

**SUBSTITUTE FOR
HOUSE BILL NO. 5504**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 307, 312f, 319b, and 732 (MCL 257.307,
257.312f, 257.319b, and 257.732), section 307 as amended by 2001
PA 159, section 312f as amended by 1992 PA 180, section 319b as
amended by 1998 PA 356, and section 732 as amended by 2001
PA 134.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 307. (1) An application for an operator's or
2 chauffeur's license shall be made in a manner prescribed by the
3 secretary of state and shall contain all of the following:
- 4 (a) The applicant's full name, date of birth, residence
5 address, height, sex, eye color, signature, other information
6 required or permitted on the license under this chapter, and, to
7 the extent required to comply with federal law, the applicant's

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1 social security number. The applicant may provide a mailing
2 address if the applicant receives mail at an address different
3 from his or her residence address.

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

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

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

25 (i) The applicant meets the applicable federal physical
26 driver qualification requirements under 49 C.F.R. part 391 if the

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1 applicant operates or intends to operate in interstate commerce
2 or meets the applicable physical qualifications under the rules
3 promulgated by the department of state police under the motor
4 carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.22, if
5 the applicant operates or intends to operate in intrastate
6 commerce.

7 (ii) The vehicle in which the applicant will take the driv-
8 ing skills tests is representative of the type of vehicle the
9 applicant operates or intends to operate.

10 (iii) The applicant has not been convicted of an offense as
11 described in section 312f or 319b.

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

14 (d) For an operator's or chauffeur's license with a vehicle
15 group designation or indorsement and for which the applicant
16 claims a waiver of the driving test as provided in section 312f,
17 the following additional certifications by the applicant concern-
18 ing the 2-year period immediately before application:

19 (i) The applicant has not had more than 1 license.

20 (ii) The applicant has not had any license suspended,
21 revoked, or canceled.

22 (iii) The applicant has not been convicted of any offense
23 described in section 319b while operating a motor vehicle.

24 (iv) The applicant has not been convicted of a moving viola-
25 tion under state or local law relating to motor vehicle traffic
26 control arising in connection with a traffic accident.

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1 (v) The applicant is regularly employed in a job requiring
2 the operation of a commercial motor vehicle.

3 (vi) The applicant qualifies under either of the following:

4 (A) He or she has passed a behind-the-wheel driving test
5 given by a state with a commercial motor vehicle driver licensing
6 and testing system and taken in a representative vehicle for that
7 applicant's driver's license vehicle group designation.

8 (B) For at least 2 years immediately preceding application,
9 the applicant has operated a vehicle representative of the com-
10 mercial motor vehicle group or passenger vehicle for which he or
11 she is applying. The applicant's employer or the applicant, if
12 self-employed, shall provide evidence of this requirement.

13 (E) AN APPLICANT FOR AN OPERATOR'S OR CHAUFFEUR'S LICENSE
14 WITH A VEHICLE GROUP DESIGNATION AND A HAZARDOUS MATERIAL
15 INDORSEMENT (H VEHICLE INDORSEMENT) SHALL PROVIDE HIS OR HER FIN-
16 GERPRINTS WHICH SHALL HAVE BEEN TAKEN BY A LAW ENFORCEMENT OFFI-
17 CIAL OR A DESIGNATED REPRESENTATIVE FOR INVESTIGATION AS REQUIRED
18 BY THE UNITING AND STRENGTHENING AMERICA BY PROVIDING APPROPRIATE
19 TOOLS REQUIRED TO INTERCEPT AND OBSTRUCT TERRORISM (USA PATRIOT
20 ACT) ACT OF 2001, PUBLIC LAW 107-56, 115 STAT. 272.

