

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 6084

(As amended, June 21, 2006)

<<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, 741, 743, 746, 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, 257.741, 257.743, 257.746, 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, 312f, and 314 as amended by  
2004 PA 362, section 307a as added and section 743 as amended by 1988 PA  
346, section 312e as amended by 2006 PA 212, 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 746 as amended by 1980

House Bill No. 6084 as amended June 20, 2006

PA 426, 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.~~

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

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

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

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

1 WITHIN THE SAME 45-DAY PERIOD, THE DEPARTMENT OF STATE POLICE  
2 SHALL PROVIDE THE SECRETARY OF STATE WITH A REPORT OF THE  
3 CRIMINAL HISTORY CHECK. THE REPORT SHALL CONTAIN PUBLIC CRIMINAL  
4 HISTORY RECORD INFORMATION CONCERNING THE PERSON WHO IS THE  
5 SUBJECT OF THE REQUEST THAT IS MAINTAINED BY THE DEPARTMENT OF  
6 STATE POLICE.

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

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

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

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

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

1 (C) A PERSON WHO WAS INVOLVED IN THE PROSECUTION OR DEFENSE  
2 OF A CRIMINAL MATTER NOTED IN A CRIMINAL HISTORY REPORT.

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

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

6 (9) AS USED IN THIS SECTION, "CRIMINAL HISTORY RECORD  
7 INFORMATION" MEANS THAT TERM AS DEFINED IN SECTION 1A OF 1925 PA  
8 289, MCL 28.241A.

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

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

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

1           **(i) UNITED STATES RESERVE TECHNICIANS.**

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

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

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

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

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

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

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

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

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

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

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

26 Sec. 302a. (1) Except as otherwise provided by this act, a  
27 nonresident operator of a motor vehicle — who is the holder of

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

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

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

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

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

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

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

27 (c) A person whose license is suspended, revoked, denied, or



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

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

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

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

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

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

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

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

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

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

1 PA 58, MCL 436.1703, or section 624a or 624b of this act. The  
2 person shall be denied a license under this subdivision for a  
3 period of time that corresponds to the period of the licensing  
4 sanction that would have been imposed under those sections had  
5 the person been licensed at the time of the violation.

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

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

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

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

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

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

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

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

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

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

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

14 (iii) Former section 625b.

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

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

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

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

1 for any of the following within 10 years, if any of the  
2 convictions resulted from an arrest on or after January 1, 1992:

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

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

12 (iii) Former section 625b.

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

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

20 (a) The later of the following:

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

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

26 (b) For a denial under subsection (2)(a), (b), (c), and (g),  
27 the person rebuts by clear and convincing evidence the

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

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

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

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

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

27 (6) The secretary of state shall deny issuance of a vehicle

1 group designation to a person if the person has been disqualified  
2 by the United States secretary of transportation from operating a  
3 commercial motor vehicle.

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

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

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

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

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

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

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

27 Sec. 306. (1) The secretary of state, upon receiving an

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

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

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

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



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

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

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

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

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

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

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

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

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

1 to you by the clerk of the jurisdiction where your  
2 residence address is located."

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

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

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

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

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

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

26 (e) An applicant for an operator's or chauffeur's license

1 with a vehicle group designation and a hazardous material  
2 indorsement shall provide his or her fingerprints as prescribed  
3 by state and federal law.

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

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

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

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

- 26 (a) Provide the applicant with all of the following:  
27 (i) Information explaining the applicant's right to make an

1 anatomical gift in the event of death in accordance with section  
2 310.

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

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

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

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

19 (d) Provide the applicant with the opportunity to make a  
20 donation of \$1.00 or more to the organ and tissue donation  
21 education fund created under section 2170. A donation made under  
22 this subdivision shall be deposited in the state treasury to the  
23 credit of the organ and tissue donation education fund.

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

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

1 of an operator's or chauffeur's license.

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

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

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



1 Information about an applicant's indication of a willingness to  
2 have his or her name placed on the registry that is obtained by  
3 the secretary of state under subsection (4) and forwarded under  
4 subsection (14) is exempt from disclosure under section 13(1)(d)  
5 of the freedom of information act, 1976 PA 442, MCL 15.243.

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

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

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

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

1 state personal identification card.

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

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

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

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

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

18 (d) With the department of community health, for comparison  
19 with vital records maintained by the department of community  
20 health under part 28 of the public health code, 1978 PA 368, MCL  
21 333.2801 to 333.2899.

22 (e) As otherwise required by law.

