

HOUSE BILL No. 6084

May 18, 2006, Introduced by Reps. LaJoy, Nitz, Casperson, Marleau, Schuitmaker, David Law and Pastor and referred to the Committee on Transportation.

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

added by 2000 PA 73, and section 907 as amended by 2005 PA 1, and by adding section 303a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

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

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

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

18 (A) STAFF OF THE SECRETARY OF STATE WHO ARE INVOLVED IN
19 DETERMINING WHETHER AN APPLICANT'S VEHICLE DEALER LICENSE OR
20 SALVAGE VEHICLE AGENT LICENSE SHOULD BE DENIED, SUSPENDED, OR
21 REVOKED.

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

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

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

26 (7) A PERSON WHO VIOLATES SUBSECTION (6) IS GUILTY OF A
27 MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$10,000.00.

1 (8) AS USED IN THIS SECTION, "CRIMINAL HISTORY RECORD
2 INFORMATION" MEANS THAT TERM AS DEFINED IN SECTION 1A OF 1925 PA
3 289, MCL 28.241A.

4 (9) ~~(5)~~ This section does not apply to a person whose
5 ~~fingerprints have~~ **CRIMINAL HISTORY HAS** previously been
6 investigated by the secretary of state and who is applying for
7 the renewal of a vehicle dealer license **OR SALVAGE VEHICLE AGENT**
8 **LICENSE.**

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

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

23 (i) UNITED STATES RESERVE TECHNICIANS.

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

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

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

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

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

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

23 (e) A person who is a member of the armed forces of the
24 United States on official leave, who on the date of his or her
25 orders granting leave possessed an operator's or chauffeur's
26 license, valid except for the expiration date of the license.
27 This ~~section~~ **EXEMPTION** applies only to the person's first leave

1 of absence following the expiration of his or her license and
2 exempts the person from the provisions of this act for a period
3 not to exceed 30 days.

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

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

13 (h) A person while operating a commercial motor vehicle in
14 the course of a driving test administered by a certified examiner
15 appointed by the secretary of state and while accompanied by the
16 examiner.

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

21 Sec. 302a. (1) Except as otherwise provided by this act, a
22 nonresident operator of a motor vehicle — who is the holder of
23 a license to operate a motor vehicle in the country in which he
24 or she resides — ~~shall not be~~ **IS NOT** required to obtain a
25 license to operate ~~any~~ **A** passenger vehicle within this state,
26 if he or she does not receive compensation for such operation.
27 This ~~section shall~~ **SUBSECTION DOES** not apply unless ~~the~~ **ALL**

1 **OF THE FOLLOWING CONDITIONS HAVE BEEN SATISFIED:**

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

7 (B) **THE** secretary of state and the other country have
8 exchanged letters confirming the reciprocal extension of
9 privileges to operate vehicles.

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

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

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

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

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

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

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

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

13 (g) A person who has been convicted of, has received a
14 juvenile disposition for, or has been determined responsible for
15 2 or more moving violations under a law of this state, a local
16 ordinance substantially corresponding to a law of this state, or
17 a law of another state substantially corresponding to a law of
18 this state within the preceding 3 years, if the violations
19 occurred before issuance of an original license to the person in
20 this state, another state, or another country.

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

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

1 or notice to appear in court or for any matter pending or
2 complies with an order or judgment of the court, including, but
3 not limited to, paying all fines, costs, fees, and assessments,
4 as provided under section 321a.

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

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

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

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

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

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

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

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

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

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

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

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

27 (i) A violation or attempted violation of section 625, except

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

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

9 (iii) Former section 625b.

10 (d) One conviction for a violation or attempted violation of
11 section 315(5), section 601b(3), section 601c(2), section 602a(4)
12 or (5), section 617, section 625(4) or (5), section 653a(4), or
13 section 904(4) or (5).

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

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

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

25 (i) A violation or attempted violation of section 625, except
26 a violation of section 625(2), or a violation of any prior
27 enactment of section 625 in which the defendant operated a

1 vehicle while under the influence of intoxicating or alcoholic
2 liquor or a controlled substance, or a combination of
3 intoxicating or alcoholic liquor and a controlled substance, or
4 while visibly impaired, or with an unlawful bodily alcohol
5 content.

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

7 (iii) Former section 625b.

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

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

15 (a) The later of the following:

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

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

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

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

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

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

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

22 (6) The secretary of state shall deny issuance of a vehicle
23 group designation to a person if the person has been disqualified
24 by the United States secretary of transportation from operating a
25 commercial motor vehicle.