21 (2) Except as provided in this subsection, an applicant for
22 an operator's or chauffeur's license may have his or her image
23 captured or reproduced when the application for the license is
24 made. An applicant required under section 5a of the sex offend-
25 ers registration act, 1994 PA 295, MCL 28.725a, to maintain a
26 valid operator's or chauffeur's license or official state
27 personal identification card shall have his or her image captured

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1 or reproduced when the application for the license is made. The
2 secretary of state shall acquire by purchase or lease the equip-
3 ment for capturing the images and may furnish the equipment to a
4 local unit authorized by the secretary of state to license
5 drivers. The secretary of state shall acquire equipment pur-
6 chased or leased pursuant to this section under standard purchas-
7 ing procedures of the department of management and budget based
8 on standards and specifications established by the secretary of
9 state. The secretary of state shall not purchase or lease equip-
10 ment until an appropriation for the equipment has been made by
11 the legislature. An image captured pursuant to this section
12 shall appear on the applicant's operator's or chauffeur's
13 license. Except as provided in this subsection, the secretary of
14 state may retain and use a person's image described in this sub-
15 section only for programs administered by the secretary of
16 state. Except as provided in this subsection, the secretary of
17 state shall not use a person's image unless the person grants
18 written permission for that purpose to the secretary of state or
19 specific enabling legislation permitting the use is enacted into
20 law. A law enforcement agency of this state has access to infor-
21 mation retained by the secretary of state under this subsection.
22 The information may be utilized for any law enforcement purpose
23 unless otherwise prohibited by law. The department of state
24 police shall provide to the secretary of state updated lists of
25 persons required to be registered under the sex offenders regis-
26 tration act, 1994 PA 295, MCL 28.721 to 28.732, and the secretary

1 of state shall make the images of those persons available to the
2 department of state police as provided in that act.

3 (3) An application shall contain a signature and certifica-
4 tion by the applicant and shall be accompanied by the proper
5 fee. The examiner shall collect the application fee and shall
6 forward the fee to the secretary of state with the application.
7 The secretary of state shall refund the application fee to the
8 applicant if the license applied for is denied, but shall not
9 refund the fee to an applicant who fails to complete the examina-
10 tion requirements of the secretary of state within 90 days after
11 the date of application for a license. A service fee of \$1.00
12 shall be added to each fee collected for an original, renewal,
13 duplicate, or corrected operator's or chauffeur's license. The
14 service fee received and collected under this subsection shall be
15 deposited in the state treasury to the credit of the general
16 fund. The service fee shall be used to defray the expenses of
17 the secretary of state. Appropriations from the Michigan trans-
18 portation fund shall not be used to compensate the secretary of
19 state for costs incurred and services performed under this
20 section.

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

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

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

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

12 (iii) Written information giving the applicant the opportu-
13 nity to be placed on the organ donation registry described in
14 subparagraph (ii).

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

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

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

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

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

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

11 (6) If an applicant indicates a willingness under this sec-
12 tion to have his or her name placed on the organ donor registry
13 described in subsection (4)(a)(ii), the secretary of state shall
14 within 10 days forward the applicant's name and address to the
15 organ donor registry maintained by Michigan's federally desig-
16 nated organ procurement organization or its successor
17 organization. The secretary of state may forward information
18 under this subsection by mail or by electronic means. The secre-
19 tary of state shall not maintain a record of the name or address
20 of an individual who indicates a willingness to have his or her
21 name placed on the organ donor registry after forwarding that
22 information to the organ donor registry under this subsection.
23 Information about an applicant's indication of a willingness to
24 have his or her name placed on the organ donor registry that is
25 obtained by the secretary of state under subsection (4) and for-
26 warding under this subsection is exempt from disclosure under the
27 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246,

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

3 (7) If an application is received from a person previously
4 licensed in another jurisdiction, the secretary of state shall
5 request a copy of the applicant's driving record and other avail-
6 able information from the national driver register. When
7 received, the driving record and other available information
8 become a part of the driver's record in this state. If the
9 application is for an original, renewal, or upgrade of a vehicle
10 group designation or indorsement, the secretary of state shall
11 also check the applicant's driving record with the federal com-
12 mercial driver license information system before issuing that
13 group designation or indorsement.

