

**SUBSTITUTE FOR
HOUSE BILL NO. 6084**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 248f, 302, 302a, 303, 306, 307, 307a, 312e, 312f, 314, 319b, 319f, 319g, 324, 732, 801c, 811k, and 907 (MCL 257.248f, 257.302, 257.302a, 257.303, 257.306, 257.307, 257.307a, 257.312e, 257.312f, 257.314, 257.319b, 257.319f, 257.319g, 257.324, 257.732, 257.801c, 257.811k, and 257.907), section 248f as added by 1993 PA 300, section 302 as amended by 1991 PA 100, section 302a as added by 1990 PA 181, sections 303 and 307 as amended by 2005 PA 142, sections 306, 312e, 312f, and 314 as amended by 2004 PA 362, section 307a as added by 1988 PA 346, sections 319b, 319g, and 732 as amended by 2004 PA 495, section 319f as added by 1996 PA 404, section 324 as amended by 2001 PA 159, section 801c as amended by 1980 PA 281, section 811k as added by 2000 PA 73, and section 907 as amended by 2005 PA 1, and

by adding section 303a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 248f. (1) The secretary of state shall ~~investigate the~~
2 ~~criminal history of each person required to be named on an~~
3 ~~application for a vehicle dealer or salvage vehicle agent license~~
4 **NOT LICENSE A PERSON AS A VEHICLE DEALER OR SALVAGE VEHICLE AGENT**
5 **BEFORE REQUESTING A CRIMINAL HISTORY CHECK OF THE PERSON AND**
6 **RECEIVING A CRIMINAL HISTORY REPORT OF THE PERSON FROM BOTH THE**
7 **DEPARTMENT OF STATE POLICE AND FEDERAL BUREAU OF INVESTIGATION.**

8 ~~(2) Each person required to be named on an application shall~~
9 ~~submit to the secretary of state 2 sets of his or her~~
10 ~~fingerprints which shall have been taken by a law enforcement~~
11 ~~official for investigation under this section. One set of~~
12 ~~fingerprints shall be submitted on a form furnished by the~~
13 ~~department of state police and be accompanied by a check or money~~
14 ~~order made payable to the state of Michigan for the fee the~~
15 ~~department of state police requires to process the prints. The~~
16 ~~other set of fingerprints shall be submitted on a form furnished~~
17 ~~by the federal bureau of investigation and be accompanied by a~~
18 ~~check or money order made payable to the federal bureau of~~
19 ~~investigation for the fee the federal bureau of investigation~~
20 ~~requires to process the prints.~~

21 ~~(3) Each set of fingerprints required in order to process an~~
22 ~~application for a vehicle dealer or salvage vehicle agent license~~
23 ~~shall be submitted to the secretary of state with the~~
24 ~~application.~~

25 ~~(4) The secretary of state shall forward the fingerprints on~~

1 ~~the department of state police form with the required fees to the~~
2 ~~department of state police for the purpose of receiving the~~
3 ~~information maintained by the department of state police of the~~
4 ~~fingerprint owner's conviction and nonconviction criminal history~~
5 ~~record. The secretary of state shall forward the fingerprints on~~
6 ~~the federal bureau of investigation form with the required fees~~
7 ~~to the federal bureau of investigation or other agency designated~~
8 ~~by the federal bureau of investigation for the purpose of~~
9 ~~receiving the information maintained by the federal bureau of~~
10 ~~investigation of the fingerprint owner's conviction and~~
11 ~~nonconviction criminal history record.~~

12 (2) EACH CRIMINAL HISTORY CHECK REQUIRED UNDER THIS SECTION
13 SHALL BE REQUESTED, AND A CRIMINAL HISTORY REPORT SHALL BE
14 OBTAINED, FROM BOTH THE DEPARTMENT OF STATE POLICE AND THE
15 FEDERAL BUREAU OF INVESTIGATION.

16 (3) EACH PERSON REQUIRED TO BE NAMED ON AN APPLICATION SHALL
17 SUBMIT HIS OR HER FINGERPRINTS FOR A CRIMINAL HISTORY CHECK TO
18 THE DEPARTMENT OF STATE POLICE IN A FORMAT AS PRESCRIBED BY THE
19 DEPARTMENT OF STATE POLICE. THE FEES REQUIRED BY THE DEPARTMENT
20 OF STATE POLICE OR THE FEDERAL BUREAU OF INVESTIGATION, AS
21 APPLICABLE, TO CONDUCT THE CRIMINAL HISTORY CHECK SHALL ACCOMPANY
22 A REQUEST FOR A CRIMINAL HISTORY CHECK.

23 (4) THE DEPARTMENT OF STATE POLICE SHALL CONDUCT A CRIMINAL
24 HISTORY CHECK NOT MORE THAN 45 DAYS AFTER RECEIVING A PROPER
25 REQUEST AND THE REQUIRED FEE FOR A CRIMINAL HISTORY CHECK UNDER
26 THIS SECTION. AFTER CONDUCTING THE CRIMINAL HISTORY CHECK AND
27 WITHIN THE SAME 45-DAY PERIOD, THE DEPARTMENT OF STATE POLICE

1 SHALL PROVIDE THE SECRETARY OF STATE WITH A REPORT OF THE
2 CRIMINAL HISTORY CHECK. THE REPORT SHALL CONTAIN PUBLIC CRIMINAL
3 HISTORY RECORD INFORMATION CONCERNING THE PERSON WHO IS THE
4 SUBJECT OF THE REQUEST THAT IS MAINTAINED BY THE DEPARTMENT OF
5 STATE POLICE.

6 (5) IF A CRIMINAL ARREST FINGERPRINT CARD IS SUBSEQUENTLY
7 SUBMITTED TO THE DEPARTMENT OF STATE POLICE AND MATCHES AGAINST A
8 FINGERPRINT THAT WAS SUBMITTED UNDER THIS SECTION AND STORED IN
9 ITS AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM (AFIS) DATABASE,
10 THE DEPARTMENT OF STATE POLICE SHALL NOTIFY THE DEPARTMENT.

11 (6) EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, THE SECRETARY
12 OF STATE SHALL NOT APPROVE AN ORIGINAL VEHICLE DEALER OR SALVAGE
13 VEHICLE AGENT LICENSE BEFORE RECEIVING AND REVIEWING THE
14 APPLICABLE CRIMINAL HISTORY REPORTS FROM THE DEPARTMENT OF STATE
15 POLICE AND THE FEDERAL BUREAU OF INVESTIGATION.

16 (7) THE SECRETARY OF STATE SHALL USE CRIMINAL HISTORY RECORD
17 INFORMATION RECEIVED UNDER THIS SECTION TO EVALUATE AN
18 APPLICANT'S QUALIFICATIONS TO RECEIVE A VEHICLE DEALER OR SALVAGE
19 VEHICLE AGENT LICENSE UNDER THIS ACT. THE SECRETARY OF STATE MAY
20 ONLY DISCUSS A CRIMINAL HISTORY REPORT OR ITS CONTENTS WITH THE
21 FOLLOWING PEOPLE:

22 (A) STAFF OF THE SECRETARY OF STATE WHO ARE INVOLVED IN
23 DETERMINING WHETHER AN APPLICANT'S VEHICLE DEALER LICENSE OR
24 SALVAGE VEHICLE AGENT LICENSE SHOULD BE DENIED, SUSPENDED, OR
25 REVOKED.

26 (B) STAFF OF THE DEPARTMENT OF STATE POLICE.

27 (C) A PERSON WHO WAS INVOLVED IN THE PROSECUTION OR DEFENSE

1 OF A CRIMINAL MATTER NOTED IN A CRIMINAL HISTORY REPORT.

2 (D) THE APPLICANT OR HIS OR HER ATTORNEY.

3 (8) A PERSON WHO VIOLATES SUBSECTION (7) IS GUILTY OF A
4 MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$10,000.00.

5 (9) AS USED IN THIS SECTION, "CRIMINAL HISTORY RECORD
6 INFORMATION" MEANS THAT TERM AS DEFINED IN SECTION 1A OF 1925 PA
7 289, MCL 28.241A.

8 (10) ~~(5) This~~ EXCEPT FOR SUBSECTION (5), THIS section does
9 not apply to a person whose ~~fingerprints have~~ CRIMINAL HISTORY
10 HAS previously been investigated by the secretary of state and
11 who is applying for the renewal of a vehicle dealer license OR
12 SALVAGE VEHICLE AGENT LICENSE.

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

15 (a) A person serving in the armed forces of the United
16 States if furnished with a driver's permit and operating an
17 official motor vehicle in that service OR A PERSON WHO IS A
18 MILITARY DRIVER AND OPERATES A COMMERCIAL MOTOR VEHICLE FOR A
19 MILITARY PURPOSE. ~~A~~ THIS EXEMPTION APPLIES TO ACTIVE DUTY
20 MILITARY PERSONNEL, MEMBERS OF THE MILITARY RESERVES, ACTIVE DUTY
21 UNITED STATES COAST GUARD PERSONNEL, AND MEMBERS OF THE NATIONAL
22 GUARD WHILE ON ACTIVE DUTY, INCLUDING, BUT NOT LIMITED TO,
23 PERSONNEL ON FULL-TIME NATIONAL GUARD DUTY, PERSONNEL ON PART-
24 TIME NATIONAL GUARD TRAINING, AND NATIONAL GUARD MILITARY
25 TECHNICIANS WHO ARE CIVILIANS REQUIRED TO WEAR MILITARY UNIFORMS.
26 THIS EXEMPTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

27 (i) UNITED STATES RESERVE TECHNICIANS.

1 (ii) **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, A**
2 person who is a civilian and in the employ of the armed forces of
3 the United States. ~~is not exempt from obtaining a license under~~
4 ~~this chapter.~~

5 (b) A person while driving or operating a road roller, a
6 snow motor, road machinery, or a farm tractor or implement of
7 husbandry temporarily drawn, moved, or propelled on a highway.

