 grams per 210 liters of breath.

(iii) A retest prompted by the device, if not more than 5 minutes after detecting the retest failure the person delivers a breath sample that the ignition interlock device analyzes as having an alcohol level of less than 0.025 grams per 210 liters of breath.

(i) Beginning October 31, 2010, if an individual violates the conditions of the restricted license issued under subdivision (g) or operates or attempts to operate a motor vehicle with a blood alcohol level of 0.025 grams per 210 liters of breath, the secretary of state shall impose an additional like period of suspension and restriction as prescribed under subdivision (g). This subdivision does not require an additional like period of suspension and restriction for any of the following:

(i) A start-up test failure within the first 2 months after installation of the ignition interlock device. As used in this subdivision, "start-up test failure" means that the ignition interlock device has prevented the motor vehicle from being started. Multiple unsuccessful attempts at 1 time to start the vehicle are treated as 1 start-up test failure only under this subparagraph.

(ii) A start-up test failure occurring more than 2 months after installation of the device, if not more than 15

minutes after detecting the start-up test failure the person delivers a breath sample that the ignition interlock device analyzes as having an alcohol level of less than 0.025 grams per 210 liters of breath.

(iii) Any retest prompted by the device, if not more than 5 minutes after detecting the retest failure the person delivers a breath sample that the ignition interlock device analyzes as having an alcohol level of less than 0.025 grams per 210 liters of breath.

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

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

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

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

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

(12) For a second or subsequent violation of section 701(1) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701, by an individual who is not a retail licensee or a retail licensee's clerk, agent, or employee, the secretary of state shall suspend the person's license for 180 days. The secretary of state may issue a person a restricted license during all or a specified portion of the suspension.

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

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

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

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

(17) The secretary of state shall not issue a restricted license to a person under subsection (8) that would permit the person to operate a commercial motor vehicle.

(18) Except as provided in subsection (17), a restricted license issued under this section shall permit the person to whom it is issued to take any driving skills test required by the secretary of state and to operate a vehicle under 1 or more of the following circumstances:

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

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

(i) The person's residence.

(ii) The person's work location.

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

(iv) The court probation department.

(v) A court-ordered community service program.

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

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

(viii) An ignition interlock service provider as required.

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

(20) Subject to subsection (22), as used in subsection (8), "prior conviction" means a conviction for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

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

(i) Section 625, except a violation of section 625(2), or a violation of any prior enactment of section 625 in

which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content.

(ii) Section 625m.

(iii) Former section 625b.

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

(c) Beginning October 31, 2010, a violation of section 601d or section 626(3) or (4).

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

(22) If 2 or more convictions described in subsection (20) are convictions for violations arising out of the same transaction, only 1 conviction shall be used to determine whether the person has a prior conviction.

(23) Any period of suspension or restriction required under this section is not subject to appeal to the secretary of state.

(24) For purposes of subsection (7), "prior conviction" means either a misdemeanor conviction or a civil infraction determination for a violation of section 703(1) of the liquor control code of 1998, 1998 PA 58, MCL 436.1703.

**History:** 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1967, Act 226, Eff. Nov. 2, 1967;—Am. 1976, Act 285, Eff. Apr. 1, 1977;—Am. 1980, Act 398, Eff. Mar. 31, 1981;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 1981, Act 159, Eff. Mar. 31, 1982;—Am. 1981, Act 222, Imd. Eff. Jan. 5, 1982;—Am. 1982, Act 64, Eff. Mar. 30, 1983;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1986, Act 177, Imd. Eff. July 7, 1986;—Am. 1988, Act 205, Eff. July 1, 1988;—Am. 1988, Act 406, Eff. Mar. 30, 1989;—Am. 1991, Act 93, Eff. Jan. 1, 1992;—Am. 1993, Act 359, Eff. Sept. 1, 1994;—Am. 1994, Act 211, Eff. Nov. 1, 1994;—Am. 1994, Act 449, Eff. May 1, 1995;—Am. 1996, Act 493, Eff. Apr. 1, 1997;—Am. 1996, Act 587, Eff. June 1, 1997;—Am. 1998, Act 347, Eff. Oct. 1, 1999;—Am. 1999, Act 118, Eff. Apr. 1, 2000;—Am. 1999, Act 267, Imd. Eff. Dec. 29, 1999;—Am. 2000, Act 152, Imd. Eff. June 12, 2000;—Am. 2000, Act 460, Eff. Mar. 28, 2001;—Am. 2001, Act 103, Eff. Oct. 1, 2001;—Am. 2001, Act 134, Eff. Feb. 1, 2002;—Am. 2001, Act 159, Eff. Feb. 1, 2002;—Am. 2002, Act 422, Eff. Oct. 1, 2002;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2003, Act 61, Eff. Sept. 30, 2003;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2008, Act 462, Eff. Oct. 31, 2010;—Am. 2008, Act 463, Eff. Oct. 31, 2010;—Am. 2010, Act 155, Eff. Jan. 1, 2011;—Am. 2010, Act 267, Eff. June 30, 2011;—Am. 2012, Act 306, Imd. Eff. Oct. 1, 2012;—Am. 2015, Act 11, Eff. July 8, 2015;—Am. 2016, Act 32, Eff. June 6, 2016;—Am. 2016, Act 333, Eff. Jan. 1, 2018.

**Compiler's note:** Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

Section 2 of Act 205 of 1988 provides: "This amendatory act shall take effect July 1, 1988 and apply to violations which occur on or after that date."

Enacting section 1 of Act 32 of 2016 provides:

"Enacting section 1. R 257.1005 and R 257.1006 of the Michigan Administrative Code are rescinded."

## **257.319a Repealed. 2002, Act 534, Eff. Oct. 1, 2002.**

**Compiler's note:** The repealed section pertained to suspension of class 1, class 2, or class 3 indorsement on license.

## **257.319b Suspension or revocation of commercial learners permits or vehicle group designations on operator's or chauffeur's license; notice of conviction, bond forfeiture, civil infraction determination, violation of law, or refusal to submit to chemical test; period of suspension or revocation; denial, cancellation, or revocation of hazardous material indorsement; notice of security risk; applicability of conditions; definitions.**

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

(a) Suspension for 60 days, to run consecutively with any commercial driver license action imposed under this section, if the person is convicted of or found responsible for 1 of the following while operating a commercial motor vehicle:

- (i) Two serious traffic violations arising from separate incidents within 36 months.
  - (ii) A violation of section 667, 668, 669, or 669a.
  - (iii) A violation of motor carrier safety regulations 49 CFR 392.10 or 392.11, as adopted by section 1a of the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11a.
  - (iv) A violation of section 57 of the pupil transportation act, 1990 PA 187, MCL 257.1857.
  - (v) A violation of motor carrier safety regulations 49 CFR 392.10 or 392.11, as adopted by section 31 of the motor bus transportation act, 1982 PA 432, MCL 474.131.
  - (vi) A violation of motor carrier safety regulations 49 CFR 392.10 or 392.11 while operating a commercial motor vehicle other than a vehicle covered under subparagraph (iii), (iv), or (v).
  - (vii) A violation of commercial motor vehicle fraudulent testing law.
- (b) Suspension for 120 days, to be served consecutively with a 60-day suspension imposed under subdivision (a)(i), if the person is convicted of or found responsible for 1 of the following arising from separate incidents within 36 months while operating a commercial motor vehicle:
- (i) Three serious traffic violations.
  - (ii) Any combination of 2 violations described in subdivision (a)(ii).
- (c) Suspension for 1 year, to run consecutively with any commercial driver license action imposed under this section, if the person is convicted of or found responsible for 1 of the following:
- (i) A violation of section 625(1), (3), (4), (5), (6), (7), or (8), section 625m, or former section 625(1) or (2), or former section 625b, while operating a commercial or noncommercial motor vehicle.
  - (ii) Leaving the scene of an accident involving a commercial or noncommercial motor vehicle operated by the person.
  - (iii) Except for a felony described in 49 CFR 383.51(b)(9), a felony in which a commercial or noncommercial motor vehicle was used.
  - (iv) A refusal of a peace officer's request to submit to a chemical test of his or her blood, breath, or urine to determine the amount of alcohol or presence of a controlled substance or both in his or her blood, breath, or urine while he or she was operating a commercial or noncommercial motor vehicle as required by a law or local ordinance of this state or another state.
  - (v) Operating a commercial motor vehicle in violation of a suspension, revocation, denial, or cancellation that was imposed for previous violations committed while operating a commercial motor vehicle.
  - (vi) Causing a fatality through the negligent or criminal operation of a commercial motor vehicle, including, but not limited to, the crimes of motor vehicle manslaughter, motor vehicle homicide, and negligent homicide.
  - (vii) A violation of commercial motor vehicle fraudulent testing law.
  - (viii) Any combination of 3 violations described in subdivision (a)(ii) arising from separate incidents within 36 months while operating a commercial motor vehicle.
- (d) Suspension for 3 years, to run consecutively with any commercial driver license action imposed under this section, if the person is convicted of or found responsible for an offense enumerated in subdivision (c)(i) to (vi) in which a commercial motor vehicle was used if the vehicle was carrying hazardous material required to have a placard under 49 CFR parts 100 to 199.
- (e) Revocation for life, to run consecutively with any commercial driver license action imposed under this section, but with eligibility for reissue of a group vehicle designation after not less than 10 years and after approval by the secretary of state, if the person is convicted of or found responsible for 2 violations or a combination of any 2 violations arising from 2 or more separate incidents involving any of the following:
- (i) Section 625(1), (3), (4), (5), (6), (7), or (8), section 625m, or former section 625(1) or (2), or former section 625b, while operating a commercial or noncommercial motor vehicle.
  - (ii) Leaving the scene of an accident involving a commercial or noncommercial motor vehicle operated by the licensee.
  - (iii) Except for a felony described in 49 CFR 383.51(b)(9), a felony in which a commercial or noncommercial motor vehicle was used.
  - (iv) A refusal of a request of a police officer to submit to a chemical test of his or her blood, breath, or urine for the purpose of determining the amount of alcohol or presence of a controlled substance or both in his or her blood while he or she was operating a commercial or noncommercial motor vehicle in this state or another state.
  - (v) Operating a commercial motor vehicle in violation of a suspension, revocation, denial, or cancellation that was imposed for previous violations committed while operating a commercial motor vehicle.
  - (vi) Causing a fatality through the negligent or criminal operation of a commercial motor vehicle, including, but not limited to, the crimes of motor vehicle manslaughter, motor vehicle homicide, and negligent homicide.