14 (8) Except for a vehicle group designation or indorsement or
15 as provided in this subsection, the secretary of state may issue
16 a renewal operator's or chauffeur's license for 1 additional
17 4-year period by mail or by other methods prescribed by the sec-
18 retary of state. The secretary of state shall issue a renewal
19 license only in person if the licensee has a driving record with
20 a conviction or civil infraction determination obtained in the 48
21 months preceding renewal or if the person is a person required
22 under section 5a of the sex offenders registration act, 1994
23 PA 295, MCL 28.725a, to maintain a valid operator's or
24 chauffeur's license or official state personal identification
25 card. However, the secretary of state shall not refuse to issue
26 a renewal license by mail or by other method because of a
27 conviction or civil infraction determination for which fines and

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1 costs were waived under section 901a or section 907. If a
2 license is renewed by mail or by other method, the secretary of
3 state shall issue evidence of renewal to indicate the date the
4 license expires in the future. The department of state police
5 shall provide to the secretary of state updated lists of persons
6 required under section 5a of the sex offenders registration act,
7 1994 PA 295, MCL 28.725a, to maintain a valid operator's or
8 chauffeur's license or official state personal identification
9 card.

10 (9) Upon request, the secretary of state shall provide an
11 information manual to an applicant explaining how to obtain a
12 vehicle group designation or indorsement. The manual shall con-
13 tain the information required under 49 C.F.R. part 383.

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

17 (a) Compliance with chapter 313 of title 49 of the United
18 States Code, 49 U.S.C. 31301 to 31317, and regulations and state
19 law and rules related to this chapter.

20 (b) Through the law enforcement information network, to
21 carry out the purposes of section 466(a) of part D of title IV of
22 the social security act, 42 U.S.C. 666, in connection with mat-
23 ters relating to paternity, child support, or overdue child
24 support.

25 (c) As otherwise required by law.

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

4 (12) A requirement under this section to include a social
5 security number on an application does not apply to an applicant
6 who demonstrates he or she is exempt under law from obtaining a
7 social security number or to an applicant who for religious con-
8 victions is exempt under law from disclosure of his or her social
9 security number under these circumstances. The secretary of
10 state shall inform the applicant of this possible exemption.

11 Sec. 312f. (1) Except as otherwise provided in this sec-
12 tion, a person shall be ~~not less than~~ AT LEAST 18 years of age
13 before he or she is issued a vehicle group designation or
14 indorsement, other than a motorcycle indorsement, on an
15 operator's or chauffeur's license and, as provided in this sec-
16 tion, the person shall pass knowledge and driving skills tests
17 that comply with minimum federal standards prescribed in
18 49 C.F.R. part 383. A person operating a vehicle to be used for
19 farming purposes only may obtain a group A, a group B, or an F
20 vehicle group designation if he or she is ~~not less than~~ AT
21 LEAST 16 years of age. Each written examination given an appli-
22 cant for a vehicle group designation or indorsement on an
23 operator's or chauffeur's license shall include subjects designed
24 to cover the type or general class of vehicle to be operated. A
25 person shall pass an examination that includes a driving test
26 designed to test competency of the applicant for an original
27 vehicle group designation and passenger indorsement on an

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1 operator's or chauffeur's license to drive that type or general
2 class of vehicle upon the highways of this state with safety to
3 that person and other persons and property. The secretary of
4 state shall waive the driving skills test for a person operating
5 a vehicle that is used under the conditions described in section
6 312e(4)(a) to (d) unless the vehicle has a gross vehicle weight
7 rating of 26,001 pounds or more on the power unit and is to be
8 used to carry hazardous materials on which a placard is required
9 under 49 C.F.R. parts 100 to 199. The driving test may be waived
10 if the applicant has a valid license, indorsement, or vehicle
11 group designation to operate that type or group of vehicle in
12 another state, except that the driving test for a vehicle group
13 designation or passenger vehicle indorsement may not be waived
14 unless the applicant has a valid license with the appropriate
15 vehicle group designation or passenger vehicle indorsement in
16 another state issued in compliance with the commercial motor
17 vehicle safety act of 1986, title XII of Public Law 99-570, 100
18 Stat. 3207-170.