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

26 (13) A requirement under this section to include a social  
27 security number on an application does not apply to an applicant

1 who demonstrates he or she is exempt under law from obtaining a  
2 social security number or to an applicant who for religious  
3 convictions is exempt under law from disclosure of his or her  
4 social security number under these circumstances. The secretary  
5 of state shall inform the applicant of this possible exemption.

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

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

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

18 (b) Date of birth.

19 (c) Height and sex.

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

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

25 (f) The name of this state.

26 (g) The expiration date of the license.

27 Sec. 312e. (1) Except as otherwise provided in this section,

1 a person, before operating a commercial motor vehicle, shall  
2 obtain the required vehicle group designation as follows:

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

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

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

27 (2) An applicant for a vehicle group designation shall take

1 knowledge and driving skills tests that comply with minimum  
2 federal standards prescribed in 49 CFR part 383 as required under  
3 this act.

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

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

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

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

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

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

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

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

9 (c) A person, before operating a commercial motor vehicle  
10 carrying hazardous materials on which a placard is required under  
11 49 CFR parts 100 to 199, shall procure the appropriate vehicle  
12 group designation and an H vehicle indorsement under this act.

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

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

25 (f) ~~Effective October 1, 2004, a~~ A person who does not  
26 currently possess a P indorsement, before operating a school bus  
27 designed to transport 16 or more passengers, including the

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

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

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

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

26 (b) The applicant has not had an operator's, chauffeur's, or  
27 commercial motor vehicle driver license suspended, revoked,



1 denied, or canceled.

2 (c) The applicant has not been disqualified by the United  
3 States secretary of transportation from operating a commercial  
4 motor vehicle.

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

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

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

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

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

26 (7) An applicant for an indorsement shall take the knowledge  
27 and driving skills tests described and required ~~pursuant to~~

1 **UNDER** 49 CFR part 383.

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

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

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

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

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

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

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

27 (11) A person, before driving or operating a single vehicle

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

11 (12) This section does not apply to a police officer  
12 operating an authorized emergency vehicle or to a firefighter  
13 operating an authorized emergency vehicle who has met the driver  
14 training standards ~~of the Michigan~~ **PUBLISHED UNDER THE** fire  
15 ~~fighters'~~ **FIGHTERS** training council **ACT OF 1966, 1966 PA 291,**  
16 **MCL 29.361 TO 29.377.**

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

20 (14) The money collected under subsection (8) for a vehicle  
21 group designation or indorsement shall be deposited in the state  
22 treasury to the credit of the general fund. The secretary of  
23 state shall refund out of the fees collected to each county or  
24 municipality acting as an examining officer or examining bureau  
25 \$3.00 for each applicant examined for a first designation or  
26 indorsement to an operator's or chauffeur's license and \$1.50 for  
27 each renewal designation or indorsement to an operator's or

1 chauffeur's license, whose application is not denied, on the  
2 condition that the money refunded shall be paid to the county or  
3 local treasurer and is appropriated to the county, municipality,  
4 or officer or bureau receiving that money for the purpose of  
5 carrying out this act.

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

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

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

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

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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.

**<<(H) A VIOLATION OF SECTION 311 IF THE PERSON WAS DRIVING A  
NONCOMMERCIAL VEHICLE AND, BEFORE THE COURT APPEARANCE DATE OR THE DATE  
FINES ARE TO BE PAID, THE PERSON SUBMITS PROOF TO THE COURT THAT HE OR  
SHE HELD A VALID DRIVER LICENSE ON THE DATE THE 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.

<<Sec. 741. (1) A civil infraction action is a civil action in which the defendant is alleged to be responsible for a civil infraction. A civil infraction action is commenced upon the issuance and service of a citation as provided in section 742. The plaintiff in a civil infraction action shall be either the state if the alleged civil infraction is a violation of this act, or a political subdivision if the alleged civil infraction is a violation of a local ordinance of that subdivision which substantially corresponds to a provision of this act.

(2) The following courts shall have jurisdiction over civil infraction actions:

(a) The district court.

~~(b) The recorder's court of the city of Detroit traffic and ordinance division.~~

~~(B) (e) Any municipal court.~~

(3) The time specified in a citation for appearance shall be within a reasonable time after the citation is issued pursuant to section 742.