(f) Revocation for life if a person is convicted of or found responsible for any of the following:

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

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

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

(2) The secretary of state shall immediately deny, cancel, or revoke a hazardous material indorsement on the operator's or chauffeur's license of a person with a vehicle group designation upon receiving notice from a federal government agency that the person poses a security risk warranting denial, cancellation, or revocation under the uniting and strengthening America by providing appropriate tools required to intercept and obstruct terrorism (USA PATRIOT ACT) act of 2001, Public Law 107-56. The denial, cancellation, or revocation cannot be appealed under section 322 or 323 and remains in effect until the secretary of state receives a federal government notice that the person does not pose a security risk in the transportation of hazardous materials.

(3) The secretary of state shall immediately suspend or revoke, as applicable, all commercial learners permits or vehicle group designations on a person's operator's or chauffeur's license upon receiving notice of a conviction, bond forfeiture, or civil infraction determination of the person, or notice that a court or administrative tribunal has found the person responsible, for a violation of section 319d(4) or 319f, a local ordinance substantially corresponding to section 319d(4) or 319f, or a law or local ordinance of another state, the United States, Canada, the United Mexican States, or a local jurisdiction of either of these countries substantially corresponding to section 319d(4) or 319f, while operating a commercial motor vehicle. The period of suspension or revocation, which shall run consecutively with any commercial driver license action imposed under this section, is as follows:

(a) Suspension for 180 days if the person is convicted of or found responsible for a violation of section 319d(4) or 319f while operating a commercial motor vehicle.

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

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

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

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

(4) The secretary of state shall suspend or revoke, as applicable, any privilege to operate a commercial motor vehicle as directed by the federal government or its designee.

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

(6) The secretary of state shall suspend or revoke a vehicle group designation under subsection (1) or deny, cancel, or revoke a hazardous material indorsement under subsection (2) notwithstanding a suspension, restriction, revocation, or denial of an operator's or chauffeur's license or vehicle group designation under another section of this act or a court order issued under another section of this act or a local ordinance substantially corresponding to another section of this act.

(7) A conviction, bond forfeiture, or civil infraction determination, or notice that a court or administrative tribunal has found a person responsible for a violation described in this subsection while the person was operating a noncommercial motor vehicle counts against the person who holds a license to operate a commercial motor vehicle the same as if the person had been operating a commercial motor vehicle at the time of the violation. For the purpose of this subsection, a noncommercial motor vehicle does not include a recreational vehicle used off-road. This subsection applies to the following state law violations or a local ordinance substantially corresponding to any of those violations or a law of another state or out-of-state

jurisdiction substantially corresponding to any of those violations:

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

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

(c) Leaving the scene of an accident.

(d) Using a vehicle to commit a felony.

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

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

(10) As used in this section:

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

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

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

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

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

(b) "Serious traffic violation" means any of the following:

(i) A traffic violation that occurs in connection with an accident in which a person died.

(ii) Reckless driving.

(iii) Excessive speeding as defined in regulations promulgated under 49 USC 31301 to 31317.

(iv) Improper lane use.

(v) Following too closely.

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

(vii) Operating a commercial motor vehicle without either having an operator's or chauffeur's license in the person's possession or providing proof to the court, not later than the date by which the person must appear in court or pay a fine for the violation, that the person held a valid vehicle group designation and indorsement on the date that the citation was issued.

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

(ix) Beginning October 28, 2013, a violation of section 602b(2) or (3).

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

**History:** Add. 1988, Act 346, Imd. Eff. Oct. 25, 1988;—Am. 1991, Act 93, Eff. Jan. 1, 1992;—Am. 1991, Act 100, Eff. Jan. 1, 1993;—Am. 1996, Act 404, Eff. Dec. 21, 1996;—Am. 1998, Act 356, Eff. Oct. 1, 1999;—Am. 2002, Act 259, Imd. Eff. May 1, 2002;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2004, Act 62, Imd. Eff. Apr. 13, 2004;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2004, Act 495, Eff. Jan. 31, 2005;—Am. 2006, Act 298, Imd. Eff. July 20, 2006;—Am. 2008, Act 463, Eff. Oct. 31, 2010;—Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011;—Am. 2012, Act 306, Imd. Eff. Oct. 1, 2012;—Am. 2012, Act 498, Eff. Mar. 28, 2013;—Am. 2015, Act 11, Eff. July 8, 2015.

**Compiler's note:** Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

MCL 257.319b, as amended by 2008 PA 463, contains no changes from the 2006 PA 298 amendment.

### **257.319c Providing United States department of transportation with information pertaining to operator's or chauffeur's license with vehicle group designation; notification of motor vehicle administrator or other appropriate officer.**

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

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

(b) A notice of a suspension, revocation, or denial of a license within 10 days after the suspension, revocation, or denial.

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

**History:** Add. 1988, Act 346, Imd. Eff. Oct. 25, 1988;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004.

**Compiler's note:** Section 2 of Act 346 of 1988 provides:

“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”

Section 2 of Act 173 of 1989 provides:

“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

### **257.319d Operation of commercial motor vehicle by person with certain alcohol content; out-of-service order; violations; penalty.**

Sec. 319d. (1) A person, whether licensed or not, shall not operate a commercial motor vehicle within this state with an alcohol content of 0.015 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(2) A peace officer who has reasonable cause to believe that a person was operating a commercial motor vehicle within the state with an alcohol content of 0.015 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, as measured by a preliminary chemical breath analysis or a chemical test provided under section 625a, shall order the person out-of-service immediately for 24 hours, which shall begin upon issuance of the order.

(3) A peace officer shall immediately order a person who refuses to submit to a preliminary chemical breath analysis requested or a chemical test provided under section 625a out-of-service for 24 hours, which shall begin when the order is issued.

(4) A person ordered out-of-service as described in this section shall not operate a commercial motor vehicle within this state during the 24-hour out-of-service period.

(5) A peace officer who issues an out-of-service order under this section shall provide for the safe and expeditious disposition of a product carried by a commercial motor vehicle that is hazardous or would result in damage to the vehicle, human health, or the environment.

(6) Failure to comply with subsection (1) is not a civil infraction or criminal violation of this act.

(7) A person who violates subsection (4) is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$100.00, or both.

**History:** Add. 1988, Act 346, Imd. Eff. Oct. 25, 1988;—Am. 1991, Act 100, Eff. Jan. 1, 1993;—Am. 1994, Act 449, Eff. May 1, 1995;—Am. 1996, Act 404, Eff. Dec. 21, 1996;—Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011.

**Compiler's note:** Section 2 of Act 346 of 1988 provides:

“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”

Section 2 of Act 173 of 1989 provides:

“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

### **257.319e Receipt of abstract of conviction; suspension of license; waiver or restrictions; conditions; suspension of license prohibited; definitions.**

Sec. 319e. (1) Except as otherwise provided in this section, upon receipt of an abstract of conviction for a person for an attempt to violate, a conspiracy to violate, or a violation of part 74 or section 17766a of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.7401 to 333.7461 and

333.17766a of the Michigan Compiled Laws, or of a local ordinance that prohibits conduct prohibited under part 74 or section 17766a of Act No. 368 of the Public Acts of 1978, the secretary of state shall immediately suspend the license of the person for the period specified in the abstract of conviction.

(2) Except as otherwise provided in this section, upon receipt of an abstract of conviction for a person for an attempt to violate, a conspiracy to violate, or a violation of a law of another state that regulates the possession, distribution, manufacture, cultivation, sale, or transfer of a substance the possession of which is prohibited under the controlled substances act; or for an attempt to violate, a conspiracy to violate, or a violation of the controlled substances act, title II of the comprehensive drug abuse prevention and control act of 1970, Public Law 91-513, 84 Stat. 1242, the secretary of state shall immediately suspend the license of the person, as follows:

(a) For a period of 6 months, if the person does not have a prior conviction within 7 years of the violation.