19 (2) The secretary of state shall waive the knowledge test
20 and the driving skills test and issue a 1-year seasonal
21 restricted vehicle group designation for an otherwise qualified
22 person who desires to operate a group B or a group C vehicle for
23 a farm related service industry under the following conditions:

24 (a) An applicant shall possess a good driving record.
25 However, an applicant who has not held an operator's or
26 chauffeur's license for at least 1 year is not eligible for a
27 waiver. An applicant who has between 1 and 2 years of driving

1 experience shall possess a good driving record for his or her
2 entire driving history. An applicant who has more than 2 years
3 of driving experience shall possess a good driving record for the
4 2 years immediately preceding application for a waiver.

5 (b) The seasons for which the seasonal restricted vehicle
6 group designation is issued shall be from April 2 to June 30 and
7 from September 2 to November 30 only of a 12-month period or, at
8 the option of the applicant, for not more than 180 days from the
9 date of issuance in a 12-month period subsequent to 1992. A sea-
10 sonal restricted vehicle group designation under this subsection
11 shall be issued, suspended, revoked, canceled, or renewed in
12 accordance with this act. The good driving record shall be con-
13 firmed before each season and 180-day period.

14 (c) The commercial motor vehicle for which the seasonal
15 restricted vehicle group designation is issued shall be operated
16 only on routes within 150 miles from the place of business to the
17 farm or farms being served.

18 (d) The commercial motor vehicle for which the seasonal
19 restricted vehicle group designation is issued shall not trans-
20 port a quantity of hazardous materials on which a placard is
21 required except for the following:

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

24 (ii) Liquid fertilizers in quantities of 3,000 gallons or
25 less.

26 (iii) Solid fertilizers that are not transported with any
27 organic substance.

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1 (e) The commercial motor vehicle for which a seasonal
2 restricted vehicle group designation is issued shall not include
3 a bus or school bus.

4 (3) The secretary of state may enter into an agreement with
5 another public or private person or agency to conduct a skills
6 test required under this section, section 312e, or 49 C.F.R. part
7 383.

8 (4) The secretary of state shall not issue a vehicle group
9 designation OR A VEHICLE INDORSEMENT to an applicant for an orig-
10 inal vehicle group designation OR VEHICLE INDORSEMENT UNDER
11 SECTION 312E to whom 1 or more of the following apply:

12 (a) The applicant has had his or her license suspended or
13 revoked for a reason other than as provided in section 321a, 515,
14 or 801c in the 36 months immediately preceding application,
15 except that a vehicle group designation may be issued if the sus-
16 pension or revocation was due to a temporary medical condition or
17 failure to appear at a reexamination as provided in section 320.

18 (b) The applicant was convicted of or incurred a bond for-
19 feiture in relation to a 6-point violation as provided in section
20 320a in the 24 months immediately preceding application, or a
21 violation of section 625(3) or former section 625b, or a local
22 ordinance substantially corresponding to section 625(3) or former
23 section 625b in the 24 months immediately preceding application,
24 if the violation occurred while the applicant was operating a
25 type of vehicle that is operated under a vehicle group
26 designation.

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

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

17 (e) The applicant is subject to a suspension or revocation
18 under section 319b or would have been subject to a suspension or
19 revocation under section 319b if the applicant had been issued a
20 vehicle group designation OR VEHICLE INDORSEMENT.

21 (f) The applicant has been disqualified from operating a
22 commercial motor vehicle under title XII of Public Law 99-570,
23 100 Stat. 3207-170 or the applicant's license to operate a com-
24 mercial motor vehicle has been suspended, revoked, denied, or
25 canceled within 36 months immediately preceding the date of
26 application.

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1 (5) The secretary of state shall only consider bond
2 forfeitures under subsection (4)(b) for violations that occurred
3 on or after January 1, 1990 when determining the applicability of
4 subsection (4).

5 (6) If an applicant for an original vehicle group designa-
6 tion was previously licensed in another jurisdiction, the secre-
7 tary of state shall request a copy of the applicant's driving
8 record from that jurisdiction. If 1 or more of the conditions
9 described in subsection (4) exist in that jurisdiction when the
10 secretary of state receives the copy, the secretary of state
11 shall cancel all vehicle group designations on the person's
12 operator's or chauffeur's license.