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

14 (d) A nonresident who is over the age of 17 years, whose
15 home state does not require the licensing of operators, may
16 operate a motor vehicle as an operator only, for a period of not
17 more than 90 days in any calendar year, if ~~the~~ **ALL OF THE**
18 **FOLLOWING APPLY:**

19 (i) **THE** motor vehicle is registered in the home state or
20 country of the nonresident. ~~and the~~

21 (ii) **THE** nonresident has in his or her immediate possession a
22 registration card evidencing ownership and registration of the
23 motor vehicle in his or her home state or country, or is able at
24 any time or place required to prove lawful possession or the
25 right to operate the motor vehicle and to establish his or her
26 proper identity.

27 (e) A person who is a member of the armed forces of the

1 United States on official leave, who on the date of his or her
2 orders granting leave possessed an operator's or chauffeur's
3 license, valid except for the expiration date of the license.
4 This ~~section~~ **EXEMPTION** applies only to the person's first leave
5 of absence following the expiration of his or her license and
6 exempts the person from the provisions of this act for a period
7 not to exceed 30 days.

8 (f) A person who is a discharged member of the armed forces
9 of the United States, who on the date of his or her discharge
10 possesses an operator's or chauffeur's license, valid except for
11 the expiration date, for a period not to exceed 30 days from date
12 of discharge.

13 (g) A person who is a member of the armed forces of the
14 United States, stationed in this state, who is a resident of
15 another state and has a valid license issued by his or her state
16 of residence.

17 (h) A person while operating a commercial motor vehicle in
18 the course of a driving test administered by a certified examiner
19 appointed by the secretary of state and while accompanied by the
20 examiner.

21 **(I) A PERSON WHILE OPERATING A COMMERCIAL MOTOR VEHICLE WHO**
22 **IS NOT DISQUALIFIED FROM OPERATING A COMMERCIAL MOTOR VEHICLE AND**
23 **WHO HOLDS A COMMERCIAL DRIVER LICENSE THAT IS ISSUED TO HIM OR**
24 **HER BY ANOTHER STATE OR JURISDICTION UNDER 49 CFR PART 383.**

25 Sec. 302a. (1) Except as otherwise provided by this act, a
26 nonresident operator of a motor vehicle — who is the holder of
27 a license to operate a motor vehicle in the country in which he

1 or she resides ~~—, shall not be~~ **IS NOT** required to obtain a
 2 license to operate ~~—any—~~ **A** passenger vehicle within this state,
 3 if he or she does not receive compensation for such operation.
 4 This ~~—section shall—~~ **SUBSECTION DOES** not apply unless ~~—the—~~ **ALL**
 5 **OF THE FOLLOWING CONDITIONS HAVE BEEN SATISFIED:**

6 (A) **THE** secretary of state determines that the standards of
 7 the other country for licensing operators correspond
 8 substantially to those of this state and that the other country
 9 extends the same privileges to persons licensed to operate
 10 vehicles by this state. ~~This section shall not apply unless the~~

11 (B) **THE** secretary of state and the other country have
 12 exchanged letters confirming the reciprocal extension of
 13 privileges to operate vehicles.

14 (2) ~~On May 1 and November 1 each year, the~~ **THE** secretary
 15 of state shall publish **ON ITS PUBLIC INTERNET SITE** a list of the
 16 countries for which reciprocal operating privileges have been
 17 extended and withdrawn. ~~The~~ **IF ANY CHANGES ARE MADE, A REVISED**
 18 list shall be mailed to the courts, prosecuting attorneys, and
 19 law enforcement agencies of this state.

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

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

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

26 (c) A person whose license is suspended, revoked, denied, or
 27 canceled in any state. If the suspension, revocation, denial, or

1 cancellation is not from the jurisdiction that issued the last
2 license to the person, the secretary of state may issue a license
3 after the expiration of 5 years from the effective date of the
4 most recent suspension, revocation, denial, or cancellation.

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

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

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

17 (g) A person who has been convicted of, has received a
18 juvenile disposition for, or has been determined responsible for
19 2 or more moving violations under a law of this state, a local
20 ordinance substantially corresponding to a law of this state, or
21 a law of another state substantially corresponding to a law of
22 this state within the preceding 3 years, if the violations
23 occurred before issuance of an original license to the person in
24 this state, another state, or another country.

25 (h) A nonresident, including, **BUT NOT LIMITED TO**, a foreign
26 exchange student.

27 (i) A person who has failed to answer a citation or notice

1 to appear in court or for any matter pending or fails to comply
2 with an order or judgment of the court, including, but not
3 limited to, paying all fines, costs, fees, and assessments, in
4 violation of section 321a, until that person answers the citation
5 or notice to appear in court or for any matter pending or
6 complies with an order or judgment of the court, including, but
7 not limited to, paying all fines, costs, fees, and assessments,
8 as provided under section 321a.

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

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

24 (l) A person not licensed under this act who is determined to
25 have violated section 33b(1) of former 1933 (Ex Sess) PA 8,
26 section 703(1) of the Michigan liquor control code of 1998, 1998
27 PA 58, MCL 436.1703, or section 624a or 624b of this act. The

1 person shall be denied a license under this subdivision for a
2 period of time that corresponds to the period of the licensing
3 sanction that would have been imposed under those sections had
4 the person been licensed at the time of the violation.

5 **(M) A PERSON WHOSE COMMERCIAL DRIVER LICENSE APPLICATION IS**
6 **CANCELED UNDER SECTION 324(2).**

7 (2) Upon receiving the appropriate records of conviction,
8 the secretary of state shall revoke the operator's or chauffeur's
9 license of a person and deny issuance of an operator's or
10 chauffeur's license to a person having any of the following,
11 whether under a law of this state, a local ordinance
12 substantially corresponding to a law of this state, or a law of
13 another state substantially corresponding to a law of this state:

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

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

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

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

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

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

27 (c) Any combination of 2 convictions within 7 years for any

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

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

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

13 (iii) Former section 625b.

14 (d) One conviction for a violation or attempted violation of
15 section 315(5), section 601b(3), section 601c(2), section 602a(4)
16 or (5), section 617, section 625(4) or (5), section 653a(4), or
17 section 904(4) or (5).

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

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

24 (g) Any combination of 3 convictions within 10 years for any
25 of the following or 1 conviction for a violation or attempted
26 violation of section 625(6) and any combination of 2 convictions
27 for any of the following within 10 years, if any of the

1 convictions resulted from an arrest on or after January 1, 1992:

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

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

11 (iii) Former section 625b.

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

15 (4) The secretary of state shall not issue a license under
16 this act to a person whose license has been revoked under this
17 act or revoked and denied under subsection (2) until all of the
18 following occur, as applicable:

19 (a) The later of the following:

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

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

25 (b) For a denial under subsection (2)(a), (b), (c), and (g),
26 the person rebuts by clear and convincing evidence the
27 presumption resulting from the prima facie evidence that he or

1 she is a habitual offender. The convictions that resulted in the
2 revocation and denial constitute prima facie evidence that he or
3 she is a habitual offender.

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

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

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

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

26 (6) The secretary of state shall deny issuance of a vehicle
27 group designation to a person if the person has been disqualified

1 by the United States secretary of transportation from operating a
2 commercial motor vehicle.

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

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

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

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

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

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

18 **SEC. 303A. EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, THE**
19 **SUSPENSION, REVOCATION, DENIAL, DISQUALIFICATION, OR CANCELLATION**
20 **OF AN OPERATOR'S LICENSE, CHAUFFEUR'S LICENSE, OR COMMERCIAL**
21 **DRIVER LICENSE BY ANOTHER STATE OR THE UNITED STATES SHALL RUN**
22 **CONCURRENTLY WITH A SUSPENSION, REVOCATION, DENIAL,**
23 **DISQUALIFICATION, OR CANCELLATION OF AN OPERATOR'S LICENSE,**
24 **CHAUFFEUR'S LICENSE, OR COMMERCIAL DRIVER LICENSE BY THIS STATE**
25 **THAT IS IMPOSED FOR THE SAME OFFENSE.**

26 Sec. 306. (1) The secretary of state, upon receiving an
27 application for a temporary instruction permit from a person who

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

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

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

19 (4) A student enrolled in a driver education course as that
20 term is defined in section 1 of the driver education and training
21 schools act, 1974 PA 369, MCL 256.601, and who has successfully
22 completed 10 hours of classroom instruction and the equivalent of
23 2 hours of behind-the-wheel training may be issued a temporary
24 driver education certificate furnished by the department of state
25 that authorizes a student to drive a motor vehicle, other than a
26 motor vehicle requiring an indorsement pursuant to section 312a
27 or a vehicle group designation pursuant to section 312e, when

1 accompanied by a licensed parent or guardian, or when accompanied
2 by a nonlicensed parent or guardian and a licensed adult for the
3 purpose of receiving additional instruction until the end of the
4 student's driver education course.

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

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

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

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

1 (a) The applicant's full name, date of birth, residence
2 address, height, sex, eye color, signature, and, beginning
3 January 1, 2007, intent to be an organ donor, other information
4 required or permitted on the license under this chapter, and, to
5 the extent required to comply with federal law, the applicant's
6 social security number. The applicant may provide a mailing
7 address if the applicant receives mail at an address different
8 from his or her residence address.

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

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

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

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

8 (i) The applicant meets the applicable federal driver
9 qualification requirements under 49 CFR part 391 if the applicant
10 operates or intends to operate in interstate commerce or meets
11 the applicable qualifications ~~under the rules promulgated by~~ **OF**
12 the department of state police under the motor carrier safety act
13 of 1963, 1963 PA 181, MCL 480.11 to ~~480.22~~ **480.25**, if the
14 applicant operates or intends to operate in intrastate commerce.

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

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

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

24 (e) An applicant for an operator's or chauffeur's license
25 with a vehicle group designation and a hazardous material
26 indorsement shall provide his or her fingerprints as prescribed

1 by state and federal law.

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

1 specific enabling legislation permitting the use is enacted into
2 law. A law enforcement agency of this state has access to
3 information retained by the secretary of state under this
4 subsection. The information may be utilized for any law
5 enforcement purpose unless otherwise prohibited by law. The
6 department of state police shall provide to the secretary of
7 state updated lists of persons required to be registered under
8 the sex offenders registration act, 1994 PA 295, MCL 28.721 to
9 ~~28.732~~ **28.736**, and the secretary of state shall make the images
10 of those persons available to the department of state police as
11 provided in that act.