(b) For a period of 1 year, if the person has 1 or more prior convictions within 7 years of the violation.

(3) The secretary of state may waive the suspension of a person's license imposed under subsection (2) or grant restrictions if the person convicted of a violation described in subsection (2) submits proof that he or she served a term of imprisonment that exceeded 1 year for the violation, or submits proof of both of the following:

(a) That a court revoked, suspended, or restricted his or her license for a period equal to or greater than the period of a suspension prescribed under subsection (2) for the violation.

(b) That the revocation, suspension, or restriction described in subdivision (a) was served for the violation.

(4) The secretary of state shall not suspend the license of a person if the person is sentenced to life imprisonment or a minimum term of imprisonment that exceeds 1 year for an attempt to violate, a conspiracy to violate, or a violation of part 74 or section 17766a of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.7401 to 333.7461 and section 333.17766a of the Michigan Compiled Laws, or a law of another state that prohibits conduct prohibited under part 74 or section 17766a of Act No. 368 of the Public Acts of 1978.

(5) As used in this section:

(a) "Prior conviction" means either of the following:

(i) A conviction for an attempt to violate, a conspiracy to violate, or a violation of part 74 or section 17766a of Act No. 368 of the Public Acts of 1978, a local ordinance that prohibits conduct prohibited under part 74 or section 17766a of Act No. 368 of the Public Acts of 1978, or a law of another state that prohibits conduct prohibited under part 74 or section 17766a of Act No. 368 of the Public Acts of 1978.

(ii) A conviction for an attempt to violate, a conspiracy to violate, or a violation of the controlled substances act, title II of the comprehensive drug abuse prevention and control act of 1970, Public Law 91-513, 84 Stat. 1242.

(b) "Substance the possession of which is prohibited under the controlled substances act" means that term as defined in 23 C.F.R. 1212.3.

**History:** Add. 1993, Act 359, Eff. Sept. 1, 1994.

### **257.319f Operation of commercial motor vehicle in violation of out-of-state service order; prohibition; suspension; "commercial motor vehicle" defined.**

Sec. 319f. (1) A person shall not operate a commercial motor vehicle in this state in violation of an out-of-service order.

(2) Except as otherwise provided in this subsection, the secretary of state shall immediately suspend all vehicle group designations on the operator's or chauffeur's license of a person convicted of violating a driver out-of-service or vehicle out-of-service order as required under 49 CFR 383.51.

(3) A person who violates an out-of-service order shall be ordered to pay a civil fine as required under section 907.

(4) As used in this section, "commercial motor vehicle" means that term as defined in section 7a and any motor vehicle having a GVWR or GCWR of 10,001 pounds or more.

**History:** Add. 1996, Act 404, Eff. Dec. 21, 1996;—Am. 2006, Act 298, Imd. Eff. July 20, 2006;—Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011.

### **257.319g Prohibitions; violations; civil infraction.**

Sec. 319g. (1) An employer shall not knowingly allow, permit, authorize, or require a driver to operate a commercial motor vehicle in violation of any of the following:

(a) Section 667, 668, 669, 669a, or 670 or a federal, state, or local law or regulation pertaining to railroad-highway grade crossings.

(b) Motor carrier safety regulations 49 CFR 392.10 or 392.11, as adopted by section 1a of the motor carrier

safety act of 1963, 1963 PA 181, MCL 480.11a.

(c) Section 57 of the pupil transportation act, 1990 PA 187, MCL 257.1857.

(d) Motor carrier safety regulations 49 CFR 392.10 or 392.11, as adopted by section 31 of the motor bus transportation act, 1982 PA 432, MCL 474.131.

(e) Motor carrier safety regulations 49 CFR 392.10 or 392.11 while operating a commercial motor vehicle other than a vehicle covered under subdivision (b), (c), or (d).

(f) Transportation security regulations 49 CFR parts 1570 and 1572 or motor carrier safety regulations 49 CFR parts 383 and 384 that regulate who may operate a commercial motor vehicle that is used to transport hazardous material.

(g) A federal regulation or state law or local ordinance pertaining to an out-of-service order.

(2) Except as otherwise provided for violations listed under subsection (1)(a) and (g), a person who violates this section is responsible for a civil infraction and shall be ordered to pay a civil fine under section 907.

**History:** Add. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2004, Act 495, Eff. Jan. 31, 2005;—Am. 2006, Act 298, Imd. Eff. July 20, 2006;—Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011.

**257.320 Investigation and reexamination of person; notice; restricting, suspending, revoking, or imposing other terms and conditions on license; service of notice; suspension of license for more than 1 year prohibited; reexamination; failure to appear for scheduled reexamination; prohibited restricted license.**

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

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

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

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

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

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

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

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

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

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

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

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

**History:** 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1958, Act 180, Eff. Sept. 13, 1958;—Am. 1967, Act 132, Eff. Nov. 2, 1967;—Am. 1968, Act 332, Eff. Jan. 1, 1969;—Am. 1974, Act 316, Imd. Eff. Dec. 15, 1974;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004.

**Compiler's note:** Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this

amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”

**257.320a Recording date of conviction, civil infraction determination, or probate court disposition and number of points; interview; violation committed in another state.**

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

- (a) Manslaughter, negligent homicide, or a felony resulting from the operation of a motor vehicle, ORV, or snowmobile.....6 points
- (b) A violation of section 601b(2) or (3), 601c(1) or (2), or 653a(3) or (4) or, beginning October 31, 2010, a violation of section 601d.....6 points
- (c) A violation of section 625(1), (4), (5), (7), or (8), section 81134 or 82127(1) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134 and 324.82127, or a law or ordinance substantially corresponding to section 625(1), (4), (5), (7), or (8), or section 81134 or 82127(1) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134 and 324.82127.....6 points
- (d) Failing to stop and disclose identity at the scene of an accident when required by law.....6 points
- (e) Operating a motor vehicle in violation of section 626.....6 points
- (f) Fleeing or eluding an officer.....6 points
- (g) A violation of section 627(9) pertaining to speed in a work zone described in that section by exceeding the lawful maximum by more than 15 miles per hour.....5 points
- (h) A violation of any law other than the law described in subdivision (g) or ordinance pertaining to speed by exceeding the lawful maximum by more than 15 miles per hour.....4 points
- (i) A violation of section 625(3) or (6), section 81135 or 82127(3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81135 and 324.82127, or a law or ordinance substantially corresponding to section 625(3) or (6) or section 81135 or 82127(3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81135 and 324.82127.....4 points
- (j) A violation of section 626a or a law or ordinance substantially corresponding to section 626a.....4 points
- (k) A violation of section 653a(2).....4 points
- (l) A violation of section 627(9) pertaining to speed in a work zone described in that section by exceeding the lawful maximum by more than 10 but not more than 15 miles per hour.....4 points
- (m) Beginning October 31, 2010, a moving violation resulting in an at-fault collision with another vehicle, a person, or any other object.....4 points
- (n) A violation of any law other than the law described in subdivision (l) or ordinance pertaining to speed by exceeding the lawful maximum by more than 10 but not more than 15

miles per hour or careless driving in violation of section 626b or a law or ordinance substantially corresponding to section 626b.....3 points

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

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

(q) Disobeying a traffic signal or stop sign, or improper passing.....3 points

(r) A violation of section 624a, 624b, or a law or ordinance substantially corresponding to section 624a or 624b.....2 points

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

(t) All other moving violations pertaining to the operation of motor vehicles reported under this section.....2 points

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

(2) Points shall not be entered for a violation of section 310e(14), 311, 602b(1), 602c, 625m, 658, 710d, 717, 719, 719a, or 723.

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

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

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

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

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

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

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

**History:** Add. 1958, Act 180, Eff. Sept. 13, 1958;—Am. 1960, Act 82, Eff. Aug. 17, 1960;—Am. 1963, Act 34, Eff. Sept. 6, 1963;—Am. 1965, Act 41, Imd. Eff. May 25, 1965;—Am. 1965, Act 351, Imd. Eff. July 23, 1965;—Am. 1968, Act 332, Eff. Jan. 1, 1969;—Am. 1974, Act 28, Imd. Eff. Mar. 2, 1974;—Am. 1975, Act 24, Imd. Eff. Apr. 15, 1975;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1980, Act 25, Eff. Mar. 31, 1981;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 1981, Act 72, Imd. Eff. June 30, 1981;—Am. 1981, Act 159, Eff. Mar. 31, 1981;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1982, Act 533, Eff. Mar. 30, 1983;—Am. 1987, Act 154, Eff. Dec. 1, 1987;—Am. 1991, Act 93, Eff. Jan. 1, 1992;—Am. 1991, Act 94, Eff. Jan. 1, 1993;—Am. 1994, Act 211, Eff. Nov. 1, 1994;—Am. 1996, Act 387, Eff. Apr. 1, 1997;—Am. 1996, Act 471, Eff. Apr. 1, 1997;—Am. 1996, Act 493, Eff. Apr. 1, 1997;—Am. 1998, Act 350, Eff. Oct. 1, 1999;—Am. 1999, Act 21, Eff. Oct. 1, 2000;—Am. 1999, Act 40, Imd. Eff. June 9, 1999;—Am. 2000, Act 460, Eff. Mar. 28, 2001;—Am. 2001, Act 103, Eff. Oct. 1, 2001;—Am. 2002, Act 149, Eff. July 1, 2002;—Am. 2003, Act 61, Eff. Sept. 30, 2003;—Am. 2003, Act 315, Eff. Apr. 8, 2004;—Am. 2004, Act 62, Imd. Eff. Apr. 13, 2004;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2004, Act 495, Imd. Eff. Dec. 29, 2004;—Am. 2008, Act 463, Eff. Oct. 31, 2010;—Am. 2010, Act 58, Eff. July 1, 2010;—Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011;—Am. 2012, Act 592, Eff. Mar. 28, 2013.