26 (7) Multiple convictions or civil infraction determinations
27 resulting from the same incident shall be treated as a single

1 violation for purposes of denial or revocation of a license under
2 this section.

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

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

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

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

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

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

22 Sec. 306. (1) The secretary of state, upon receiving an
23 application for a temporary instruction permit from a person who
24 is 18 years of age or older, may issue that permit entitling the
25 applicant, while carrying the permit, to drive a motor vehicle
26 other than a motor vehicle requiring an indorsement under section
27 312a or a vehicle group designation under section 312e upon the

1 highways for a period of 180 days when accompanied by a licensed
2 adult operator or chauffeur who is actually occupying a seat
3 beside the driver.

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

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

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

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

12 (6) ~~The~~ **EXCEPT AS PROHIBITED UNDER FEDERAL LAW, THE**
13 secretary of state, upon receiving proper application from a
14 person who is 18 years of age or older, who holds a valid
15 operator's or chauffeur's license other than a restricted
16 license, and who has passed the knowledge test for an original
17 vehicle group designation or indorsement, may issue a temporary
18 instruction permit entitling the person, while carrying the
19 permit, to drive a vehicle requiring a vehicle group designation
20 or vehicle group indorsement under section 312e upon the streets
21 and highways for a period of 180 days, but only when accompanied
22 by a licensed adult operator or chauffeur who is licensed with
23 the appropriate vehicle group designation and indorsement for the
24 vehicle group being driven and who is actually occupying a seat
25 beside the driver, or behind the driver if the permittee is
26 driving a bus or school bus. In addition, if a permittee is
27 enrolled in a driver training program for drivers of motor

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

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

24 (a) The applicant's full name, date of birth, residence
25 address, height, sex, eye color, signature, and, beginning
26 January 1, 2007, intent to be an organ donor, other information
27 required or permitted on the license under this chapter, and, to

1 the extent required to comply with federal law, the applicant's
2 social security number. The applicant may provide a mailing
3 address if the applicant receives mail at an address different
4 from his or her residence address.

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

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

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

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

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

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

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

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

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

24 (2) Except as provided in this subsection, an applicant for
25 an operator's or chauffeur's license may have his or her image
26 and signature captured or reproduced when the application for the
27 license is made. An applicant required under section 5a of the

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

1 department of state police shall provide to the secretary of
2 state updated lists of persons required to be registered under
3 the sex offenders registration act, 1994 PA 295, MCL 28.721 to
4 ~~28.732~~ **28.736**, and the secretary of state shall make the images
5 of those persons available to the department of state police as
6 provided in that act.

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

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

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

20 (i) Information explaining the applicant's right to make an
21 anatomical gift in the event of death in accordance with section
22 310.

23 (ii) Information describing the organ, tissue, and eye donor
24 registry program. The information required under this
25 subparagraph includes the address and telephone number of
26 Michigan's federally designated organ procurement organization or
27 its successor organization.

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

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

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

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

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

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

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

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

27 (6) Until January 1, 2007, if an applicant indicates a

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

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

26 (7) If an application is received from a person previously
27 licensed in another jurisdiction, the secretary of state shall

1 request a copy of the applicant's driving record and other
2 available information from the national driver register. When
3 received, the driving record and other available information
4 become a part of the driver's record in this state.

5 (8) If an application is received for an original, renewal,
6 or upgrade of a vehicle group designation or indorsement, the
7 secretary of state shall request the person's complete driving
8 record from all states where the applicant was previously
9 licensed to drive any type of motor vehicle over the last 10
10 years before issuing a vehicle group designation or indorsement
11 to the applicant. If the applicant does not hold a valid
12 commercial motor vehicle driver license from a state where he or
13 she was licensed in the last 10 years, this complete driving
14 record request must be made not earlier than 24 hours before the
15 secretary of state issues the applicant a vehicle group
16 designation or indorsement. For all other drivers, this request
17 must be made not earlier than 10 days before the secretary of
18 state issues the applicant a vehicle group designation or
19 indorsement. The secretary of state shall also check the
20 applicant's driving record with the national driver register and
21 the federal commercial driver license information system before
22 issuing that group designation or indorsement. If the application
23 is for the renewal of a vehicle group designation or indorsement,
24 and if the secretary of state enters on the person's historical
25 driving record maintained under section 204a a notation that the
26 request was made and the date of the request, the secretary of
27 state is required to request the applicant's complete driving

1 record from other states only once under this section.