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

21 (4) In conjunction with the application for or, until
22 January 1, 2007, the issuance of an operator's or chauffeur's
23 license, the secretary of state shall do all of the following:

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

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

1 (ii) Information describing the organ, tissue, and eye donor
2 registry program. The information required under this
3 subparagraph includes the address and telephone number of
4 Michigan's federally designated organ procurement organization or
5 its successor organization.

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

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

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

17 (d) Provide the applicant with the opportunity to make a
18 donation of \$1.00 or more to the organ and tissue donation
19 education fund created under section 217o. A donation made under
20 this subdivision shall be deposited in the state treasury to the
21 credit of the organ and tissue donation education fund.

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

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

27 (b) Providing printed material to an applicant who

1 personally appears at a secretary of state branch office.

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

5 (6) Until January 1, 2007, if an applicant indicates a
6 willingness under this section to have his or her name placed on
7 the organ donor registry described in subsection (4)(a)(ii), the
8 secretary of state shall within 10 days forward the applicant's
9 name, and address, and date of birth to the organ donor registry
10 maintained by Michigan's federally designated organ procurement
11 organization or its successor organization. The secretary of
12 state may forward information under this subsection by mail or by
13 electronic means. The secretary of state shall not maintain a
14 record of the name or address of an individual who indicates a
15 willingness to have his or her name placed on the organ donor
16 registry after forwarding that information to the organ donor
17 registry under this subsection. Information about an applicant's
18 indication of a willingness to have his or her name placed on the
19 organ donor registry that is obtained by the secretary of state
20 under subsection (4) and forwarded under this subsection is
21 exempt from disclosure under section 13(1)(d) of the freedom of
22 information act, 1976 PA 442, MCL 15.243. Beginning January 1,
23 2007, the secretary of state shall maintain a record of an
24 individual who indicates a willingness to have his or her name
25 placed on the registry described in subsection (4)(a)(ii).
26 Information about an applicant's indication of a willingness to
27 have his or her name placed on the registry that is obtained by

1 the secretary of state under subsection (4) and forwarded under
2 subsection (14) is exempt from disclosure under section 13(1)(d)
3 of the freedom of information act, 1976 PA 442, MCL 15.243.

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

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

1 is for the renewal of a vehicle group designation or indorsement,
2 and if the secretary of state enters on the person's historical
3 driving record maintained under section 204a a notation that the
4 request was made and the date of the request, the secretary of
5 state is required to request the applicant's complete driving
6 record from other states only once under this section.

7 (9) Except for a vehicle group designation or indorsement or
8 as provided in this subsection **OR SECTION 314(5)**, the secretary
9 of state may issue a renewal operator's or chauffeur's license
10 for 1 additional 4-year period by mail or by other methods
11 prescribed by the secretary of state. The secretary of state may
12 check the applicant's driving record through the national driver
13 register and the commercial driver license information system
14 before issuing a license under this section. The secretary of
15 state shall issue a renewal license only in person if the person
16 is a person required under section 5a of the sex offenders
17 registration act, 1994 PA 295, MCL 28.725a, to maintain a valid
18 operator's or chauffeur's license or official state personal
19 identification card. If a license is renewed by mail or by other
20 method, the secretary of state shall issue evidence of renewal to
21 indicate the date the license expires in the future. The
22 department of state police shall provide to the secretary of
23 state updated lists of persons required under section 5a of the
24 sex offenders registration act, 1994 PA 295, MCL 28.725a, to
25 maintain a valid operator's or chauffeur's license or official
26 state personal identification card.

27 (10) Upon request, the secretary of state shall provide an

1 information manual to an applicant explaining how to obtain a
2 vehicle group designation or indorsement. The manual shall
3 contain the information required under 49 CFR part 383.

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

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

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

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

16 (d) With the department of community health, for comparison
17 with vital records maintained by the department of community
18 health under part 28 of the public health code, 1978 PA 368, MCL
19 333.2801 to 333.2899.

20 (e) As otherwise required by law.

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

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

1 convictions is exempt under law from disclosure of his or her
 2 social security number under these circumstances. The secretary
 3 of state shall inform the applicant of this possible exemption.

4 (14) Beginning January 1, 2007, the secretary of state shall
 5 maintain the organ, tissue, and eye donor registry in a manner
 6 that provides electronic access, including, but not limited to,
 7 transfer of data to this state's federally designated organ
 8 procurement organizations, their successor organizations, and
 9 tissue and eye banks with limitations on the use of and access to
 10 the donor registry as determined by the secretary of state.

11 Sec. 307a. For an operator or chauffeur license ~~which~~ **THAT**
 12 contains a vehicle group designation, the secretary of state
 13 shall issue a license that contains the information required
 14 under this act and all of the following information:

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

16 (b) Date of birth.

17 (c) Height and sex.

18 (d) Information ~~as considered necessary~~ **REQUIRED** by the
 19 United States department of transportation ~~to identify the~~
 20 ~~licensee~~ **UNDER 49 CFR 383.153.**

21 (e) The vehicle group designation and any indorsement of a
 22 commercial motor vehicle the licensee is authorized to operate.

23 (f) The name of this state.

24 (g) The expiration date of the license.

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

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

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

16 (c) A person, before operating a single vehicle having a
17 gross vehicle weight rating under 26,001 pounds or a vehicle
18 having a gross vehicle weight rating under 26,001 pounds towing a
19 trailer or other vehicle and carrying hazardous materials on
20 which a placard is required under 49 CFR parts 100 to 199, or
21 designed to transport 16 or more passengers including the driver,
22 shall procure a group C vehicle designation and a hazardous
23 material or passenger vehicle indorsement on his or her
24 operator's or chauffeur's license.

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

1 this act.

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

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

6 (a) If a person operates a group B passenger vehicle while
7 taking his or her driving skills test for a P indorsement, he or
8 she is restricted to operating only group B or C passenger
9 vehicles under that P indorsement. If a person operates a group B
10 school bus while taking his or her driving skills test for an S
11 indorsement, he or she is restricted to operating only group B or
12 C school buses under that S indorsement.

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

20 (c) A person who fails the air brake portion of the written
21 or driving skills test provided under section 312f or who takes
22 the driving skills test provided under that section in a
23 commercial motor vehicle that is not equipped with air brakes
24 shall not operate a commercial motor vehicle equipped with air
25 brakes.

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

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

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

7 (c) A person, before operating a commercial motor vehicle
8 carrying hazardous materials on which a placard is required under
9 49 CFR parts 100 to 199, shall procure the appropriate vehicle
10 group designation and an H vehicle indorsement under this act.

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

16 (e) A person, before operating a vehicle that is designed to
17 transport 16 or more passengers including the driver but is not a
18 school bus shall procure the appropriate vehicle group
19 designation and a P vehicle indorsement under this act. An
20 applicant for a P vehicle indorsement shall take the driving
21 skills test in a vehicle designed to transport 16 or more
22 passengers including the driver.

23 (f) ~~Effective October 1, 2004, a~~ A person who does not
24 currently possess a P indorsement, before operating a school bus
25 designed to transport 16 or more passengers, including the
26 driver, shall procure the appropriate vehicle group designation,
27 pass the knowledge tests for the P and S indorsements, and

1 procure the P and S vehicle indorsements under this act. An
2 applicant for an S vehicle indorsement shall take a driving
3 skills test in a school bus designed to transport 16 or more
4 passengers, including the driver, that represents the same type
5 of vehicle that the applicant intends to operate as a school bus.

6 (g) ~~Effective October 1, 2005, a~~ A person who currently
7 possesses a P indorsement, before operating a school bus designed
8 to transport 16 or more passengers, including the driver, shall
9 procure the appropriate vehicle group designation, pass the
10 knowledge test for an S indorsement, and procure an S vehicle
11 indorsement under this act. An applicant for an S vehicle
12 indorsement shall take a driving skills test in a school bus
13 designed to transport 16 or more passengers, including the
14 driver, that represents the same type of vehicle that the
15 applicant intends to operate as a school bus.

16 (6) Until September 30, 2005, the secretary of state may
17 waive the driving skills test for an applicant for an S
18 indorsement if the applicant certifies, and the secretary of
19 state verifies, that during the 2-year period immediately prior
20 to applying for the school bus indorsement the applicant met all
21 of the following conditions:

22 (a) The applicant holds a valid driver license with a
23 vehicle group designation and a P indorsement.

24 (b) The applicant has not had an operator's, chauffeur's, or
25 commercial motor vehicle driver license suspended, revoked,
26 denied, or canceled.

27 (c) The applicant has not been disqualified by the United

1 States secretary of transportation from operating a commercial
2 motor vehicle.

3 (d) The applicant has not been convicted of any
4 disqualifying offense listed in 49 CFR 383.51(b) while operating
5 a commercial motor vehicle.

6 (e) The applicant has not been convicted of any
7 disqualifying offense listed in 49 CFR 383.51(b) while operating
8 a noncommercial motor vehicle that would be a disqualifying
9 offense under 49 CFR 383.51(b) if the applicant had committed the
10 offense while operating a commercial motor vehicle.

11 (f) The applicant has not had more than 1 conviction for a
12 serious traffic violation as defined in 49 CFR 383.51 while
13 operating any type of motor vehicle.

14 (g) Except for parking violations, the applicant has not had
15 any conviction for a violation of any state or local motor
16 vehicle traffic control law involving a vehicle accident and has
17 not been found at fault in a vehicle accident.

18 (h) The applicant has been regularly employed as a school
19 bus driver for the past 2 years and has, for those 2 years,
20 operated a school bus representing the type of school bus that
21 the applicant intends to operate, and the applicant provides
22 satisfactory evidence of that employment to the secretary of
23 state.

24 (7) An applicant for an indorsement shall take the knowledge
25 and driving skills tests described and required ~~pursuant to~~
26 **UNDER** 49 CFR part 383.