**Compiler's note:** Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are Rendered Friday, February 3, 2017

commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”

In OAG 6480, issued November 23, 1987, the Attorney General stated: “It is my opinion, therefore, that 1987 PA 154, which fixes maximum speed limit on certain state highways, becomes effective November 29, 1987.”

### **257.320b Driver safety school; establishment; supervision; courses; referrals; voluntary attendance; staying imposition of sentence; fee; approval of school.**

Sec. 320b. (1) A driver safety school may be established in a county by an advisory board consisting of the superintendent of schools of the largest school district in the county who shall act as chairperson and fiscal agent, the county superintendent of schools, a judge of the family division of circuit court, the prosecuting attorney, the sheriff, the chief of police of the largest city in the county; and a judge of a court having jurisdiction over traffic offenses or civil infractions, and 2 citizens at large, who shall be appointed by the county board of commissioners. A school so established shall be conducted under the supervision of the superintendent of public instruction and pursuant to the rules prescribed by the superintendent.

(2) Courses, as prescribed by the superintendent of public instruction, shall be offered for the purpose of developing good driving habits and promoting highway traffic safety. The courses shall be open to the following persons:

(a) A person who is referred to a school by a court having jurisdiction over traffic violations after 2 or more convictions or civil infraction determinations of a moving traffic violation within a 12-month period and who, in the determination of the court, is in need of the remedial education.

(b) A person who, after a hearing as provided in section 320, is referred to a school by the secretary of state.

(c) A person who voluntarily chooses to attend.

(3) For the purpose of referral as provided in this section, the court, after entry of judgment of conviction for a misdemeanor, may stay the imposition of sentence until the violator has attended the school. A person referred to a school by a court or by the secretary of state may attend any school in the state which has been established in conformity with this section.

(4) A fee not to exceed \$10.00 may be charged for attendance at the school. The fees shall be established by the advisory board and shall be used to defray the cost of instruction, materials, and clinical services.

(5) A person shall not be referred to a school which has not been approved by the advisory board and the superintendent of public instruction.

**History:** Add. 1957, Act 230, Eff. Sept. 27, 1957;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1998, Act 358, Eff. Oct. 1, 1999.

**Administrative rules:** R 340.431 et seq. of the Michigan Administrative Code.

### **257.320c Issuance of license after suspension or revocation; examination; qualifications; exception.**

Sec. 320c. Before a license is issued to a person whose license has been suspended or revoked, the person may be examined in a manner prescribed by the secretary of state and shall be required to meet all of the qualifications prescribed in section 309. An examination shall not be required if the license has been suspended pursuant to section 321a.

**History:** Add. 1966, Act 174, Imd. Eff. July 1, 1966;—Am. 1978, Act 391, Eff. Jan. 15, 1979;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 1982, Act 310, Eff. Mar. 30, 1983.

**Compiler's note:** Section 2 of Act 310 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”

### **257.320d Basic driver improvement course; eligibility; database; use; fees; basic driver improvement course fund; study; report; approval of basic driver improvement course sponsors; security bond; surety; prohibited acts or practices; sanctions; "approved sponsor" defined.**

Sec. 320d. (1) Notwithstanding section 320a, the secretary of state shall not enter the points corresponding to a moving violation committed in this state by an individual the secretary of state determines to be eligible under this section on the individual's driving record or make information concerning that violation available to any insurance company if the individual attends and successfully completes a basic driver improvement course under this section and an approved sponsor provides a certificate of successful completion of that course to the secretary of state not more than 60 days after the date on which the secretary of state notified the individual that he or she was eligible to take a basic driver improvement course.

(2) The secretary of state shall determine if an individual is eligible under subsection (3) to attend a basic

driver improvement course upon receipt of an abstract of a moving violation. If the secretary of state determines that an individual is eligible to attend a basic driver improvement course, the secretary of state shall do all of the following:

(a) Notify the individual of his or her eligibility by first-class mail at the individual's last known address as indicated on the individual's operator's or chauffeur's license and inform the individual of the manner and time within which the individual is required to attend and complete a basic driver improvement course.

(b) Provide all eligible participants with information on how to access a list of approved sponsors and basic driver improvement course locations, including the secretary of state's website address and telephone number to call for more information.

(c) If an approved sponsor does not provide notice of successful completion of the course by the individual within the time prescribed in subsection (1), the secretary of state shall enter the points required under section 320a.

(3) An individual is ineligible to take a basic driver improvement course if any of the following apply:

(a) The violation occurred while the individual was operating a commercial motor vehicle or was licensed as a commercial driver while operating a noncommercial motor vehicle.

(b) The violation is a criminal offense.

(c) The violation is a violation for which 4 or more points may be assessed under section 320a.

(d) The violation is a violation of section 626b, 627(9), 627a, or 682.

(e) The individual was cited for more than 1 moving violation arising from the same incident.

(f) The individual's license was suspended under section 321a(2) in connection with the violation.

(g) The individual previously successfully completed a basic driver improvement course.

(h) The individual has 3 or more points on his or her driving record.

(i) The individual's operator's or chauffeur's license is restricted, suspended, or revoked, or the individual was not issued an operator's or chauffeur's license.

(4) The individual is not eligible to take a driver improvement course for a second or subsequent violation an individual receives within the time allowed under subsection (1).

(5) The secretary of state shall maintain a computerized database of the following:

(a) Individuals who have attended a basic driver improvement course.

(b) Individuals who have successfully completed a basic driver improvement course.

(6) The database maintained under subsection (5) shall only be used for determining eligibility under subsections (3) and (4). The secretary of state shall only make the information contained in the database available to approved sponsors under subsection (10). Information in this database concerning an individual shall be maintained for the life of that individual.

(7) An individual shall be charged a fee of not more than \$100.00 by an approved sponsor to participate in a basic driver improvement course and, if applicable, to obtain a certificate in a form as approved by the secretary of state demonstrating that he or she successfully completed the course. An approved sponsor shall remit a portion of the fee, as determined annually by the secretary of state, to cover the costs of implementing and administering this course program.

(8) Fees remitted to the department under subsection (7) by an approved sponsor shall be credited to the basic driver improvement course fund created under subsection (9).

(9) The basic driver improvement course fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund. The secretary of state shall be the administrator of the fund for auditing purposes. The secretary of state shall expend money from the fund, upon appropriation, only to pay the costs of administering this section.

(10) An approved sponsor shall conduct a study of the effect, if any, that the successful completion of its basic driver improvement course has on reducing collisions, moving violations, or both for students completing its course in this state. An approved sponsor shall conduct this study every 5 years on each of the course delivery modalities employed by the approved sponsor. The secretary of state shall make all of the following information available to the approved sponsor for that purpose, subject to applicable state and federal laws governing the release of information:

(a) The number of individuals who successfully complete a basic driver improvement course under this section.

(b) The number of individuals who are eligible to take a basic driver improvement course under this section but who do not successfully complete that course.

(c) The number and type of moving violations committed by individuals after successfully completing a basic driver improvement course under this section in comparison to the number and type of moving

violations committed by individuals who have not taken a basic driver improvement course.

(11) The secretary of state shall report on the findings of all studies conducted under subsection (10) to the standing committees of the house of representatives and senate on transportation issues.

(12) The secretary of state shall approve basic driver improvement course sponsors, and enter into an agreement with approved sponsors, if the basic driver improvement course offered by that sponsor satisfies the requirements listed in section 3a.

(13) A sponsor seeking to be an approved sponsor shall submit to the secretary of state an application on a form prescribed by the secretary of state along with a properly executed security bond in the principal sum of \$20,000.00 with good and sufficient surety. Every sponsor that is an approved sponsor on the effective date of the amendatory act that added this subsection also shall submit to the secretary of state a security bond described in this subsection. The bond shall indemnify or reimburse the secretary of state or an individual taking the sponsor's basic driver improvement course for monetary loss caused through fraud, cheating, or misrepresentation in the conduct of the sponsor's business where the fraud, cheating, or misrepresentation was made by the sponsor or by an employee, agent, instructor, or salesperson of the sponsor. The surety shall make indemnification or reimbursement for a monetary loss only after judgment based on fraud, cheating, or misrepresentation has been entered in a court of record against the sponsor. The aggregate liability of the surety shall not exceed the sum of the bond. The surety on the bond may cancel the bond by giving 30 days' written or electronic notice to the secretary of state and after giving notice is not liable for a breach of condition occurring after the effective date of the cancellation.