13 (7) Subsection (4)(a), (b), (d), and (f) do not apply to an
14 applicant for an original vehicle group designation who at the
15 time of application has a valid class 1, class 2, or class 3
16 indorsement under this act or a valid license to operate a com-
17 mercial motor vehicle issued by any state in compliance with
18 title XII of Public Law 99-570.

19 (8) As used in this section:

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

23 (b) "Good driving record" means the criteria required under
24 regulations described at 49 C.F.R. 383.77 and 57 F.R. 75, P.
25 13650 (April 17, 1992).

26 Sec. 319b. (1) The secretary of state shall immediately
27 suspend or revoke, as applicable, all vehicle group designations

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1 on the operator's or chauffeur's license of a person upon
2 receiving notice of a conviction, bond forfeiture, or civil
3 infraction determination of the person, or notice that a court or
4 administrative tribunal has found the person responsible, for a
5 violation described in this subsection of a law of this state, a
6 local ordinance substantially corresponding to a law of this
7 state, or a law of another state substantially corresponding to a
8 law of this state, or notice that the person has refused to
9 submit to a chemical test of his or her blood, breath, or urine
10 for the purpose of determining the amount of alcohol or presence
11 of a controlled substance or both in the person's blood, breath,
12 or urine while the person was operating a commercial motor vehi-
13 cle as required by a law or local ordinance of this or another
14 state. The period of suspension or revocation is as follows:

15 (a) Suspension for 60 days if the licensee is convicted of
16 or found responsible for 2 serious traffic violations while oper-
17 ating a commercial motor vehicle arising from separate incidents
18 within 36 months.

19 (b) Suspension for 120 days if the licensee is convicted of
20 or found responsible for 3 serious traffic violations while oper-
21 ating a commercial motor vehicle arising from separate incidents
22 within 36 months.

23 (c) Suspension for 1 year if the licensee is convicted of or
24 found responsible for 1 of the following:

25 (i) A violation of section 625(1), (3), (4), (5), (6), or
26 (7), section 625m, or former section 625(1) or (2), or former
27 section 625b, or a local ordinance substantially corresponding to

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1 section 625(1) or (3), section 625m, or former section 625(1) or
2 (2), or former section 625b, or a law of another state substan-
3 tially corresponding to section 625(1), (3), (4), (5), (6), or
4 (7), section 625m, or former section 625(1) or (2), or former
5 section 625b, while operating a commercial motor vehicle.

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

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

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

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

18 (d) Suspension for 3 years if the licensee is convicted of
19 or found responsible for an offense enumerated in subdivision

20 (c)(i) to (v) in which a commercial motor vehicle was used if the
21 vehicle was carrying hazardous material required to have a plac-
22 ard pursuant to 49 C.F.R. parts 100 to 199.

23 (e) Revocation for not less than 10 years and until the
24 person is approved for the issuance of a vehicle group designa-
25 tion if a licensee is convicted of or found responsible for 1 of
26 the following:

(i) Any combination of 2 violations arising from 2 or more separate incidents under section 625(1), (3), (4), (5), (6), or (7), section 625m, or former section 625(1) or (2), or former section 625b, a local ordinance substantially corresponding to section 625(1) or (3), section 625m, or former section 625(1) or (2), or former section 625b, or a law of another state substantially corresponding to section 625(1), (3), (4), (5), (6), or (7), section 625m, or former section 625(1) or (2), or former section 625b while driving a commercial motor vehicle.

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

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

(iv) Two refusals 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 motor vehicle in this state or another state, which refusals occurred in separate incidents.

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

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

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

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(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 issuance 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 REVOKE FOR LIFE THE HAZARDOUS MATERIAL INDORSEMENT (H VEHICLE INDORSEMENT) ON THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF A PERSON WITH A VEHICLE GROUP DESIGNATION UPON RECEIVING NOTICE FROM THE U.S. DEPARTMENT OF TRANSPORTATION THAT THE PERSON POSES A SECURITY RISK WARRANTING DENIAL 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, 115 STAT. 272.