27 (8) The holder of an unexpired operator's or chauffeur's

1 license may be issued a vehicle group designation and indorsement
2 valid for the remainder of the license upon meeting the
3 qualifications of section 312f and payment of the original
4 vehicle group designation fee of \$25.00 and an indorsement fee of
5 \$5.00 per indorsement, and a corrected license fee of \$18.00. A
6 person required to procure an F vehicle indorsement ~~pursuant to~~
7 **UNDER** subsection (10) shall pay an indorsement fee of \$5.00.

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

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

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

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

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

19 (10) A person, before driving or operating a combination of
20 vehicles having a gross vehicle weight rating of 26,001 pounds or
21 more on the power unit that is used as described in subsection
22 (9)(a) to (d), shall obtain an F vehicle indorsement. The F
23 vehicle indorsement shall be issued upon successful completion of
24 a knowledge test only.

25 (11) A person, before driving or operating a single vehicle
26 truck having a gross vehicle weight rating of 26,001 pounds or
27 more or a combination of vehicles having a gross vehicle weight

1 rating of 26,001 pounds or more on the power unit that is used as
2 described in subsection (9)(a) to (d) for carrying hazardous
3 materials on which a placard is required under 49 CFR parts 100
4 to 199, shall successfully complete both a knowledge test and a
5 driving skills test. Upon successful completion of the knowledge
6 test and driving skills test, the person shall be issued the
7 appropriate vehicle group designation and any vehicle indorsement
8 necessary under this act.

9 (12) This section does not apply to a police officer
10 operating an authorized emergency vehicle or to a firefighter
11 operating an authorized emergency vehicle who has met the driver
12 training standards of the Michigan fire fighters' training
13 council.

14 (13) This section does not apply to a person operating ~~a~~
15 ~~motor home or~~ a vehicle used exclusively to transport personal
16 possessions or family members for nonbusiness purposes.

17 (14) The money collected under subsection (8) for a vehicle
18 group designation or indorsement shall be deposited in the state
19 treasury to the credit of the general fund. The secretary of
20 state shall refund out of the fees collected to each county or
21 municipality acting as an examining officer or examining bureau
22 \$3.00 for each applicant examined for a first designation or
23 indorsement to an operator's or chauffeur's license and \$1.50 for
24 each renewal designation or indorsement to an operator's or
25 chauffeur's license, whose application is not denied, on the
26 condition that the money refunded shall be paid to the county or
27 local treasurer and is appropriated to the county, municipality,

1 or officer or bureau receiving that money for the purpose of
2 carrying out this act.

3 (15) Notwithstanding any other provision of this section, a
4 person operating a vehicle described in subsections (9) and (10)
5 is subject to the provisions of sections 303 and 319b.

6 (16) THIS STATE SHALL COMPLY WITH THE REQUIREMENTS OF THE
7 AMERICAN ASSOCIATION OF MOTOR VEHICLE ADMINISTRATORS' AAMVANET,
8 INCORPORATED'S "COMMERCIAL DRIVER LICENSE INFORMATION SYSTEM
9 (CDLIS) STATE PROCEDURES MANUAL" THAT THE SECRETARY OF STATE
10 DETERMINES ARE REQUIRED FOR IMPLEMENTING AND ENFORCING FEDERAL
11 LAW.

12 Sec. 312f. (1) Except as otherwise provided in this section,
13 a person shall be ~~at least~~ **NOT LESS THAN** 18 years of age before
14 he or she is issued a vehicle group designation or indorsement,
15 other than a motorcycle indorsement, **OR NOT LESS THAN 21 YEARS OF**
16 **AGE BEFORE HE OR SHE IS ISSUED A HAZARDOUS MATERIAL INDORSEMENT**
17 on an operator's or chauffeur's license and, as provided in this
18 section, the person shall pass knowledge and driving skills tests
19 that comply with minimum federal standards prescribed in 49 CFR
20 part 383. ~~A person operating a vehicle to be used for farming~~
21 ~~purposes only may obtain an A or B vehicle group designation or~~
22 ~~an F vehicle indorsement if he or she is at least 16 years of~~
23 ~~age.~~ **A PERSON WHO IS 18 YEARS OF AGE OR OLDER OPERATING A**
24 **VEHICLE TO BE USED FOR FARMING PURPOSES ONLY MAY OBTAIN AN A OR B**
25 **VEHICLE GROUP DESIGNATION OR AN F VEHICLE INDORSEMENT. A PERSON**
26 **WHO IS 16 YEARS OF AGE OR OLDER AND LESS THAN 18 YEARS OF AGE**
27 **OPERATING A SINGLE UNIT VEHICLE TO BE USED FOR FARMING PURPOSES**

1 **ONLY MAY OBTAIN AN F VEHICLE INDORSEMENT.** Each written
2 examination given an applicant for a vehicle group designation or
3 indorsement shall include subjects designed to cover the type or
4 general class of vehicle to be operated. A person shall pass an
5 examination that includes a driving skills test designed to test
6 competency of the applicant for an original vehicle group
7 designation and passenger indorsement on an operator's or
8 chauffeur's license to drive that type or general class of
9 vehicle upon the highways of this state with safety to persons
10 and property. The secretary of state shall waive the driving
11 skills test for a person operating a vehicle that is used under
12 the conditions described in section 312e(9)(a) to (d) unless the
13 vehicle has a gross vehicle weight rating of 26,001 pounds or
14 more on the power unit and is to be used to carry hazardous
15 materials on which a placard is required under 49 CFR parts 100
16 to 199. The driving skills test may be waived if the applicant
17 has a valid license with the appropriate vehicle group
18 designation, passenger vehicle indorsement, or school bus
19 indorsement in another state issued in compliance with 49 USC
20 31301 to 31317.

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

1 (a) The applicant meets ~~1 of the following:~~ **THE**
2 **REQUIREMENTS OF 49 CFR 383.77.**

3 ~~(i) An applicant who has between 1 and 2 years of driving~~
4 ~~experience shall possess a good driving record for his or her~~
5 ~~entire driving history.~~

6 ~~(ii) An applicant who has more than 2 years of driving~~
7 ~~experience shall possess a good driving record for the 2 years~~
8 ~~immediately preceding application.~~

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

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

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

21 (ii) The commercial motor vehicle does not transport a
22 quantity of hazardous materials on which a placard **UNDER 49 CFR**
23 **PARTS 100 TO 199** is required except for the following:

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

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

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

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

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

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

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

21 (a) The applicant has had his or her license suspended or
22 revoked for a reason other than as provided in section 321a, 515,
23 or 801c in the 36 months immediately preceding application,
24 except that a vehicle group designation may be issued if the
25 suspension or revocation was due to a temporary medical condition
26 or failure to appear at a reexamination as provided in section
27 320.

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

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

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

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

1 revocation under section 319b if the applicant had been issued a
2 vehicle group designation or vehicle indorsement.

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

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

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

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

23 (8) If an applicant for an original vehicle group
24 designation was previously licensed in another jurisdiction, the
25 secretary of state shall request a copy of the applicant's
26 driving record from that jurisdiction. If 1 or more of the
27 conditions described in subsection (5) exist in that jurisdiction

1 when the secretary of state receives the copy, the secretary of
2 state shall cancel all vehicle group designations on the person's
3 operator's or chauffeur's license.

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

11 (10) The secretary of state shall cancel all vehicle group
12 designations on the person's operator's or chauffeur's license
13 upon receiving proper notice that the person no longer meets the
14 federal driver qualification requirements under 49 CFR part 391
15 to operate a commercial motor vehicle in interstate commerce, or
16 the person no longer meets the driver qualification requirements
17 to operate a commercial motor vehicle in intrastate commerce
18 under the motor carrier safety act of 1963, 1963 PA 181, MCL
19 480.11 to ~~480.22~~ **480.25**.

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

25 (12) As used in this section, —

26 ~~(a) "Farm"~~ **"FARM** related service industry" means custom
27 harvesters, farm retail outlets and suppliers, agri-chemical

1 business, or livestock feeders.

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

5 Sec. 314. (1) Except as otherwise provided in this section,
 6 ~~an operator's license shall~~ **LICENSES AND CHAUFFEUR'S LICENSES**
 7 expire on the birthday of the person to whom the license is
 8 issued in the fourth year following the date of the issuance of
 9 the license unless suspended or revoked before that date. A
 10 license shall not be issued for a period longer than 4 years. A
 11 person holding a license at any time ~~within 45 days~~ **12 MONTHS**
 12 before the expiration of his or her license may ~~make application~~
 13 **APPLY** for a new license as provided for in this chapter.
 14 ~~However, a~~ **A** knowledge test for an original group designation or
 15 indorsement may be taken at any time during this period and the
 16 results ~~shall be~~ **ARE** valid for 12 months. ~~However, if the~~
 17 ~~licensee will be out of the state during the 45 days immediately~~
 18 ~~preceding expiration of the license or for other good cause shown~~
 19 ~~cannot apply for a license within the 45 day period, application~~
 20 ~~for a new license may be made not more than 6 months before~~
 21 ~~expiration of the license. This new license when granted shall~~
 22 ~~expire as provided for in this chapter.~~ **A LICENSE RENEWED UNDER**
 23 **THIS SUBSECTION SHALL BE RENEWED FOR THE TIME REMAINING ON THE**
 24 **LICENSE BEFORE ITS RENEWAL COMBINED WITH THE 4-YEAR RENEWAL**
 25 **PERIOD.**

26 (2) The first operator's license issued to a person who at
 27 the time of application is less than 20-1/2 years of age ~~shall~~

1 ~~expire~~ **EXPIRES** on the licensee's twenty-first birthday unless
 2 suspended or revoked. ~~Until July 1, 2003, the secretary of state~~
 3 ~~shall code the license in a manner which clearly identifies the~~
 4 ~~licensee as being less than 21 years of age.~~

5 (3) The first chauffeur's license issued to a person ~~shall~~
 6 ~~expire~~ **EXPIRES** on the licensee's birthday in the fourth year
 7 following the date of issuance unless the license is suspended or
 8 revoked before that date. The chauffeur's license of a person who
 9 at the time of application is less than 20-1/2 years of age
 10 ~~shall expire~~ **EXPIRES** on the licensee's twenty-first birthday
 11 unless suspended or revoked. ~~Until July 1, 2003, the secretary~~
 12 ~~of state shall code the license in a manner which clearly~~
 13 ~~identifies the licensee as being less than 21 years of age.~~ A
 14 subsequent chauffeur's license ~~shall expire~~ **EXPIRES** on the
 15 birthday of the person to whom the license is issued in the
 16 fourth year following the date of issuance of the license unless
 17 the license is suspended or revoked before that date.