(14) An approved sponsor shall not engage in a deceptive or unconscionable method, act, or practice, including, but not limited to, all of the following:

(a) Using, adopting, or conducting business under a name that is the same as, like, or deceptively similar to the name of another approved sponsor.

(b) Except as otherwise provided in this subsection, using the words "state", "government", "municipal", "city", or "county" as part of the name of the approved sponsor.

(c) Advertising, representing, or implying that an approved sponsor is supervised, recommended, or endorsed by, or affiliated or associated with, or employed by, or an agent or representative of this state, the secretary of state, or a bureau of the secretary of state.

(d) Advertising or publicizing under a name other than the approved sponsor's full business name as identified on the sponsor's application to be an approved sponsor.

(e) Advertising that the sponsor is open for business before the sponsor becomes an approved sponsor.

(f) Soliciting business on the premises of any facility rented, leased, owned, or used by the secretary of state.

(g) Misrepresenting the quantity or quality of the instruction provided by, or the requirements for, a basic driver improvement course.

(h) Failing to promptly restore any deposit, down payment, or other payment that a person is entitled to after an agreement is rescinded, canceled, or otherwise terminated as required under the agreement or applicable law.

(i) Taking advantage of a student's or potential student's inability to reasonably protect his or her interest because of a disability, illiteracy, or inability to understand the language of an agreement, if the sponsor knows or reasonably should have known of the student's or potential student's inability.

(j) Failing to honor a term of an agreement.

(k) Falsifying a document, agreement, record, report, or certificate associated with a basic driver improvement course.

(15) Except as otherwise provided in this act, the secretary of state may impose 1 or more of the sanctions listed under subsection (16) if the secretary of state determines that an approved sponsor did 1 or more of the following:

(a) Failed to meet a requirement under this act or an agreement established under this act.

(b) Violated this act or an agreement established under this act.

(c) Made an untrue or misleading statement of a material fact to the secretary of state or concealed a material fact in connection with an application or record under this act.

(d) Permitted fraud or engaged in a fraudulent method, act, or practice in connection with a basic driver improvement course, or induced or countenanced fraud or a fraudulent method, act, or practice in connection with a basic driver improvement course.

(e) Engaged in an unfair or deceptive method, act, or practice or made an untrue statement of a material fact.

(f) Violated a suspension or an order issued under this act.

(g) Failed to maintain good moral character as defined and determined under 1974 PA 381, MCL 338.41 to

338.47, in connection with its business operations.

(16) After the secretary of state determines that an approved sponsor committed a violation listed in subsection (15), the secretary of state may impose upon the approved sponsor 1 or more of the following sanctions:

(a) Denial of an application for approval as a basic driver improvement course sponsor.

(b) Suspension or revocation of the approval of an approved sponsor.

(c) A requirement to take the affirmative action determined necessary by the secretary of state, including, but not limited to, payment of restitution to a student or to an injured person.

(17) As used in this section, "approved sponsor" means a sponsor of a basic driver improvement course that is approved by the secretary of state under subsection (12) and whose approved status is not suspended or revoked under subsection (16).

**History:** Add. 2008, Act 568, Eff. Dec. 31, 2008;—Am. 2010, Act 289, Imd. Eff. Dec. 16, 2010;—Am. 2012, Act 498, Eff. Mar. 28, 2013.

### **257.320e Payment of reinstatement fee for suspended, revoked, or restricted operator's or chauffeur's license; waiver of fee; assessment of points and licensing action by secretary of state; judicial review of administrative licensing sanction.**

Sec. 320e. (1) Except as otherwise provided in subsection (2), (3), or (4), a person whose operator's or chauffeur's license is suspended, revoked, or restricted pursuant to section 303, 319, 320, 324, 625, 625b, 625f, 732a, or 904 shall pay a license reinstatement fee of \$125.00 to the secretary of state before a license is issued or returned to the person. The increase in the reinstatement fee from \$60.00 to \$125.00 shall be imposed for a license that is issued or returned on or after October 1, 1991 regardless of when the license was suspended, revoked, or restricted. Of the increase in the reinstatement fee from \$60.00 to \$125.00, \$25.00 shall be allocated to the department of state, \$10.00 shall be deposited by the department of treasury in the drunk driving prevention equipment and training fund created under section 625h(1), and \$30.00 shall be deposited by the department of treasury in the drunk driving caseflow assistance fund created under section 625h(5). The fee shall be waived if the license was suspended or restricted because of the person's mental or physical infirmity or disability.

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

(3) A person whose operator's or chauffeur's license is suspended, revoked, or restricted pursuant to section 319e shall pay a license reinstatement fee of \$125.00 to the secretary of state before a license is issued or returned to the person. Of the \$125.00 fee, \$95.00 shall be allocated to the department of state and \$30.00 shall be deposited by the department of treasury in the drug case information management fund created under section 323d.

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

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

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

**History:** Add. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1983, Act 18, Imd. Eff. Mar. 29, 1983;—Am. 1987, Act 232, Imd. Eff. Dec. 28, 1987;—Am. 1991, Act 98, Eff. Oct. 1, 1991;—Am. 1993, Act 359, Eff. Sept. 1, 1994;—Am. 1994, Act 449, Eff. May 1, 1995;—Am. 1996, Act 240, Eff. Jan. 1, 1997;—Am. 1996, Act 493, Eff. Apr. 1, 1997;—Am. 1998, Act 346, Eff. Oct. 1, 1999;—Am. 2003, Act 152, Eff. Oct. 1, 2003.

**Compiler's note:** Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

### **257.321 Surrender of license; replacement.**

Sec. 321. Upon suspending or revoking a license, the department shall require that the license be surrendered to and be destroyed by the department. At the end of the suspension period, the licensee may obtain a replacement license.

**History:** 1949, Act 300, Eff. Sept. 23, 1949;—Am. 2002, Act 534, Eff. Oct. 1, 2002.

### **257.321a Failure to answer citation or notice to appear in court; failure to comply with order or judgment; misdemeanor; notice and duration of suspension; exceptions; effect of failure to appear; giving copy of information transmitted to secretary of state to person; driver license reinstatement fees; failure to answer out-state citation, comply with out-state order or judgment, or appear in court or administrative tribunal under MCL 257.732.**

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

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

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

(4) If the person is charged with, or convicted of, a violation of section 33b(1) of former 1933 (Ex Sess) PA 8, section 703(1) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, section 624a, section 624b, or a local ordinance substantially corresponding to those sections and the person fails to answer a citation or a notice to appear in court issued under section 33b of former 1933 (Ex Sess) PA 8, section 703 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, section 624a, section 624b, or a local ordinance substantially corresponding to those sections or fails to comply with an order or judgment of the court issued under section 33b of former 1933 (Ex Sess) PA 8, section 703 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, section 624a, section 624b, or a local ordinance substantially corresponding to those sections including, but not limited to, paying all fines and costs, the court shall immediately give notice by first-class mail sent to the person's last known address that if the person fails to appear within 7 days after the notice is issued, or fails to comply with the order or judgment of the court,

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

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

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

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

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

(a) The parking or standing of a vehicle.

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

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

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

(b) Failed to answer 3 or more parking violation notices or citations regarding illegal parking or, beginning January 1, 2018, failed to answer 6 or more parking violation notices or citations regarding illegal parking.

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

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

(b) The person has paid to the court a \$45.00 driver license clearance fee. If the court determines that the person is responsible for only 1 parking violation under subsection (7)(a) or less than 3 parking violations under subsection (7)(b), or, beginning January 1, 2018, less than 6 parking violations under subsection (7)(b), for which the person's license was not issued or renewed under this subsection, the court may waive payment of the fee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**History:** Add. 1968, Act 332, Eff. Jan. 1, 1969;—Am. 1978, Act 391, Eff. Jan. 15, 1979;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 1987, Act 232, Imd. Eff. Dec. 28, 1987;—Am. 1988, Act 205, Eff. July 1, 1988;—Am. 1988, Act 346, Eff. Oct. 1, 1989;—Am. 1989, Act 89, Eff. Sept. 19, 1989;—Am. 1991, Act 95, Eff. Jan. 1, 1992;—Am. 1994, Act 211, Eff. Nov. 1, 1994;—Am. 1995, Act 55, Eff. Jan. 1, 1996;—Am. 1996, Act 493, Eff. Apr. 1, 1997;—Am. 1998, Act 68, Imd. Eff. May 4, 1998;—Am. 1998, Act 343, Eff. Oct. 1, 1999;—Am. 1999, Act 73, Eff. Oct. 1, 1999;—Am. 2002, Act 741, Eff. Jan. 1, 2003;—Am. 2004, Act 62, Eff. May 3, 2004;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2012, Act 13, Eff. May 16, 2012.