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

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

26 (11) The secretary of state shall not disclose a social
27 security number obtained under subsection (1) to another person

1 except for use for 1 or more of the following purposes:

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

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

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

11 (d) With the department of community health, for comparison
12 with vital records maintained by the department of community
13 health under part 28 of the public health code, 1978 PA 368, MCL
14 333.2801 to 333.2899.

15 (e) As otherwise required by law.

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

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

26 (14) Beginning January 1, 2007, the secretary of state shall
27 maintain the organ, tissue, and eye donor registry in a manner

1 that provides electronic access, including, but not limited to,
2 transfer of data to this state's federally designated organ
3 procurement organizations, their successor organizations, and
4 tissue and eye banks with limitations on the use of and access to
5 the donor registry as determined by the secretary of state.

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

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

11 (b) Date of birth.

12 (c) Height and sex.

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

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

18 (f) The name of this state.

19 (g) The expiration date of the license.

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

23 (a) A person, before operating a combination of vehicles
24 with a gross combination weight rating of 26,001 pounds or more
25 including a towed vehicle with a gross vehicle weight rating of
26 more than 10,000 pounds, shall procure a group A vehicle
27 designation on his or her operator's or chauffeur's license.

1 Unless an indorsement or the removal of restrictions is required,
2 a person licensed to operate a group A vehicle may operate a
3 group B or C vehicle without taking another test.

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

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

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

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

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

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

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

15 (c) A person who fails the air brake portion of the written
16 or driving skills test provided under section 312f or who takes
17 the driving skills test provided under that section in a
18 commercial motor vehicle that is not equipped with air brakes
19 shall not operate a commercial motor vehicle equipped with air
20 brakes.

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

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

26 (b) A person, before operating a commercial motor vehicle
27 that is a tank vehicle, shall procure the appropriate vehicle

1 group designation and an N vehicle indorsement under this act.

2 (c) A person, before operating a commercial motor vehicle
3 carrying hazardous materials on which a placard is required under
4 49 CFR parts 100 to 199, shall procure the appropriate vehicle
5 group designation and an H vehicle indorsement under this act.

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

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

18 (f) ~~Effective October 1, 2004, a~~ A person who does not
19 currently possess a P indorsement, before operating a school bus
20 designed to transport 16 or more passengers, including the
21 driver, shall procure the appropriate vehicle group designation,
22 pass the knowledge tests for the P and S indorsements, and
23 procure the P and S vehicle indorsements under this act. An
24 applicant for an S vehicle indorsement shall take a driving
25 skills test in a school bus designed to transport 16 or more
26 passengers, including the driver, that represents the same type
27 of vehicle that the applicant intends to operate as a school bus.

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

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

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

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

22 (c) The applicant has not been disqualified by the United
23 States secretary of transportation from operating a commercial
24 motor vehicle.

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

1 (e) The applicant has not been convicted of any
2 disqualifying offense listed in 49 CFR 383.51(b) while operating
3 a noncommercial motor vehicle that would be a disqualifying
4 offense under 49 CFR 383.51(b) if the applicant had committed the
5 offense while operating a commercial motor vehicle.

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

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

13 (h) The applicant has been regularly employed as a school
14 bus driver for the past 2 years and has, for those 2 years,
15 operated a school bus representing the type of school bus that
16 the applicant intends to operate, and the applicant provides
17 satisfactory evidence of that employment to the secretary of
18 state.

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

22 (8) The holder of an unexpired operator's or chauffeur's
23 license may be issued a vehicle group designation and indorsement
24 valid for the remainder of the license upon meeting the
25 qualifications of section 312f and payment of the original
26 vehicle group designation fee of \$25.00 and an indorsement fee of
27 \$5.00 per indorsement, and a corrected license fee of \$18.00. A

1 person required to procure an F vehicle indorsement ~~pursuant to~~
2 **UNDER** subsection (10) shall pay an indorsement fee of \$5.00.

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

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

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

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

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

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

20 (11) A person, before driving or operating a single vehicle
21 truck having a gross vehicle weight rating of 26,001 pounds or
22 more or a combination of vehicles having a gross vehicle weight
23 rating of 26,001 pounds or more on the power unit that is used as
24 described in subsection (9)(a) to (d) for carrying hazardous
25 materials on which a placard is required under 49 CFR parts 100
26 to 199, shall successfully complete both a knowledge test and a
27 driving skills test. Upon successful completion of the knowledge

1 test and driving skills test, the person shall be issued the
2 appropriate vehicle group designation and any vehicle indorsement
3 necessary under this act.