(3) ~~-(2)-~~ The secretary of state shall immediately suspend all 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 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, Mexico, or a local jurisdiction of either of

1 these countries substantially corresponding to section 319d(4) or
2 319f, while operating a commercial motor vehicle as defined in
3 section 7a. The period of suspension or revocation is as
4 follows:

5 (a) Suspension for 90 days if the licensee is convicted of
6 or found responsible for a violation of section 319d(4) or 319f
7 while operating a commercial motor vehicle.

8 (b) Suspension for 180 days if the licensee is convicted of
9 or found responsible for a violation of section 319d(4) or 319f
10 while operating a commercial motor vehicle that is either carry-
11 ing hazardous material required to have a placard pursuant to 49
12 C.F.R. parts 100 to 199 or designed to carry 16 or more passen-
13 gers, including the driver.

14 (c) Suspension for 1 year if the licensee is convicted of or
15 found responsible for 2 violations, in any combination, of sec-
16 tion 319d(4) or 319f while operating a commercial motor vehicle
17 arising from 2 or more separate incidents during a 10-year
18 period.

19 (d) Suspension for 3 years if the licensee is convicted of
20 or found responsible for 3 or more violations, in any combina-
21 tion, of section 319d(4) or 319f while operating a commercial
22 motor vehicle arising from 3 or more separate incidents during a
23 10-year period.

24 (e) Suspension for 3 years if the licensee is convicted of
25 or found responsible for 2 or more violations, in any combina-
26 tion, of section 319d(4) or 319f while operating a commercial
27 motor vehicle carrying hazardous material required to have a

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1 placard pursuant to 49 C.F.R. parts 100 to 199, or designed to
2 carry 16 or more passengers, including the driver, arising from 2
3 or more separate incidents during a 10-year period.

4 (4) ~~—(3)—~~ As used in this section:

5 (a) "Felony in which a commercial motor vehicle was used"
6 means a felony during the commission of which the person con-
7 victed operated a commercial motor vehicle and while the person
8 was operating the vehicle 1 or more of the following circum-
9 stances existed:

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

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

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

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

16 (b) "Serious traffic violation" means a traffic violation
17 that occurs in connection with an accident in which a person
18 died, careless driving, excessive speeding as defined in the fed-
19 eral administrative regulations promulgated to implement the com-
20 mercial motor vehicle safety act of 1986, title XII of Public Law
21 99-570, 100 Stat. 3207-170, improper lane use, following too
22 closely, or any other serious traffic violation as defined in 49
23 C.F.R. 383.5 or as prescribed under this act.

24 (5) ~~—(4)—~~ For the purpose of this section only, a bond for-
25 feiture or a determination by a court of original jurisdiction or
26 an authorized administrative tribunal that a person has violated
27 the law is considered a conviction.

1 (6) ~~—(5)—~~ The secretary of state shall suspend or revoke a
2 vehicle group designation under subsection (1) notwithstanding a
3 suspension, restriction, revocation, or denial of an operator's
4 or chauffeur's license or vehicle group designation under another
5 section of this act or a court order issued under another section
6 of this act or a local ordinance substantially corresponding to
7 another section of this act.

8 (7) ~~—(6)—~~ When determining the applicability of conditions
9 listed in this section, the secretary of state shall only con-
10 sider violations that occurred after January 1, 1990.

11 Sec. 732. (1) Each municipal judge and each clerk of a
12 court of record shall keep a full record of every case in which a
13 person is charged with or cited for a violation of this act or a
14 local ordinance substantially corresponding to this act regulat-
15 ing the operation of vehicles on highways and with those offenses
16 pertaining to the operation of ORVs or snowmobiles for which
17 points are assessed under section 320a(1)(c) or (h). Except as
18 provided in subsection (15), the municipal judge or clerk of the
19 court of record shall prepare and forward to the secretary of
20 state an abstract of the court record as follows:

21 (a) Within 14 days after a conviction, forfeiture of bail,
22 or entry of a civil infraction determination or default judgment
23 upon a charge of or citation for violating or attempting to vio-
24 late this act or a local ordinance substantially corresponding to
25 this act regulating the operation of vehicles on highways.