**Compiler's note:** Section 2 of Act 205 of 1988 provides: "This amendatory act shall take effect July 1, 1988 and apply to violations which occur on or after that date."

Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

### **257.321b Suspended or revoked license; destruction.**

Sec. 321b. Any policeman, law enforcing agent, or judicial officer who is informed by an official communication from the secretary of state that the secretary of state has suspended or revoked an operator's, moped, or chauffeur's license under the provisions of this act, shall obtain and destroy the suspended or

revoked license.

**History:** Add. 1968, Act 332, Eff. Jan. 1, 1969;—Am. 2002, Act 534, Eff. Oct. 1, 2002.

**257.321c Notification by friend of the court of failure to appear for hearing, comply with repayment plan order, or respond to license suspension notice; duty of secretary of state to suspend operator's or chauffeur's license; duration; reinstatement; transmission of fees; amounts.**

Sec. 321c. (1) If a friend of the court notifies the secretary of state that a licensee has failed to appear for a hearing, comply with a repayment plan order, or respond to a license suspension notice under the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650, the secretary of state shall immediately suspend the operator's or chauffeur's license of the licensee and shall notify the licensee of the suspension by first-class mail.

(2) If a person's license is suspended under subsection (1), the secretary of state shall not issue a license to the person if the person's license is already suspended, revoked, or denied or if the person does not have a license to suspend until the person is in compliance with subsection (3) and other provisions of this act.

(3) A suspension imposed under subsection (1) or (2) remains in effect until all of the following occur:

(a) The person obtains a certificate from the friend of the court showing that the person is complying with the custody, parenting time, or support order, and provides that certificate to the secretary of state within 10 days after the date of issuance noted on the certificate.

(b) The person pays to the circuit court clerk a \$45.00 driver license clearance fee.

(c) The person pays the reinstatement fee imposed under section 320e.

(4) Unless a person's license is otherwise suspended, revoked, denied, or canceled, the license is immediately reinstated on satisfaction of the requirements of subsection (3). The secretary of state shall reissue the operator's or chauffeur's license of a person whose suspension is rescinded under subsection (3) within 30 days after receipt of the certificate obtained under subsection (3)(a), evidence of the payment of the fee under subsection (3)(b), and the fee imposed under section 320e.

(5) If a person provides a copy of a certificate obtained under subsection (3) to the secretary of state more than 10 days after the date of issuance noted on the certificate, the certificate is no longer valid, and the secretary of state shall not reinstate the person's license. A person who fails to provide a copy of the certificate to the secretary of state within 10 days after the date of issuance shall obtain another certificate from the friend of the court and satisfy the requirements of subsection (3) before the secretary of state shall reinstate that person's license.

(6) For each fee received under subsection (3)(b), the clerk shall transmit the following amounts on a monthly basis:

(a) Fifteen dollars to the secretary of state. The secretary of state shall deposit money received under this subdivision in the general fund. The money shall be expended to defray the expenses of the secretary of state in processing the suspension and reinstatement of driver licenses under this section.

(b) Thirty dollars to the treasurer of the county. The treasurer shall deposit money received under this subdivision in the county friend of the court fund created in section 2530 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2530.

**History:** Add. 1996, Act 240, Eff. Jan. 1, 1997;—Am. 2009, Act 194, Imd. Eff. Dec. 28, 2009.

**257.322 Hearing officer; appointment; powers and duties as to appeals from final determination of secretary of state.**

Sec. 322. (1) The secretary of state shall appoint a hearing officer to hear appeals from persons aggrieved by a final determination of the secretary of state denying an application for an operator's or chauffeur's license, suspending, restricting, or revoking an operator's or chauffeur's license, or other license action.

(2) The appeal shall be in writing and filed with the secretary of state within 14 days after the final determination. Upon notice of the appeal, the hearing officer shall require production of all documents filed in the matter, together with a transcript of any testimony taken.

(3) In a hearing or matter properly before the hearing officer, he or she may do any of the following:

(a) Issue subpoenas to compel attendance of witnesses.

(b) Issue process to compel attendance.

(c) Punish for contempt any witness failing to appear or testify in the same manner as provided by the rules and practice in the circuit court.

(d) Swear witnesses, administer oaths, and exemplify records in any matter before the officer.

(e) Take additional testimony he or she considers appropriate.

(4) A verbatim record shall be made of the hearing.

(5) After a hearing, the hearing officer may affirm, modify, or set aside a final determination of the secretary of state denying an application for an operator's or chauffeur's license, suspending, restricting, or revoking an operator's or chauffeur's license, or any other license action. The hearing officer shall include his or her findings of fact and conclusions of law in the record.

(6) Except as provided in subsection (7), if a person whose license has been denied or revoked under section 303(2)(c), (d), or (g) applies for a license or reinstatement of a license after the time period specified in section 303(4) has elapsed, the hearing officer may issue a restricted license to that person, setting restrictions upon operating a vehicle as the hearing officer determines are appropriate. If the hearing officer issues a restricted license following a hearing held after October 1, 1999, he or she shall do both of the following:

(a) Require a properly installed and functioning ignition interlock device on each motor vehicle the person owns or intends to operate, the costs of which shall be borne by the person whose license is restricted.

(b) Condition issuance of a restricted license upon verification by the secretary of state that an ignition interlock device has been installed.

(7) The hearing officer shall not issue a restricted license under subsection (6) that would permit the person to operate a commercial motor vehicle that hauls hazardous material.

(8) If the hearing officer issues a restricted license to a person who intends to operate a vehicle owned by his or her employer, the secretary of state shall notify the employer of the employee's license restriction that requires the installation of an ignition interlock device. An employer who receives notice under this subsection is not required to install an ignition interlock device on the employer-owned vehicle. This subsection does not apply to a vehicle that is operated by a self-employed individual who uses the vehicle for both business and personal use.

(9) If the hearing officer issues a restricted license requiring an ignition interlock device, the initial period for requiring the device shall be not less than 1 year.

**History:** 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1953, Act 215, Eff. Oct. 2, 1953;—Am. 1976, Act 9, Imd. Eff. Feb. 13, 1976;—Am. 1998, Act 340, Eff. Oct. 1, 1999;—Am. 2001, Act 159, Imd. Eff. Nov. 6, 2001;—Am. 2008, Act 462, Eff. Oct. 31, 2010.

**Transfer of powers:** See MCL 16.129.

### **257.322a Ignition interlock device; removal; issuance of order required.**

Sec. 322a. A person who is issued a restricted license by the department requiring an ignition interlock device shall not remove the device or cause the device to be removed unless the department has issued an order authorizing its removal.

**History:** Add. 2008, Act 462, Eff. Oct. 31, 2010.

### **257.323 Denial, revocation, suspension, or restriction of license vehicle group designation or indorsement; final determination; petition for review of determination; order setting cause for hearing; service of order, petition, and affidavits on secretary of state's office; testimony and examination; order affirming, modifying, or setting aside restriction, suspension, or denial; conditions; restricted driving privileges; vehicle owned by employer; notification; other requirements.**

Sec. 323. (1) A person aggrieved by a final determination of the secretary of state denying the person an operator's or chauffeur's license, a vehicle group designation, or an indorsement on a license or revoking, suspending, or restricting an operator's or chauffeur's license, vehicle group designation, or an indorsement may petition for a review of the determination in the circuit court in the county where the person was arrested if the denial or suspension was imposed under section 625f or under the order of a trial court under section 328 or, in all other cases, in the circuit court in the person's county of residence. The person shall file the petition within 63 days after the determination is made except that for good cause shown the court may allow the person to file petition within 182 days after the determination is made. As provided in section 625f, a peace officer aggrieved by a determination of a hearing officer in favor of a person who requested a hearing under section 625f may, with the prosecuting attorney's consent, petition for review of the determination in the circuit court in the county where the arrest was made. The peace officer shall file the petition within 63 days after the determination is made except that for good cause shown the court may allow the peace officer to file the petition within 182 days after the determination is made.

(2) Except as otherwise provided in this section, the circuit court shall enter an order setting the cause for hearing for a day certain not more than 63 days after the order's date. The order, a copy of the petition that includes the person's full name, current address, birth date, and driver's license number, and all supporting affidavits shall be served on the secretary of state's office in Lansing not less than 20 days before the date set for the hearing. If the person is seeking a review of the record prepared under section 322 or section 625f, the

service upon the secretary of state shall be made not less than 50 days before the date set for the hearing.

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

(4) Except as otherwise provided in this section, in reviewing a determination resulting in a denial, suspension, restriction, or revocation under this act, the court shall confine its consideration to a review of the record prepared under section 322 or 625f or the driving record created under section 204a for a statutory legal issue, and may determine that the petitioner is eligible for full driving privileges or, if the petitioner is subject to a revocation under section 303, may determine that the petitioner is eligible for restricted driving privileges. The court shall set aside the secretary of state's determination only if 1 or more of the following apply:

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

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

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

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

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

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

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

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

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

(ii) All of the following are satisfied:

(A) The revocation or denial occurred at least 1 year after the petitioner's license was revoked or denied, or, if the petitioner's license was previously revoked or denied within the 7 years preceding the most recent revocation or denial, at least 5 years after the most recent revocation or denial, whichever is later.