4 (12) This section does not apply to a police officer
5 operating an authorized emergency vehicle or to a firefighter
6 operating an authorized emergency vehicle who has met the driver
7 training standards of the Michigan fire fighters' training
8 council.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (3) A seasonal restricted vehicle group designation under

1 this ~~subsection~~ **SECTION** shall be issued, suspended, revoked,
2 canceled, denied, or renewed in accordance with this act.

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

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

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

23 (b) The applicant was convicted of or incurred a bond
24 forfeiture in relation to a 6-point violation as provided in
25 section 320a in the 24 months immediately preceding application
26 if the violation occurred while the applicant was operating a
27 commercial motor vehicle, or a violation of section 625(3) or

1 former section 625b, or a local ordinance substantially
2 corresponding to section 625(3) or former section 625b in the 24
3 months immediately preceding application, if the applicant was
4 operating any type of motor vehicle.

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

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

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

25 (f) The applicant has been disqualified from operating a
26 commercial motor vehicle under 49 USC 31301 to 31317 or the
27 applicant's license to operate a commercial motor vehicle has

1 been suspended, revoked, denied, or canceled within 36 months
2 immediately preceding the date of application.

3 (g) The United States secretary of transportation has
4 disqualified the applicant from operating a commercial motor
5 vehicle.

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

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

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

26 (9) The secretary of state shall cancel all vehicle group
27 designations on a person's operator's or chauffeur's license upon

1 receiving notice from the United States secretary of
 2 transportation, the national driver register, the commercial
 3 driver license system, or another state or jurisdiction that 1 or
 4 more of the conditions described in subsection (5) existed at the
 5 time of the person's application in this state.

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

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

20 (12) As used in this section, ~~—~~

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

24 ~~—— (b) "Good driving record" means the criteria required under~~
 25 ~~regulations described at 49 CFR 383.77 and 57 F.R. 75, P.~~
 26 ~~13650(April 17, 1992).~~

27 Sec. 314. (1) Except as otherwise provided in this section,

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

21 (2) The first operator's license issued to a person who at
 22 the time of application is less than 20-1/2 years of age ~~shall~~
 23 ~~expire~~ **EXPIRES** on the licensee's twenty-first birthday unless
 24 suspended or revoked. ~~Until July 1, 2003, the secretary of state~~
 25 ~~shall code the license in a manner which clearly identifies the~~
 26 ~~licensee as being less than 21 years of age.~~

27 (3) The first chauffeur's license issued to a person ~~shall~~

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

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

19 (5) ~~A~~ **EXCEPT FOR AN OPERATOR'S OR CHAUFFEUR'S LICENSE WITH**
 20 **A HAZARDOUS MATERIAL INDORSEMENT, THE SECRETARY OF STATE MAY**
 21 **ISSUE A RENEWAL OPERATOR'S OR CHAUFFEUR'S LICENSE TO A** person who
 22 will be out of state for more than ~~90~~ 180 days beyond the
 23 expiration date of his or her operator's **OR CHAUFFEUR'S** license,
 24 ~~may apply for a 4-year renewal of his or her driving privileges~~
 25 **IF THE SECRETARY OF STATE HAS A DIGITAL IMAGE OF THE PERSON ON**
 26 **FILE.** The applicant for this renewal shall submit a statement
 27 evidencing a vision examination in accordance with the rules

1 promulgated by the secretary of state under section 309 **AND ANY**
2 **OTHER STATEMENT REQUIRED BY THIS ACT OR FEDERAL LAW. A PERSON IS**
3 **NOT ELIGIBLE FOR CONSECUTIVE RENEWALS OF A LICENSE UNDER THIS**
4 **SUBSECTION.**

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

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

26 (a) Suspension for 60 days if the person is convicted of or
27 found responsible for 1 of the following while operating a

1 commercial motor vehicle:

2 (i) Two serious traffic violations arising from separate
3 incidents within 36 months.

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

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

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

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

13 (vi) A violation of motor carrier safety regulations 49 CFR
14 392.10 or 392.11 while operating a commercial motor vehicle other
15 than a vehicle covered under subparagraph (iii), (iv), or (v).