18 (4) A person may apply for an extension of his or her
 19 driving privileges if he or she is out of state on the date that
 20 his or her operator's or chauffeur's license expires. The
 21 extension may extend the license for 180 days beyond the
 22 expiration date or ~~within~~ **NOT MORE THAN** 2 weeks after the
 23 applicant returns to Michigan, whichever occurs first.

24 (5) ~~A~~ **EXCEPT FOR AN OPERATOR'S OR CHAUFFEUR'S LICENSE WITH**
 25 **A HAZARDOUS MATERIAL INDORSEMENT, THE SECRETARY OF STATE MAY**
 26 **ISSUE A RENEWAL OPERATOR'S OR CHAUFFEUR'S LICENSE TO A** person who
 27 will be out of state for more than ~~90~~ **180** days beyond the

1 expiration date of his or her operator's **OR CHAUFFEUR'S** license,
2 ~~may apply for a 4 year renewal of his or her driving privileges~~
3 **IF THE SECRETARY OF STATE HAS A DIGITAL IMAGE OF THE PERSON ON**
4 **FILE.** The applicant for this renewal shall submit a statement
5 evidencing a vision examination in accordance with the rules
6 promulgated by the secretary of state under section 309 **AND ANY**
7 **OTHER STATEMENT REQUIRED BY THIS ACT OR FEDERAL LAW. A PERSON IS**
8 **NOT ELIGIBLE FOR CONSECUTIVE RENEWALS OF A LICENSE UNDER THIS**
9 **SUBSECTION.**

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

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

1 urine while the person was operating a commercial motor vehicle
2 as required by a law or local ordinance of this or another state.
3 The period of suspension or revocation is as follows:

4 (a) Suspension for 60 days if the person is convicted of or
5 found responsible for 1 of the following while operating a
6 commercial motor vehicle:

7 (i) Two serious traffic violations arising from separate
8 incidents within 36 months.

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

10 (iii) A violation of motor carrier safety regulations 49 CFR
11 392.10 or 392.11, as adopted by section 1a of the motor carrier
12 safety act of 1963, 1963 PA 181, MCL 480.11a.

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

15 (v) A violation of motor carrier safety regulations 49 CFR
16 392.10 or 392.11, as adopted by section 31 of the motor bus
17 transportation act, 1982 PA 432, MCL 474.131.

18 (vi) A violation of motor carrier safety regulations 49 CFR
19 392.10 or 392.11 while operating a commercial motor vehicle other
20 than a vehicle covered under subparagraph (iii), (iv), or (v).

21 (b) Suspension for 120 days if the person is convicted of or
22 found responsible for 1 of the following arising from separate
23 incidents within 36 months while operating a commercial motor
24 vehicle:

25 (i) Three serious traffic violations.

26 (ii) Any combination of 2 violations described in subdivision
27 (a)(ii).

1 (c) Suspension for 1 year if the person is convicted of or
2 found responsible for 1 of the following:

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

7 (ii) Leaving the scene of an accident involving a commercial
8 **OR NONCOMMERCIAL** motor vehicle operated by the person.

9 (iii) ~~A~~ **EXCEPT FOR A FELONY DESCRIBED IN 49 CFR**
10 **383.51(B)(9), A** felony in which a commercial **OR NONCOMMERCIAL**
11 motor vehicle was used.

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

18 (v) Effective October 1, 2005, operating a commercial motor
19 vehicle in violation of a suspension, revocation, denial, or
20 cancellation that was imposed for previous violations committed
21 while operating a commercial motor vehicle.

22 (vi) Effective October 1, 2005, causing a fatality through
23 the negligent or criminal operation of a commercial motor
24 vehicle, including, but not limited to, the crimes of motor
25 vehicle manslaughter, motor vehicle homicide, and negligent
26 homicide.

27 (vii) A 6-point violation as provided in section 320a while

1 operating a commercial motor vehicle.

2 (viii) Any combination of 3 violations described in
3 subdivision (a)(ii) arising from separate incidents within 36
4 months while operating a commercial motor vehicle.

5 (d) Suspension for 3 years if the person is convicted of or
6 found responsible for an offense enumerated in subdivision (c)(i)
7 to (vii) in which a commercial motor vehicle was used if the
8 vehicle was carrying hazardous material required to have a
9 placard ~~pursuant to~~ **UNDER** 49 CFR parts 100 to 199.

10 (e) Revocation for life, but with eligibility for reissue of
11 a group vehicle designation after not less than 10 years and
12 after approval by the secretary of state, if the person is
13 convicted of or found responsible for ~~1~~ **2 VIOLATIONS OR A**
14 **COMBINATION OF ANY 2 VIOLATIONS ARISING FROM 2 OR MORE SEPARATE**
15 **INCIDENTS INVOLVING ANY** of the following:

16 (i) ~~Any combination of 2 violations arising from 2 or more~~
17 ~~separate incidents under section~~ **SECTION** 625(1), (3), (4), (5),
18 (6), (7), or (8), section 625m, or former section 625(1) or (2),
19 or former section 625b, while ~~driving~~ **OPERATING** a commercial **OR**
20 **NONCOMMERCIAL** motor vehicle.

21 (ii) ~~Two violations of leaving~~ **LEAVING** the scene of an
22 accident involving a commercial **OR NONCOMMERCIAL** motor vehicle
23 operated by the licensee.

24 (iii) ~~Two violations of~~ **EXCEPT FOR A FELONY DESCRIBED IN 49**
25 **CFR 383.51(B)(9)**, a felony in which a commercial **OR NONCOMMERCIAL**
26 motor vehicle was used.

27 (iv) ~~Two refusals~~ **A REFUSAL** of a request of a police

1 officer to submit to a chemical test of his or her blood, breath,
 2 or urine for the purpose of determining the amount of alcohol or
 3 presence of a controlled substance or both in his or her blood
 4 while he or she was operating a commercial **OR NONCOMMERCIAL** motor
 5 vehicle in this state or another state. ~~—, which refusals~~
 6 ~~occurred in separate incidents.~~

7 (v) Effective October 1, 2005, ~~—2 violations of—~~ operating a
 8 commercial motor vehicle in violation of a suspension,
 9 revocation, denial, or cancellation that was imposed for previous
 10 violations committed while operating a commercial motor vehicle.

11 (vi) Effective October 1, 2005, ~~—2 violations of—~~ causing a
 12 fatality through the negligent or criminal operation of a
 13 commercial motor vehicle, including, but not limited to, the
 14 crimes of motor vehicle manslaughter, motor vehicle homicide, and
 15 negligent homicide.

16 (vii) ~~Two 6-point~~ **SIX-POINT** violations as provided in
 17 section 320a while operating a commercial motor vehicle.

18 ~~—(viii) Two violations, in any combination, of the offenses~~
 19 ~~enumerated under subdivision (c)(i), (ii), (iii), (iv), or (v) arising~~
 20 ~~from 2 or more separate incidents.~~

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

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

27 (ii) A conviction of any offense described in subdivision (c)

1 or (d) after having been approved for the reissuance of a vehicle
2 group designation under subdivision (e).

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

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

18 (3) The secretary of state shall immediately suspend all
19 vehicle group designations on a person's operator's or
20 chauffeur's license upon receiving notice of a conviction, bond
21 forfeiture, or civil infraction determination of the person, or
22 notice that a court or administrative tribunal has found the
23 person responsible, for a violation of section 319d(4) or 319f, a
24 local ordinance substantially corresponding to section 319d(4) or
25 319f, or a law or local ordinance of another state, the United
26 States, Canada, Mexico, or a local jurisdiction of either of
27 these countries substantially corresponding to section 319d(4) or

1 319f, while operating a commercial motor vehicle. The period of
2 suspension or revocation is as follows:

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

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

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

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

22 (e) Suspension for 3 years if the person is convicted of or
23 found responsible for 2 or more violations, in any combination,
24 of section 319d(4) or 319f while operating a commercial motor
25 vehicle carrying hazardous material required to have a placard
26 ~~pursuant to~~ **UNDER** 49 CFR parts 100 to 199, or designed to carry
27 16 or more passengers, including the driver, arising from 2 or

1 more separate incidents during a 10-year period.

2 ~~—— (4) As used in this section:~~

3 ~~—— (a) "Felony in which a commercial motor vehicle was used"~~

4 ~~means a felony during the commission of which the person~~

5 ~~convicted operated a commercial motor vehicle and while the~~

6 ~~person was operating the vehicle 1 or more of the following~~

7 ~~circumstances existed:~~

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

9 ~~—— (ii) The vehicle was used to transport a victim of the~~
10 ~~felony.~~

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

12 ~~—— (iv) The vehicle was necessary for the commission of the~~
13 ~~felony.~~

14 ~~—— (b) "Serious traffic violation" means any of the following:~~

15 ~~—— (i) A traffic violation that occurs in connection with an~~
16 ~~accident in which a person died.~~

17 ~~—— (ii) Careless driving.~~

18 ~~—— (iii) Excessive speeding as defined in regulations promulgated~~
19 ~~under 49 USC 31301 to 31317.~~

20 ~~—— (iv) Improper lane use.~~

21 ~~—— (v) Following too closely.~~

22 ~~—— (vi) Effective October 1, 2005, driving a commercial motor~~
23 ~~vehicle without obtaining any vehicle group designation on the~~
24 ~~person's license.~~

25 ~~—— (vii) Effective October 1, 2005, driving a commercial motor~~
26 ~~vehicle without either having an operator's or chauffeur's~~
27 ~~license in the person's possession or providing proof to the~~

1 ~~court, not later than the date by which the person must appear in~~
2 ~~court or pay a fine for the violation, that the person held a~~
3 ~~valid vehicle group designation and indorsement on the date that~~
4 ~~the citation was issued.~~

5 ~~—— (viii) Effective October 1, 2005, driving a commercial motor~~
6 ~~vehicle while in possession of an operator's or chauffeur's~~
7 ~~license that has a vehicle group designation but does not have~~
8 ~~the appropriate vehicle group designation or indorsement required~~
9 ~~for the specific vehicle group being operated or the passengers~~
10 ~~or type of cargo being transported.~~

11 ~~—— (ix) Any other serious traffic violation as defined in 49 CFR~~
12 ~~383.5 or as prescribed under this act.~~

13 **(4) THE SECRETARY OF STATE SHALL SUSPEND OR REVOKE, AS**
14 **APPLICABLE, ANY PRIVILEGE TO OPERATE A COMMERCIAL MOTOR VEHICLE**
15 **AS DIRECTED BY THE FEDERAL GOVERNMENT OR ITS DESIGNEE.**

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

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

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

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

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

21 (c) Leaving the scene of an accident.