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

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

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

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

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

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

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

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

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

(ii) The petitioner violates subdivision (b).

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

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

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

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

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

**History:** 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1953, Act 120, Eff. Oct. 2, 1953;—Am. 1958, Act 113, Eff. Sept. 13, 1958;—Am. 1978, Act 57, Imd. Eff. Mar. 10, 1978;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1981, Act 71, Imd. Eff. June 30, 1981;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1988, Act 346, Eff. Jan. 1, 1990;—Am. 1991, Act 99, Eff. Jan. 1, 1992;—Am. 1991, Act 100, Eff. Jan. 1, 1993;—Am. 1993, Act 359, Eff. Sept. 1, 1994;—Am. 1994, Act 449, Eff. May 1, 1995;—Am. 1998, Act 346, Eff. Oct. 1, 1999;—Am. 1999, Act 73, Eff. Oct. 1, 1999;—Am. 2001, Act 159, Imd. Eff. Nov. 6, 2001;—Am. 2016, Act 117, Eff. Aug. 15, 2016.

**Compiler's note:** Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

**Transfer of powers:** See MCL 16.129.

### **257.323a Petition for order staying revocation or suspension of license; ex parte order; provisions inapplicable to violation of financial responsibility act.**

Sec. 323a. (1) A person who is aggrieved by a final determination of the secretary of state suspending or revoking the operator's or chauffeur's license of the person may, within 63 days after the determination, petition the circuit court for the county in which the conviction or civil infraction determination resulting in the license being suspended or revoked was entered, or the circuit court for the county of residence of the person if the license was suspended or revoked as provided in section 318, or for the accumulation of 12 or more points as provided in sections 320 and 320a, for an order staying the revocation or suspension of the license. Except as provided in subsection (2), the court may enter an ex parte order staying the suspension or revocation subject to terms and conditions prescribed by the court until the determination of an appeal to the secretary of state or of an appeal or a review by the circuit court, or for a lesser time which the court considers proper, except that the court shall not enter an ex parte order staying the suspension or revocation of a person who drives a truck or truck tractor, including a trailer, which hauls hazardous material.

(2) The court shall not enter an ex parte order staying the suspension, denial, or revocation if the order is based upon a claim of undue hardship.

(3) This section shall not apply to a suspension for a violation of the financial responsibility act contained in chapter V.

**History:** Add. 1960, Act 78, Eff. Aug. 17, 1960;—Am. 1961, Act 19, Imd. Eff. May 10, 1961;—Am. 1978, Act 57, Imd. Eff. Mar.

10, 1978;—Am. 1978, Act 139, Eff. May 1, 1979;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1991, Act 99, Eff. Jan. 1, 1992.

**Compiler's note:** Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

### **257.323b Cancellation of minor's license.**

Sec. 323b. The license of a minor shall be canceled by the secretary of state upon the written request of the custodial parent or parents or legal guardian of the minor. The secretary of state may reduce the graduated driver license level or delay advancement to the next level of a minor upon the written request of the custodial parent or parents or legal guardian of the minor.

**History:** Add. 1965, Act 306, Eff. Mar. 31, 1966;—Am. 1972, Act 49, Imd. Eff. Feb. 19, 1972;—Am. 2000, Act 456, Imd. Eff. Jan. 10, 2001.

### **257.323c Restricted license; issuance by circuit court; limitations; exceptions; condition.**

Sec. 323c. (1) A person denied a license to operate a motor vehicle or whose license for that purpose has been suspended by the secretary of state under section 625f has a right to a review of the matter in circuit court as provided in sections 323 and 323a. Except as provided in this section, the court may order the secretary of state to issue to the person a restricted license permitting the person to drive only to and from the person's residence and work location; in the course of the person's employment or occupation; to and from an alcohol or drug education program or treatment program as ordered by a court; to and from the person's residence and the court probation department, or a court-ordered community service program, or both; to and from the person's residence and an educational institution at which the person is enrolled as a student; or pursuant to a combination of these restrictions. The restricted license shall permit the driver to take any driving skills test required by the secretary of state. If the denial, suspension, or revocation of a person's license or vehicle group designation under section 625f occurred in connection with the operation of a commercial motor vehicle, the court shall not order the secretary of state to issue a restricted license that would permit the person to operate a commercial motor vehicle. The court shall not order the secretary of state to issue a restricted operator's or chauffeur's license that would permit a person to operate a commercial motor vehicle hauling hazardous material. The court shall not order the secretary of state to issue a restricted license unless the person states under oath and the court finds that the person is unable to take public transportation to and from his or her work location, place of alcohol or drug education or treatment, or educational institution, and does not have a family member or other person able to provide transportation. The court order and license shall indicate the person's work location and the approved route or routes and permitted times of travel. For purposes of this section, "work location" includes, as applicable, either or both of the following:

- (a) The specific place or places of employment.
- (b) The territory or territories regularly visited by the person in pursuance of the person's occupation.

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

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

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

**History:** Add. 1968, Act 335, Eff. Nov. 15, 1968;—Am. 1978, Act 57, Imd. Eff. Mar. 10, 1978;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1991, Act 99, Eff. Jan. 1, 1992;—Am. 1991, Act 100, Eff. Jan. 1, 1993;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004.

**Compiler's note:** Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

### **257.323d Drug case information management fund; creation; purpose; expenditure; crediting and investing money; reversion; distribution of amounts by state court administrator; reimbursement of costs.**

Sec. 323d. (1) The drug case information management fund is created as a separate fund in the state treasury. The purpose of the fund is to help defray the costs of complying with requirements for the timely management and reporting to the secretary of state of information concerning cases involving an attempt to

violate, a conspiracy to violate, or a violation of part 74 or section 17766a of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.7401 to 333.7461 and 333.17766a of the Michigan Compiled Laws, or of a local ordinance that prohibits conduct prohibited under part 74 or section 17766a of Act No. 368 of the Public Acts of 1978. Money in the fund shall be expended only as provided in subsection (3).

(2) The state treasurer shall credit the drug case information management fund with the money collected from license reinstatement fees as provided in section 320e(2). The state treasurer may invest money contained in the drug case information management fund in any manner authorized by law for the investment of state money. However, an investment shall not interfere with any apportionment, allocation, or payment of money as required by this section. The state treasurer shall credit all earnings from the fund to the fund. Money in the fund at the end of the fiscal year shall remain in the fund and shall not revert to the general fund.

(3) The state court administrator, at the direction of the supreme court and upon confirmation of the amount by the state treasurer, shall distribute from the drug case information management fund the total amount available in a fiscal year to each circuit of the circuit court, each district of the district court, and each probate court as provided in this subsection. The state court administrator, after reimbursement of costs as provided in this subsection, shall distribute the balance of the drug case information management fund annually after costs are disbursed to each circuit of the circuit court, each district of the district court, and each probate court in an amount determined by multiplying the amount available for distribution by a fraction, the numerator of which is the number of cases in which the defendant was charged with an attempt to violate, a conspiracy to violate, or a violation of part 74 or section 17766a of Act No. 368 of the Public Acts of 1978, or a local ordinance that prohibits conduct prohibited under part 74 or section 17766a of Act No. 368 of the Public Acts of 1978, in the prior calendar year in that circuit of the circuit court, that district of the district court, or that probate court, as certified by the state court administrator, and the denominator of which is the total number of cases in all circuits of the circuit court, all districts of the district court, and all probate courts in which the defendant was charged with an attempt to violate, a conspiracy to violate, or a violation of part 74 of section 17766a of Act No. 368 of the Public Acts of 1978, or a local ordinance that prohibits conduct prohibited under part 74 or section 17766a of Act No. 368 of the Public Acts of 1978. The state court administrative office shall be reimbursed annually from the drug case information management fund for all reasonable costs associated with the administration of this section, including judicial and staff training, on-site management assistance, forms development and conversion, and software development and conversion.

**History:** Add. 1993, Act 359, Eff. Sept. 1, 1994.

## VIOLATION OF LICENSE PROVISIONS

### **257.324 Prohibited conduct; void or canceled license.**

Sec. 324. (1) A person shall not do any of the following:

(a) Display, or cause or permit to be displayed, or have in possession an operator's or chauffeur's license knowing the operator's or chauffeur's license to be fictitious or to have been canceled, revoked, suspended, or altered.

(b) Lend to or knowingly permit use of, by one not entitled to its use, the operator's or chauffeur's license issued to the person lending or permitting the use of the operator's or chauffeur's license.

(c) Display or to represent as one's own any operator's or chauffeur's license not issued to the person displaying the operator's or chauffeur's license.

(d) Fail or refuse to surrender to the department upon demand, any operator's or chauffeur's license which has been suspended, canceled, or revoked as provided by law.

(e) Use a false or fictitious name or give a false or fictitious address in an application for an operator's or chauffeur's license, or any renewal or duplicate of an operator's or chauffeur's license, or knowingly make a false statement or knowingly conceal a material fact or otherwise commit a fraud in making an application.