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

20 (i) Three serious traffic violations.

21 (ii) Any combination of 2 violations described in subdivision
22 (a)(ii).

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

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

1 vehicle.

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

4 (iii) ~~A~~ **EXCEPT FOR A FELONY DESCRIBED IN 49 CFR**
5 **383.51(B)(9)**, A felony in which a commercial **OR NONCOMMERCIAL**
6 motor vehicle was used.

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

13 (v) Effective October 1, 2005, operating a commercial motor
14 vehicle in violation of a suspension, revocation, denial, or
15 cancellation that was imposed for previous violations committed
16 while operating a commercial motor vehicle.

17 (vi) Effective October 1, 2005, causing a fatality through
18 the negligent or criminal operation of a commercial motor
19 vehicle, including, but not limited to, the crimes of motor
20 vehicle manslaughter, motor vehicle homicide, and negligent
21 homicide.

22 (vii) A 6-point violation as provided in section 320a while
23 operating a commercial motor vehicle.

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

27 (d) Suspension for 3 years if the person is convicted of or

1 found responsible for an offense enumerated in subdivision (c)(i)
 2 to (vii) in which a commercial motor vehicle was used if the
 3 vehicle was carrying hazardous material required to have a
 4 placard ~~pursuant to~~ **UNDER** 49 CFR parts 100 to 199.

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

11 (i) ~~Any combination of 2 violations arising from 2 or more~~
 12 ~~separate incidents under section~~ **SECTION** 625(1), (3), (4), (5),
 13 (6), (7), or (8), section 625m, or former section 625(1) or (2),
 14 or former section 625b, while ~~driving~~ **OPERATING** a commercial **OR**
 15 **NONCOMMERCIAL** motor vehicle.

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

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

22 (iv) ~~Two refusals~~ **A REFUSAL** of a request of a police
 23 officer to submit to a chemical test of his or her blood, breath,
 24 or urine for the purpose of determining the amount of alcohol or
 25 presence of a controlled substance or both in his or her blood
 26 while he or she was operating a commercial **OR NONCOMMERCIAL** motor
 27 vehicle in this state or another state. ~~, which refusals~~

1 ~~occurred in separate incidents.~~

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

6 (vi) Effective October 1, 2005, ~~2 violations of~~ causing a
7 fatality through the negligent or criminal operation of a
8 commercial motor vehicle, including, but not limited to, the
9 crimes of motor vehicle manslaughter, motor vehicle homicide, and
10 negligent homicide.

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

13 ~~Two violations, in any combination, of the offenses~~
14 ~~enumerated under subdivision (c)(i), (ii), (iii), (iv), or (v) arising~~
15 ~~from 2 or more separate incidents.~~

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

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

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

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

27 (2) The secretary of state shall immediately deny, cancel,

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

13 (3) The secretary of state shall immediately suspend all
14 vehicle group designations on a person's operator's or
15 chauffeur's license upon receiving notice of a conviction, bond
16 forfeiture, or civil infraction determination of the person, or
17 notice that a court or administrative tribunal has found the
18 person responsible, for a violation of section 319d(4) or 319f, a
19 local ordinance substantially corresponding to section 319d(4) or
20 319f, or a law or local ordinance of another state, the United
21 States, Canada, Mexico, or a local jurisdiction of either of
22 these countries substantially corresponding to section 319d(4) or
23 319f, while operating a commercial motor vehicle. The period of
24 suspension or revocation is as follows:

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

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

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

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

17 (e) Suspension for 3 years if the person is convicted of or
 18 found responsible for 2 or more violations, in any combination,
 19 of section 319d(4) or 319f while operating a commercial motor
 20 vehicle carrying hazardous material required to have a placard
 21 ~~pursuant to~~ **UNDER** 49 CFR parts 100 to 199, or designed to carry
 22 16 or more passengers, including the driver, arising from 2 or
 23 more separate incidents during a 10-year period.