26 (b) Immediately for each case charging a violation of
27 section 625(1), (3), (4), (5), (6), or (7) or section 625m or a

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1 local ordinance substantially corresponding to section 625(1),
2 (3), or (6) or section 625m in which the charge is dismissed or
3 the defendant is acquitted.

4 (c) Immediately for each case charging a violation of sec-
5 tion 82127(1) or (3), 81134, or 81135 of the natural resources
6 and environmental protection act, 1994 PA 451, MCL 324.82127,
7 324.81134, and 324.81135, or a local ordinance substantially cor-
8 responding to those sections.

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

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

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

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

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

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

5 (e) The date of the conviction, finding, forfeiture, judg-
6 ment, or civil infraction determination.

7 (f) Whether bail was forfeited.

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

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

13 (i) Other information considered necessary to the secretary
14 of state.

15 (4) The clerk of the court also shall forward an abstract of
16 the court record to the secretary of state upon a person's con-
17 viction involving any of the following:

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

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

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

23 (d) A violation of section 703 of the Michigan liquor con-
24 trol code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance
25 substantially corresponding to that section.

26 (e) An attempt to violate, a conspiracy to violate, or a
27 violation of part 74 or section 17766a of the public health code,

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1 1978 PA 368, MCL 333.7401 to 333.7461 and 333.17766a, or a local
2 ordinance that prohibits conduct prohibited under part 74 or sec-
3 tion 17766a of the public health code, 1978 PA 368, MCL 333.7401
4 to 333.7461 and 333.17766a, unless the convicted person is sen-
5 tenced to life imprisonment or a minimum term of imprisonment
6 that exceeds 1 year for the offense.

7 (f) An attempt to commit an offense described in subdivi-
8 sions (a) to (d).

9 (G) A VIOLATION OF CHAPTER LXXXIII-A OF THE MICHIGAN PENAL
10 CODE, 1931 PA 328, MCL 750.543A TO 750.543Z.

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

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

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

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

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

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

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

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

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

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

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

1 commission of which the person operated a commercial motor
2 vehicle and while the person was operating the vehicle 1 or more
3 of the following circumstances existed:

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

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

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

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

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

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

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

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1 shall forward an abstract of the court record of that conviction
2 to the secretary of state.

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

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

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

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

16 (d) The following statement:

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

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

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

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

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

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

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

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

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

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

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

1 (16) The secretary of state shall discard and not enter on
2 the master driving record an abstract for a bond forfeiture that
3 occurred outside this state. However, the secretary of state
4 shall retain and enter on the master driving record an abstract
5 of an out-of-state bond forfeiture for an offense that occurred
6 after January 1, 1990 in connection with the operation of a com-
7 mercial motor vehicle.

8 (17) The secretary of state shall inform the courts of this
9 state of the nonmoving violations and violations of chapter II
10 that are used by the secretary of state as the basis for the sus-
11 pension, restriction, revocation, or denial of an operator's or
12 chauffeur's license.

13 (18) If a conviction or civil infraction determination is
14 reversed upon appeal, the person whose conviction or determina-
15 tion has been reversed may serve on the secretary of state a cer-
16 tified copy of the order of reversal. The secretary of state
17 shall enter the order in the proper book or index in connection
18 with the record of the conviction or civil infraction
19 determination.

20 (19) The secretary of state may permit a city or village
21 department, bureau, person, or court to modify the requirement as
22 to the time and manner of reporting a conviction, civil infrac-
23 tion determination, or settlement to the secretary of state if
24 the modification will increase the economy and efficiency of col-
25 lecting and utilizing the records. If the permitted abstract of
26 court record reporting a conviction, civil infraction
27 determination, or settlement originates as a part of the written

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1 notice to appear, authorized in section 728(1) or 742(1), the
2 form of the written notice and report shall be as prescribed by
3 the secretary of state.

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

[Enacting section 1. This amendatory act takes effect May 1, 2002.]