(f) Alter or otherwise cause to be altered any operator's or chauffeur's license so as to knowingly make a false statement or knowingly conceal a material fact in order to misrepresent as one's own the operator's or chauffeur's license.

(g) Use or have in possession in committing a crime an operator's or chauffeur's license that has been altered or that is used to knowingly make a false statement or to knowingly conceal a material fact in order to misrepresent as one's own the operator's or chauffeur's license.

(h) Furnish to a peace officer false, forged, fictitious, or misleading verbal or written information identifying the person as another person, if the person is detained for a violation of this act or of a local ordinance substantially corresponding to a provision of this act.

(i) Commit fraud related to the testing for or issuance of a commercial driver license or permit.

(j) Fail to schedule a retest appointment within 30 days after receiving the secretary of state's retest notification.

(2) An operator's or chauffeur's license issued to a person under this chapter upon an application that is untrue, or that contains false statements as to any material matters, or that was obtained by fraud in the testing for or issuance of the license, is void from the date of issuance. The operator or chauffeur who was issued the license is considered unlicensed and the license issued shall be returned upon request or order of the department. A person whose commercial driver license application is voided or canceled under this subsection, including as required under 49 CFR part 383, shall not reapply for a commercial driver license except as follows:

(a) Not sooner than 60 days after an application is voided or canceled.

(b) If the person obtained the license by fraud in the testing for or issuance of the commercial driver license or commercial learner's permit, not sooner than 365 days after the permit or license is canceled.

(c) If the person failed to schedule a retesting for a new commercial learner's permit or commercial driver license within 30 days after receiving the notification by the secretary of state for retesting, until the driver meets the department's requirements for applying for a new commercial learner's permit or commercial driver license.

**History:** 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1959, Act 250, Imd. Eff. Aug. 21, 1959;—Am. 1967, Act 17, Eff. Nov. 2, 1967;—Am. 1985, Act 79, Eff. Oct. 1, 1985;—Am. 2001, Act 159, Eff. Feb. 1, 2002;—Am. 2006, Act 298, Imd. Eff. July 20, 2006;—Am. 2015, Act 11, Eff. July 8, 2015.

#### **257.325 Causing or permitting unlicensed minor to drive.**

Sec. 325. It shall be unlawful for any person to cause or knowingly permit any minor to drive a motor vehicle upon a highway as an operator, unless the minor has first obtained a license to drive a motor vehicle under the provisions of this chapter.

**History:** 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1972, Act 49, Imd. Eff. Feb. 19, 1972.

#### **257.326 Operation of vehicle in violation of act; owner's permission prohibited.**

Sec. 326. No person shall knowingly authorize or permit a motor vehicle owned by him or under his control to be driven by any person in violation of any of the provisions of this act.

**History:** 1949, Act 300, Eff. Sept. 23, 1949.

#### **257.327 Unlicensed chauffeur; employment prohibited.**

Sec. 327. No person shall knowingly employ any chauffeur to operate a motor vehicle who is not licensed as provided in this chapter.

**History:** 1949, Act 300, Eff. Sept. 23, 1949.

#### **257.328 Producing evidence of motor vehicle insurance upon request of police officer; violation as civil infraction; electronic copy; certificate of insurance as prima facie evidence that insurance in force; contents; presentation of proof of insurance to court; civil infraction determination; surrendering license unless proof of insurance submitted to court; suspension of license by secretary of state; order; fee; renewal, transfer, or replacement of registration plate; producing false evidence as misdemeanor; penalty; points; section inapplicable to owner or operator of motor vehicle registered in other state or foreign country or province.**

Sec. 328. (1) The owner of a motor vehicle who operates or permits the operation of the motor vehicle upon the highways of this state or the operator of the motor vehicle shall produce, under subsection (2), upon the request of a police officer, evidence that the motor vehicle is insured under chapter 31 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179. Subject to section 907(15), an owner or operator of a motor vehicle who fails to produce evidence of insurance upon request under this subsection or who fails to have motor vehicle insurance for the vehicle as required under chapter 31 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179, is responsible for a civil infraction. If a person displays an electronic copy of his or her certificate of insurance using an electronic device, the police officer shall only view the electronic copy of the certificate of insurance and shall not manipulate the electronic device to view any other information on the electronic device. A person who displays an electronic copy of his or her certificate of insurance using an electronic device as provided in this subsection shall not be presumed to have consented to a search of the electronic device. A police officer may require the person to electronically forward the electronic copy of the certificate of insurance to a specified location provided by the police officer. The police

officer may then view the electronic copy of the certificate of insurance in a setting in which it is safe for the officer to verify that the information contained in the electronic copy of the certificate of insurance is valid and accurate. This state, a law enforcement agency, or an employee of this state or a law enforcement agency is not liable for damage to or loss of an electronic device that occurs as a result of a police officer's viewing an electronic copy of a certificate of insurance in the manner provided in this section, regardless of whether the police officer or the owner or operator of the vehicle was in possession of the electronic device at the time the damage or loss occurred.

(2) A certificate of insurance, in paper or electronic form and issued by an insurance company, that certifies that the security that meets the requirements of sections 3101 and 3102 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102, is in force is prima facie evidence that insurance is in force for the motor vehicle described in the certificate of insurance until the expiration date shown on the certificate. The certificate, in addition to describing the motor vehicles for which insurance is in effect, must, if applicable, state the name of each person named on the policy, policy declaration, or a declaration certificate whose operation of the vehicle would cause the liability coverage of that insurance to become void.

(3) If, before the appearance date on a citation issued under subsection (1), the defendant submits proof to the court that the motor vehicle had insurance meeting the requirements of sections 3101 and 3102 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102, at the time the violation of subsection (1) occurred, all of the following apply:

(a) The court shall not assess a fine or costs.

(b) The court shall not forward an abstract of the court record to the secretary of state.

(c) The court may assess a fee of not more than \$25.00, which shall be paid to the court funding unit.

(4) If an owner or operator of a motor vehicle is determined to be responsible for a violation of subsection (1), the court in which the civil infraction determination is entered may require the person to surrender his or her operator's or chauffeur's license unless proof that the vehicle has insurance meeting the requirements of sections 3101 and 3102 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102, is submitted to the court. If the court requires the license to be surrendered, the court shall order the secretary of state to suspend the person's license. The court shall immediately destroy the license and shall forward an abstract of the court record to the secretary of state as required by section 732. Upon receipt of the abstract, the secretary of state shall suspend the person's license beginning with the date on which the person is determined to be responsible for the civil infraction for a period of 30 days or until proof of insurance meeting the requirements of sections 3101 and 3102 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102, is submitted to the secretary of state, whichever occurs later. A person who submits proof of insurance to the secretary of state under this subsection shall pay a service fee of \$25.00 to the secretary of state. The person shall not be required to be examined under section 320c and shall not be required to pay a replacement license fee.

(5) If an owner or operator of a motor vehicle is determined to be responsible for a violation of subsection (1), the court in which the civil infraction determination is entered shall notify the secretary of state of the vehicle registration number and the year and make of the motor vehicle being operated at the time of the violation. A notification under this subsection shall be made on the abstract or on a form approved by the supreme court administrator. Upon receipt, the secretary of state shall immediately enter this information in the records of the department. The secretary of state shall not renew, transfer, or replace the registration plate of the vehicle involved in the violation or allow the purchase of a new registration plate for the vehicle involved in the violation until the owner meets the requirements of section 227a or unless the vehicle involved in the violation is transferred or sold to a person other than the owner's spouse, mother, father, sister, brother, or child.

(6) An owner or operator of a motor vehicle who knowingly produces false evidence under this section is guilty of a misdemeanor, punishable by imprisonment for not more than 1 year, or a fine of not more than \$1,000.00, or both.

(7) Points shall not be entered on a driver's record under section 320a for a violation of this section.

(8) This section does not apply to the owner or operator of a motor vehicle that is registered in a state other than this state or a foreign country or province.

**History:** Add. 1980, Act 459, Imd. Eff. Jan. 15, 1981;—Am. 1995, Act 287, Imd. Eff. Jan. 9, 1996;—Am. 2004, Act 52, Eff. May 1, 2004;—Am. 2015, Act 135, Eff. Jan. 5, 2016.

### **257.329 Possessing, selling, or offering for sale a stolen, false, or counterfeit certificate of insurance; penalty.**

Sec. 329. (1) A person who knowingly possesses, sells, or offers for sale a stolen, false, or counterfeit certificate of insurance is guilty of a felony.

(2) A person who is convicted of a second violation of this section shall be punished by imprisonment for not less than 2 years or more than 7 years, or by a fine of not less than \$1,500.00 or more than \$7,000.00, or both.

(3) A person who is convicted of a third or subsequent violation of this section shall be punished by imprisonment for not less than 5 years or more than 15 years, or by a fine of not less than \$5,000.00 or more than \$15,000.00, or both.

**History:** Add. 1992, Act 309, Eff. Mar. 31, 1993.