(4) The place specified in the citation for appearance shall be the court listed in subsection (2) which has territorial jurisdiction of the place where the civil infraction occurred. Venue in the district court shall be governed by section 8312 of Act No. 236 of the Public Acts of 1961, as amended, being section 600.8312 of the Michigan Compiled Laws **THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.8312.**

(5) If the person cited is a minor, that individual shall be permitted to appear in court or to admit responsibility for a civil infraction without the necessity of appointment of a guardian or next friend. The courts listed in subsection (2) shall have jurisdiction over the minor and may proceed in the same manner and in all respects as if that individual were an adult.

Sec. 743. (1) A citation issued pursuant to section 742 shall contain the name of the state or political subdivision acting as plaintiff, the name and address of the person to whom the citation is issued, the civil infraction alleged, the place where the person shall appear in court, the telephone number of the court, the time at or by which the appearance shall be made, and the additional information required by this section.

(2) The citation shall inform the defendant to the effect that he or she, at or by the time specified for appearance, may:

(a) Admit responsibility for the civil infraction in person, by representation, or by mail.

(b) Admit responsibility for the civil infraction "with explanation" in person, by representation, or by mail.



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(c) Deny responsibility for the civil infraction by doing either of the following:

(i) Appearing in person for an informal hearing before a district court magistrate, ~~a referee of the recorder's court of the city of Detroit traffic and ordinance division~~, or a judge, without the opportunity of being represented by an attorney.

(ii) Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.

(3) The citation shall inform the defendant that if the person desires to admit responsibility "with explanation" other than by mail or to have an informal hearing or a formal hearing, the person must apply to the court in person, by mail, or by telephone, within the time specified for appearance and obtain a scheduled date and time to appear for a hearing. A hearing date may be specified on the citation.

(4) The citation shall contain a notice in boldface type that the failure of a person to appear within the time specified in the citation or at the time scheduled for a hearing or appearance will result in entry of a default judgment against the person and in the immediate suspension of the person's operator's or chauffeur's license. Timely application to the court for a hearing or return of the citation with an admission of responsibility and with full payment of applicable civil fines and costs constitute a timely appearance.

(5) If the citation is issued to a person who is operating a commercial motor vehicle, the citation shall contain a vehicle group designation and indorsement description of the vehicle, which vehicle is operated by the person at the time of the alleged civil infraction.

Sec. 746. (1) An informal hearing shall be conducted by a district court magistrate when authorized by the judge or judges of the district court district, ~~by a referee of the recorder's court of the city of Detroit traffic and ordinance division~~, or by a judge of a court listed in section 741(2). A ~~referee or~~ district court magistrate may administer oaths, examine witnesses, and make findings of fact and conclusions of law at an informal hearing. The judge, ~~referee~~, or district court magistrate shall conduct the informal hearing in an informal manner so as to do substantial justice according to the rules of substantive law but shall not be bound by the statutory provisions or rules of practice, procedure, pleading, or evidence, except provisions relating to privileged communications. There shall not be a jury at an informal hearing. A verbatim record of an informal hearing shall not be required.

(2) At an informal hearing the person cited may not be represented by an attorney nor may the plaintiff be represented by the prosecuting attorney or attorney for a political subdivision.

(3) Notice of a scheduled informal hearing shall be given to the citing police agency, which agency may subpoena witnesses for the plaintiff. The defendant may also subpoena witnesses. Witness fees need not be paid in advance to a witness. Witness fees for a witness on behalf of the plaintiff are payable by the district control unit of the district court for the place where the hearing occurs, by the city or village when the hearing involves an ordinance violation in a district where the district court is not functioning, or by the county when the hearing involves a violation of this act in a district where the district court is not functioning.

(4) If the judge, ~~referee~~, or district court magistrate determines by a preponderance of the evidence that the person cited is responsible for a civil infraction, the judge, ~~referee~~, or magistrate shall enter an order against the person as provided in section 907. Otherwise, a judgment shall be entered for the defendant, but the defendant shall not be entitled to costs of the action.

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(5) The plaintiff and defendant shall be entitled to appeal an adverse judgment entered at an informal hearing. An appeal from a municipal judge shall be a trial de novo in the circuit court. In other instances an appeal shall be de novo in the form of a scheduled formal hearing as follows:

(a) The appeal from a judge of the district court ~~or recorder's court of the city of Detroit traffic and ordinance division~~ shall be heard by a different judge of the district. ~~or of the traffic and ordinance division.~~

(b) The appeal from a district court magistrate shall be heard by a judge of the district.

~~(c) The appeal from a referee shall be heard by a judge of the recorder's court of the city of Detroit traffic and ordinance division.>>~~

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.