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

23 (8) When determining the applicability of conditions listed
24 in this section, the secretary of state shall consider only
25 violations that occurred after January 1, 1990.

26 (9) When determining the applicability of conditions listed
27 in subsection (1)(a) or (b), the secretary of state shall count

1 only from incident date to incident date.

2 (10) AS USED IN THIS SECTION:

3 (A) "FELONY IN WHICH A COMMERCIAL MOTOR VEHICLE WAS USED"

4 MEANS A FELONY DURING THE COMMISSION OF WHICH THE PERSON

5 CONVICTED OPERATED A COMMERCIAL MOTOR VEHICLE AND WHILE THE

6 PERSON WAS OPERATING THE VEHICLE 1 OR MORE OF THE FOLLOWING

7 CIRCUMSTANCES EXISTED:

8 (i) THE VEHICLE WAS USED AS AN INSTRUMENT OF THE FELONY.

9 (ii) THE VEHICLE WAS USED TO TRANSPORT A VICTIM OF THE
10 FELONY.

11 (iii) THE VEHICLE WAS USED TO FLEE THE SCENE OF THE FELONY.

12 (iv) THE VEHICLE WAS NECESSARY FOR THE COMMISSION OF THE
13 FELONY.

14 (B) "SERIOUS TRAFFIC VIOLATION" MEANS ANY OF THE FOLLOWING:

15 (i) A TRAFFIC VIOLATION THAT OCCURS IN CONNECTION WITH AN
16 ACCIDENT IN WHICH A PERSON DIED.

17 (ii) CARELESS DRIVING.

18 (iii) EXCESSIVE SPEEDING AS DEFINED IN REGULATIONS PROMULGATED
19 UNDER 49 USC 31301 TO 31317.

20 (iv) IMPROPER LANE USE.

21 (v) FOLLOWING TOO CLOSELY.

22 (vi) EFFECTIVE OCTOBER 1, 2005, DRIVING A COMMERCIAL MOTOR
23 VEHICLE WITHOUT OBTAINING ANY VEHICLE GROUP DESIGNATION ON THE
24 PERSON'S LICENSE.

25 (vii) EFFECTIVE OCTOBER 1, 2005, DRIVING A COMMERCIAL MOTOR
26 VEHICLE WITHOUT EITHER HAVING AN OPERATOR'S OR CHAUFFEUR'S
27 LICENSE IN THE PERSON'S POSSESSION OR PROVIDING PROOF TO THE

1 COURT, NOT LATER THAN THE DATE BY WHICH THE PERSON MUST APPEAR IN
2 COURT OR PAY A FINE FOR THE VIOLATION, THAT THE PERSON HELD A
3 VALID VEHICLE GROUP DESIGNATION AND INDORSEMENT ON THE DATE THAT
4 THE CITATION WAS ISSUED.

5 (viii) EFFECTIVE OCTOBER 1, 2005, DRIVING A COMMERCIAL MOTOR
6 VEHICLE WHILE IN POSSESSION OF AN OPERATOR'S OR CHAUFFEUR'S
7 LICENSE THAT HAS A VEHICLE GROUP DESIGNATION BUT DOES NOT HAVE
8 THE APPROPRIATE VEHICLE GROUP DESIGNATION OR INDORSEMENT REQUIRED
9 FOR THE SPECIFIC VEHICLE GROUP BEING OPERATED OR THE PASSENGERS
10 OR TYPE OF CARGO BEING TRANSPORTED.

11 (ix) ANY OTHER SERIOUS TRAFFIC VIOLATION AS DEFINED IN 49 CFR
12 383.5 OR AS PRESCRIBED UNDER THIS ACT.

13 Sec. 319f. (1) A person shall not operate a commercial motor
14 vehicle in this state in violation of an out-of-service order.

15 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE
16 SECRETARY OF STATE SHALL IMMEDIATELY SUSPEND ALL VEHICLE GROUP
17 DESIGNATIONS ON THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF A PERSON
18 CONVICTED OF VIOLATING A DRIVER OUT-OF-SERVICE OR VEHICLE OUT-OF-
19 SERVICE ORDER AS FOLLOWS:

20 (A) IF THE VIOLATION OCCURRED WHILE THE PERSON WAS
21 TRANSPORTING NONHAZARDOUS MATERIAL, THE VEHICLE GROUP
22 DESIGNATIONS SHALL BE SUSPENDED AS FOLLOWS:

23 (i) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (ii) AND (iii),
24 SUSPENSION FOR NOT LESS THAN 90 DAYS OR MORE THAN 1 YEAR.

25 (ii) IF THE VIOLATION IS THE PERSON'S SECOND VIOLATION WITHIN
26 A 10-YEAR PERIOD, SUSPENSION FOR NOT LESS THAN 1 YEAR OR MORE
27 THAN 5 YEARS.

1 (iii) IF THE VIOLATION IS THE PERSON'S THIRD OR SUBSEQUENT
2 VIOLATION WITHIN A 10-YEAR PERIOD, SUSPENSION FOR NOT LESS THAN 3
3 YEARS OR MORE THAN 5 YEARS.

4 (B) IF THE VIOLATION OCCURRED WHILE THE PERSON WAS
5 TRANSPORTING HAZARDOUS MATERIALS REQUIRED TO BE PLACARDED UNDER
6 49 CFR PARTS 100 TO 199 OR WHILE OPERATING A VEHICLE DESIGNED TO
7 TRANSPORT 16 OR MORE PASSENGERS, INCLUDING THE DRIVER, THE
8 VEHICLE GROUP DESIGNATIONS SHALL BE SUSPENDED AS FOLLOWS:

9 (i) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (ii),
10 SUSPENSION FOR NOT LESS THAN 180 DAYS OR MORE THAN 2 YEARS.

11 (ii) FOR A SECOND OR SUBSEQUENT VIOLATION WITHIN A 10-YEAR
12 PERIOD, SUSPENSION FOR NOT LESS THAN 3 YEARS OR MORE THAN 5
13 YEARS.

14 (3) A PERSON WHO VIOLATES AN OUT-OF-SERVICE ORDER SHALL BE
15 ORDERED TO PAY A CIVIL FINE OF NOT LESS THAN \$1,100.00 OR MORE
16 THAN \$2,750.00.

17 (4) ~~-(2)-~~ As used in ~~subsection (1)-~~ THIS SECTION:

18 (a) "Out-of-service order" means a declaration by an
19 authorized enforcement officer that a driver of a commercial
20 motor vehicle as defined in subdivision (b), or a motor carrier
21 operation, is out-of-service pursuant to 49 ~~C.F.R.~~ **CFR** 386.72,
22 ~~49 C.F.R.~~ 392.5, ~~49 C.F.R.~~ 395.13, ~~49 C.F.R.~~ **OR** 396.9, or
23 the north American uniform out-of-service criteria, or a law or
24 local ordinance of a state, the United States, Canada, Mexico, or
25 a local jurisdiction thereof, substantially corresponding to 49
26 ~~C.F.R.~~ **CFR** 386.72, ~~49 C.F.R.~~ 392.5, ~~49 C.F.R.~~ 395.13, ~~49~~
27 ~~C.F.R.~~ **OR** 396.9, or the north American uniform out-of-service

1 criteria.

2 (b) "Commercial motor vehicle" means ~~any motor vehicle~~
3 **THAT TERM** as defined in section 7a and any motor vehicle having a
4 GVWR or GCWR of 10,001 pounds or more.

5 Sec. 319g. (1) An employer shall not knowingly allow,
6 permit, authorize, or require a driver to operate a commercial
7 motor vehicle in violation of any of the following:

8 (a) Section 667, 668, 669, ~~or~~ 669a, **OR 670 OR A FEDERAL,**
9 **STATE, OR LOCAL LAW OR REGULATION PERTAINING TO RAILROAD-HIGHWAY**
10 **GRADE CROSSINGS.**

11 (b) Motor carrier safety regulations 49 CFR 392.10 or
12 392.11, as adopted by section 1a of the motor carrier safety act
13 of 1963, 1963 PA 181, MCL 480.11a.

14 (c) Section 57 of the pupil transportation act, 1990 PA 187,
15 MCL 257.1857.

16 (d) Motor carrier safety regulations 49 CFR 392.10 or
17 392.11, as adopted by section 31 of the motor bus transportation
18 act, 1982 PA 432, MCL 474.131.

19 (e) Motor carrier safety regulations 49 CFR 392.10 or 392.11
20 while operating a commercial motor vehicle other than a vehicle
21 covered under subdivision (b), (c), or (d).

22 (f) Transportation security regulations 49 CFR parts 1570
23 and 1572 or motor carrier safety regulations 49 CFR parts 383 and
24 384 that regulate who may operate a commercial motor vehicle that
25 is used to transport hazardous material.

26 **(G) AN OUT-OF-SERVICE ORDER.**

27 (2) ~~A~~ **EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISIONS (A) AND**

1 (B), A person who violates this section is responsible for a
2 civil infraction: —

3 (A) AN EMPLOYER WHO VIOLATES SUBSECTION (1)(A) IS
4 RESPONSIBLE FOR A CIVIL INFRACTION AND LIABLE TO PAY A CIVIL FINE
5 OF NOT MORE THAN \$10,000.00.

6 (B) AN EMPLOYER WHO VIOLATES SUBSECTION (1)(G) IS
7 RESPONSIBLE FOR A CIVIL INFRACTION AND LIABLE TO PAY A CIVIL FINE
8 OF NOT LESS THAN \$2,750.00 OR MORE THAN \$11,000.00.

9 (3) AS USED IN THIS SECTION, "OUT-OF-SERVICE ORDER" MEANS A
10 DECLARATION BY AN AUTHORIZED ENFORCEMENT OFFICER THAT A DRIVER OF
11 A COMMERCIAL MOTOR VEHICLE OR A MOTOR CARRIER OPERATION IS OUT OF
12 SERVICE PURSUANT TO 49 CFR 386.72, 392.5, 395.13, OR 396.9, OR
13 THE NORTH AMERICAN UNIFORM OUT-OF-SERVICE CRITERIA, OR A LAW OR
14 LOCAL ORDINANCE OF A STATE, THE UNITED STATES, CANADA, MEXICO, OR
15 A LOCAL JURISDICTION THEREOF SUBSTANTIALLY CORRESPONDING TO 49
16 CFR 386.72, 392.5, 395.13, OR 396.9, OR THE NORTH AMERICAN
17 UNIFORM OUT-OF-SERVICE CRITERIA.

18 Sec. 324. (1) A person shall not do any of the following:

19 (a) Display, or cause or permit to be displayed, or have in
20 possession an operator's or chauffeur's license knowing the
21 operator's or chauffeur's license to be fictitious or to have
22 been canceled, revoked, suspended, or altered.

23 (b) Lend to or knowingly permit use of, by one not entitled
24 to its use, the operator's or chauffeur's license issued to the
25 person lending or permitting the use of the operator's or
26 chauffeur's license.

27 (c) Display or to represent as one's own any operator's or

1 chauffeur's license not issued to the person displaying the
2 operator's or chauffeur's license.

3 (d) Fail or refuse to surrender to the department upon
4 demand, any operator's or chauffeur's license which has been
5 suspended, canceled, or revoked as provided by law.

6 (e) Use a false or fictitious name or give a false or
7 fictitious address in an application for an operator's or
8 chauffeur's license, or any renewal or duplicate of an operator's
9 or chauffeur's license, or knowingly make a false statement or
10 knowingly conceal a material fact or otherwise commit a fraud in
11 making an application.

12 (f) Alter or otherwise cause to be altered any operator's or
13 chauffeur's license so as to knowingly make a false statement or
14 knowingly conceal a material fact in order to misrepresent as
15 one's own the operator's or chauffeur's license.

16 (g) Use or have in possession in committing a crime an
17 operator's or chauffeur's license that has been altered or that
18 is used to knowingly make a false statement or to knowingly
19 conceal a material fact in order to misrepresent as one's own the
20 operator's or chauffeur's license.

21 (h) Furnish to a peace officer false, forged, fictitious, or
22 misleading verbal or written information identifying the person
23 as another person, if the person is detained for a violation of
24 this act or of a local ordinance substantially corresponding to a
25 provision of this act.

26 (2) A license for an operator or chauffeur issued under this
27 chapter upon an application that is untrue, or that contains

1 false statements as to any material matters, is absolutely void
2 from the date of issuance. The operator or chauffeur who was
3 issued the license is considered unlicensed and the license
4 issued shall be returned upon request or order of the department.
5 **A PERSON WHOSE COMMERCIAL DRIVER LICENSE APPLICATION IS VOIDED OR**
6 **CANCELED UNDER THIS SUBSECTION SHALL NOT REAPPLY FOR A COMMERCIAL**
7 **DRIVER LICENSE FOR AT LEAST 60 DAYS AFTER AN APPLICATION IS**
8 **VOIDED OR CANCELED.**

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

19 (a) ~~Until October 1, 2005, within 14 days after a~~
20 ~~conviction, forfeiture of bail, or entry of a civil infraction~~
21 ~~determination or default judgment upon a charge of or citation~~
22 ~~for violating or attempting to violate this act or a local~~
23 ~~ordinance substantially corresponding to this act regulating the~~
24 ~~operation of vehicles on highways, or, beginning October 1, 2005,~~
25 **within NOT MORE THAN** 5 days after a conviction, forfeiture of
26 bail, or entry of a civil infraction determination or default
27 judgment upon a charge of or citation for violating or attempting

1 to violate this act or a local ordinance substantially
2 corresponding to this act regulating the operation of vehicles on
3 highways.

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

9 (c) Immediately for each case charging a violation of
10 section 82127(1) or (3), 81134, or 81135 of the natural resources
11 and environmental protection act, 1994 PA 451, MCL 324.82127,
12 324.81134, and 324.81135, or a local ordinance substantially
13 corresponding to those sections.

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

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

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

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

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

6 (d) The type of vehicle driven at the time of the violation
7 and, if the vehicle is a commercial motor vehicle, that vehicle's
8 group designation. ~~and indorsement classification.~~

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

11 (f) Whether bail was forfeited.

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

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

16 (i) Other information considered necessary to the secretary
17 of state.

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

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

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

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

26 (d) A violation of section 703 of the Michigan liquor
27 control code of 1998, 1998 PA 58, MCL 436.1703, or a local

1 ordinance substantially corresponding to that section.

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

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

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

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

12 (i) An attempt to violate, a conspiracy to violate, or a
13 violation of part 74 of the public health code, 1978 PA 368, MCL
14 333.7401 to 333.7461, or a local ordinance that prohibits conduct
15 prohibited under part 74 of the public health code, 1978 PA 368,
16 MCL 333.7401 to 333.7461, unless the convicted person is
17 sentenced to life imprisonment or a minimum term of imprisonment
18 that exceeds 1 year for the offense.

19 (j) An attempt to commit an offense described in
20 subdivisions (a) to (h).

21 (k) A violation of chapter LXXXIIII-A of the Michigan penal
22 code, 1931 PA 328, MCL 750.543a to 750.543z.

23 (l) A violation of section 3101, 3102(1), or 3103 of the
24 insurance code of 1956, 1956 PA 218, MCL 500.3101, 500.3102, and
25 500.3103.

26 (m) A violation listed as a disqualifying offense under ~~the~~
27 ~~federal motor carrier safety regulations,~~ 49 CFR 383.51.

1 (5) ~~Beginning September 1, 2004, the~~ **THE** clerk of the
2 court shall also forward an abstract of the court record to the
3 secretary of state if a person has pled guilty to, or offered a
4 plea of admission in a juvenile proceeding for, a violation of
5 section 703 of the Michigan liquor control code of 1998, 1998 PA
6 58, MCL 436.1703, or a local ordinance substantially
7 corresponding to that section, and has had further proceedings
8 deferred under that section. If the person is sentenced to a term
9 of probation and terms and conditions of probation are fulfilled
10 and the court discharges the individual and dismisses the
11 proceedings, the court shall also report the dismissal to the
12 secretary of state.

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

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

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

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

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

24 (7) If a person is charged with a felony in which a motor
25 vehicle was used, other than a felony specified in subsection (4)
26 or section 319, the prosecuting attorney shall include the
27 following statement on the complaint and information filed in

1 district or circuit court:

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

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

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

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

27 (10) As used in subsections (11) and (12), "felony in which

1 a commercial motor vehicle was used" means a felony during the
2 commission of which the person operated a commercial motor
3 vehicle and while the person was operating the vehicle 1 or more
4 of the following circumstances existed:

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

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

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

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

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

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

25 (12) If the judge determines as part of the sentence that
26 the felony for which the defendant was convicted and with respect
27 to which notice was given under subsection (11) is a felony in

1 which a commercial motor vehicle was used, the clerk of the court
2 shall forward an abstract of the court record of that conviction
3 to the secretary of state.

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

14 (a) The name and title of the person required to forward
15 abstracts.

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

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

18 (d) The following statement:

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

23 (e) Other information the secretary of state considers
24 necessary.

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

27 (14) The failure, refusal, or neglect of a person to comply

1 with this section constitutes misconduct in office and is grounds
2 for removal from office.

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

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

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

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

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

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

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

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

11 (g) A violation described in section ~~319b(4)(b)(vii)~~
12 **319B(10)(B)(vii)** if, before the court appearance date or date fines
13 are to be paid, the person submits proof to the court that he or
14 she held a valid commercial driver license on the date the
15 citation was issued.

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

24 (18) The secretary of state shall inform the courts of this
25 state of the nonmoving violations and violations of chapter II
26 that are used by the secretary of state as the basis for the
27 suspension, restriction, revocation, or denial of an operator's

1 or chauffeur's license.

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

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

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

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

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

10 Sec. 801c. (1) If a check or draft in payment of a fee or
 11 tax under this act is not paid on its first presentation, the fee
 12 or tax is delinquent as of the date the check or draft was
 13 tendered. The person tendering the check or draft remains liable
 14 for the payment of each fee or tax and a penalty.

15 (2) If a fee or tax is still delinquent 15 days after the
 16 department gives notice to the person tendering the check or
 17 draft, a penalty shall be assessed and collected in addition to
 18 the fee or tax, and the penalty shall be deposited in the state
 19 general fund. The penalty shall be assessed according to the
 20 following table:

21	Amount of Check or Draft	Penalty
22	\$.01 to 15.00	\$ 5.00
23	15.01 to 50.00	10.00
24	50.01 to 100.00	20.00
25	100.01 to 300.00	60.00
26	300.01 and higher	20% of the check or draft

1 (3) An operator's or chauffeur's license shall not be issued
2 or renewed for a person who has had outstanding against him or
3 her a claim resulting from nonpayment of a check or draft used to
4 pay a fee or tax ~~on a vehicle~~ **TO THE SECRETARY OF STATE.**

5 (4) The department shall suspend, until all fees, taxes, and
6 penalties due are paid, the operator's or chauffeur's license of
7 a person who has had outstanding against him or her for not less
8 than 60 days a claim resulting from nonpayment of a check or
9 draft used to pay a fee or tax ~~on a vehicle~~ **TO THE SECRETARY OF**
10 **STATE.** A person whose operator's or chauffeur's license has been
11 suspended under this section shall not be subject to the
12 examination provisions of section 320c.

13 (5) The collection of delinquent accounts remains the
14 responsibility of the office of secretary of state.

15 Sec. 811k. ~~(1) The secretary of state shall develop under~~
16 ~~section 811e and, upon application, may issue under section 811f~~
17 ~~a state sponsored lighthouse fund raising registration plate and~~
18 ~~a matching state sponsored lighthouse fund raising collector~~
19 ~~plate as provided under section 811g. The plate shall be of a~~
20 ~~design as determined by the secretary of state.~~

21 **(1)** ~~(2)~~ The Michigan lighthouse preservation grant fund is
22 created as a separate fund in the department of treasury. The
23 fund shall be expended only as provided in this section. The
24 state treasurer may receive money or other assets from any source
25 for deposit into the fund. The state treasurer shall direct the
26 investment of the fund. The state treasurer shall credit to the
27 fund interest and earnings from fund investments. The state

1 treasurer shall annually present to the ~~secretary of state~~
2 **DEPARTMENT OF HISTORY, ARTS, AND LIBRARIES** an accounting of the
3 amount of money in the fund. Money in the fund at the close of
4 the fiscal year shall remain in the fund and shall not lapse to
5 the general fund.

6 (2) ~~(3)~~ The ~~secretary of state~~ **DEPARTMENT OF HISTORY,**
7 **ARTS, AND LIBRARIES** shall administer the **MICHIGAN LIGHTHOUSE**
8 **PRESERVATION** fund and may expend money from ~~the~~ **THAT** fund
9 through discretionary historical grants to preserve Michigan
10 lighthouses. The ~~secretary of state~~ **DEPARTMENT OF HISTORY,**
11 **ARTS, AND LIBRARIES** shall ~~not~~ use not more than 10% of the
12 funds for ~~the secretary of state's~~ costs that occur from fund
13 administration and grant project coordination.

14 (3) ~~(4)~~ The ~~secretary of state~~ **DEPARTMENT OF HISTORY,**
15 **ARTS, AND LIBRARIES** may award grants **UNDER SUBSECTION (2)** for the
16 preparation of plans and specifications for restoration and
17 stabilization and for stabilization, rehabilitation, or other
18 preservation work on a Michigan lighthouse, but grants shall not
19 be awarded for operational purposes. The ~~secretary of state~~
20 **DEPARTMENT OF HISTORY, ARTS, AND LIBRARIES** shall allocate grant
21 funds pursuant to eligibility and scoring requirements
22 established by the ~~secretary of state~~ **DEPARTMENT OF HISTORY,**
23 **ARTS, AND LIBRARIES**. To award grants under this section, the
24 ~~secretary of state~~ **DEPARTMENT OF HISTORY, ARTS, AND LIBRARIES**
25 shall solicit applications from eligible recipients, score
26 applications based on the established criteria, and award grants
27 through executed contracts. All plans and work performed under a

1 grant shall be consistent with the United States secretary of the
 2 interior's standards for rehabilitation and guidelines for
 3 rehabilitating historic buildings, ~~36 C.F.R.~~ **36 CFR** 67,
 4 historic preservation certifications.

5 (4) ~~(5) Lighthouse fund raising registration plate~~
 6 ~~donations collected under section 811f and matching lighthouse~~
 7 ~~collector plate fund raising donations collected under section~~
 8 **FUND-RAISING DONATIONS FOR PLATES RECOGNIZING THE HISTORICAL**
 9 **LIGHTHOUSES OF THIS STATE UNDER SECTIONS 811F AND 811g** shall be
 10 transferred under section ~~811m~~ **811H** by the secretary of state
 11 to the state treasurer, who shall credit the donation money to
 12 the Michigan lighthouse preservation grant fund for the
 13 preservation of historic Michigan lighthouses.

14 ~~——(6) For purposes of this chapter, "state sponsored~~
 15 ~~lighthouse fund raising registration plate" means a registration~~
 16 ~~plate containing a specialized design pertaining to historic~~
 17 ~~Michigan lighthouses.~~

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

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

1 (4). However, for a violation of section 674(1)(s) or a local
2 ordinance substantially corresponding to section 674(1)(s), the
3 person shall be ordered to pay costs as provided in subsection
4 (4) and a civil fine of not less than \$100.00 or more than
5 \$250.00. For a violation of section 328, the civil fine ordered
6 under this subsection shall be not more than \$50.00. For a
7 violation of section 710d, the civil fine ordered under this
8 subsection shall not exceed \$10.00. For a violation of section
9 710e, the civil fine and court costs ordered under this
10 subsection shall be \$25.00. For a violation of section 682 or a
11 local ordinance substantially corresponding to section 682, the
12 person shall be ordered to pay costs as provided in subsection
13 (4) and a civil fine of not less than \$100.00 or more than
14 \$500.00. For a violation of section 240, the civil fine ordered
15 under this subsection shall be \$15.00. For a violation of section
16 252a(1), the civil fine ordered under this subsection shall be
17 \$50.00. For a violation of section 676a(3), the civil fine
18 ordered under this section shall be not more than \$10.00. **FOR A**
19 **VIOLATION OF SECTION 319F(1), THE CIVIL FINE ORDERED UNDER THIS**
20 **SECTION SHALL BE NOT LESS THAN \$1,100.00 OR MORE THAN \$2,750.00.**
21 **FOR A VIOLATION OF SECTION 319G(1)(A), THE CIVIL FINE ORDERED**
22 **UNDER THIS SECTION SHALL BE NOT MORE THAN \$10,000.00. FOR A**
23 **VIOLATION OF SECTION 319G(1)(B), THE CIVIL FINE ORDERED UNDER**
24 **THIS SECTION SHALL BE NOT LESS THAN \$2,750.00 OR MORE THAN**
25 **\$11,000.00.** Permission may be granted for payment of a civil fine
26 and costs to be made within a specified period of time or in
27 specified installments, but unless permission is included in the

1 order or judgment, the civil fine and costs shall be payable
2 immediately.

3 (3) Except as provided in this subsection, if a person is
4 determined to be responsible or responsible "with explanation"
5 for a civil infraction under this act or a local ordinance
6 substantially corresponding to a provision of this act while
7 driving a commercial motor vehicle, he or she shall be ordered to
8 pay costs as provided in subsection (4) and a civil fine of not
9 more than \$250.00. If a person is determined to be responsible or
10 responsible "with explanation" for a civil infraction under
11 section 319g or a local ordinance substantially corresponding to
12 section 319g, that person shall be ordered to pay costs as
13 provided in subsection (4) and a civil fine of not more than
14 \$10,000.00.

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

26 (5) In addition to a civil fine and costs ordered under
27 subsection (2) or (3) and subsection (4) and the justice system

1 assessment ordered under subsection (14), the judge or district
2 court magistrate may order the person to attend and complete a
3 program of treatment, education, or rehabilitation.

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

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

18 (8) The state court administrator shall annually publish and
19 distribute to each district and court a recommended range of
20 civil fines and costs for first-time civil infractions. This
21 recommendation is not binding upon the courts having jurisdiction
22 over civil infractions but is intended to act as a normative
23 guide for judges and district court magistrates and a basis for
24 public evaluation of disparities in the imposition of civil fines
25 and costs throughout the state.

26 (9) If a person has received a civil infraction citation for
27 defective safety equipment on a vehicle under section 683, the

1 court shall waive a civil fine, costs, and assessments upon
2 receipt of certification by a law enforcement agency that repair
3 of the defective equipment was made before the appearance date on
4 the citation.

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

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

19 (12) The court shall waive any civil fine, cost, or
20 assessment against a person who received a civil infraction
21 citation for a violation of section 710d if the person, before
22 the appearance date on the citation, supplies the court with
23 evidence of acquisition, purchase, or rental of a child seating
24 system meeting the requirements of section 710d.

25 (13) Until October 1, 2003, in addition to any civil fines
26 and costs ordered to be paid under this section, the judge or
27 district court magistrate shall levy an assessment of \$5.00 for

1 each civil infraction determination, except for a parking
2 violation or a violation for which the total fine and costs
3 imposed are \$10.00 or less. An assessment paid before October 1,
4 2003 shall be transmitted by the clerk of the court to the state
5 treasurer to be deposited into the Michigan justice training
6 fund. An assessment ordered before October 1, 2003 but collected
7 on or after October 1, 2003 shall be transmitted by the clerk of
8 the court to the state treasurer for deposit in the justice
9 system fund created in section 181 of the revised judicature act
10 of 1961, 1961 PA 236, MCL 600.181. An assessment levied under
11 this subsection is not a civil fine for purposes of section 909.

12 (14) Effective October 1, 2003, in addition to any civil
13 fines or costs ordered to be paid under this section, the judge
14 or district court magistrate shall order the defendant to pay a
15 justice system assessment of \$40.00 for each civil infraction
16 determination, except for a parking violation or a violation for
17 which the total fine and costs imposed are \$10.00 or less. Upon
18 payment of the assessment, the clerk of the court shall transmit
19 the assessment collected to the state treasury to be deposited
20 into the justice system fund created in section 181 of the
21 revised judicature act of 1961, 1961 PA 236, MCL 600.181. An
22 assessment levied under this subsection is not a civil fine for
23 purposes of section 909.

24 (15) If a person has received a citation for a violation of
25 section 223, the court shall waive any civil fine, costs, and
26 assessment, upon receipt of certification by a law enforcement
27 agency that the person, before the appearance date on the

1 citation, produced a valid registration certificate that was
2 valid on the date the violation of section 223 occurred.

3 (16) If a person has received a citation for a violation of
4 section 328(1) for failing to produce a certificate of insurance
5 pursuant to section 328(2), the court may waive the fee described
6 in section 328(3)(c) and shall waive any fine, costs, and any
7 other fee or assessment otherwise authorized under this act upon
8 receipt of verification by the court that the person, before the
9 appearance date on the citation, produced valid proof of
10 insurance that was in effect at the time the violation of section
11 328(1) occurred. Insurance obtained subsequent to the time of the
12 violation does not make the person eligible for a waiver under
13 this subsection.