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

25 ~~———— (a) "Felony in which a commercial motor vehicle was used"~~
 26 ~~means a felony during the commission of which the person~~
 27 ~~convicted operated a commercial motor vehicle and while the~~

1 ~~person was operating the vehicle 1 or more of the following~~
2 ~~circumstances existed:~~

3 ~~—— (i) The vehicle was used as an instrument of the felony.~~
4 ~~—— (ii) The vehicle was used to transport a victim of the~~
5 ~~felony.~~

6 ~~—— (iii) The vehicle was used to flee the scene of the felony.~~
7 ~~—— (iv) The vehicle was necessary for the commission of the~~
8 ~~felony.~~

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

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

12 ~~—— (ii) Careless driving.~~

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

15 ~~—— (iv) Improper lane use.~~

16 ~~—— (v) Following too closely.~~

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

20 ~~—— (vii) Effective October 1, 2005, driving a commercial motor~~
21 ~~vehicle without either having an operator's or chauffeur's~~
22 ~~license in the person's possession or providing proof to the~~
23 ~~court, not later than the date by which the person must appear in~~
24 ~~court or pay a fine for the violation, that the person held a~~
25 ~~valid vehicle group designation and indorsement on the date that~~
26 ~~the citation was issued.~~

27 ~~—— (viii) Effective October 1, 2005, driving a commercial motor~~

1 ~~vehicle while in possession of an operator's or chauffeur's~~
2 ~~license that has a vehicle group designation but does not have~~
3 ~~the appropriate vehicle group designation or indorsement required~~
4 ~~for the specific vehicle group being operated or the passengers~~
5 ~~or type of cargo being transported.~~

6 ~~—— (ix) Any other serious traffic violation as defined in 49 CFR~~
7 ~~383.5 or as prescribed under this act.~~

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

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

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

23 ~~(7) Effective October 1, 2005, a~~ **A** conviction, bond
24 forfeiture, or civil infraction determination, or notice that a
25 court or administrative tribunal has found a person responsible
26 for a violation described in this subsection while the person was
27 operating a noncommercial motor vehicle counts against the person

1 who holds a license to operate a commercial motor vehicle the
2 same as if the person had been operating a commercial motor
3 vehicle at the time of the violation. For the purpose of this
4 subsection, a noncommercial motor vehicle does not include a
5 recreational vehicle used off-road. This subsection applies to
6 the following state law violations or a local ordinance
7 substantially corresponding to any of those violations or a law
8 of another state or out-of-state jurisdiction substantially
9 corresponding to any of those violations:

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

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

16 (c) Leaving the scene of an accident.

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

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

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

24 **(10) AS USED IN THIS SECTION:**

25 **(A) "FELONY IN WHICH A COMMERCIAL MOTOR VEHICLE WAS USED"**
26 **MEANS A FELONY DURING THE COMMISSION OF WHICH THE PERSON**
27 **CONVICTED OPERATED A COMMERCIAL MOTOR VEHICLE AND WHILE THE**

1 PERSON WAS OPERATING THE VEHICLE 1 OR MORE OF THE FOLLOWING
2 CIRCUMSTANCES EXISTED:

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

4 (ii) THE VEHICLE WAS USED TO TRANSPORT A VICTIM OF THE
5 FELONY.

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

7 (iv) THE VEHICLE WAS NECESSARY FOR THE COMMISSION OF THE
8 FELONY.

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

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

12 (ii) CARELESS DRIVING.

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

15 (iv) IMPROPER LANE USE.

16 (v) FOLLOWING TOO CLOSELY.

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

20 (vii) EFFECTIVE OCTOBER 1, 2005, DRIVING A COMMERCIAL MOTOR
21 VEHICLE WITHOUT EITHER HAVING AN OPERATOR'S OR CHAUFFEUR'S
22 LICENSE IN THE PERSON'S POSSESSION OR PROVIDING PROOF TO THE
23 COURT, NOT LATER THAN THE DATE BY WHICH THE PERSON MUST APPEAR IN
24 COURT OR PAY A FINE FOR THE VIOLATION, THAT THE PERSON HELD A
25 VALID VEHICLE GROUP DESIGNATION AND INDORSEMENT ON THE DATE THAT
26 THE CITATION WAS ISSUED.

27 (viii) EFFECTIVE OCTOBER 1, 2005, DRIVING A COMMERCIAL MOTOR

1 VEHICLE WHILE IN POSSESSION OF AN OPERATOR'S OR CHAUFFEUR'S
2 LICENSE THAT HAS A VEHICLE GROUP DESIGNATION BUT DOES NOT HAVE
3 THE APPROPRIATE VEHICLE GROUP DESIGNATION OR INDORSEMENT REQUIRED
4 FOR THE SPECIFIC VEHICLE GROUP BEING OPERATED OR THE PASSENGERS
5 OR TYPE OF CARGO BEING TRANSPORTED.

6 (ix) ANY OTHER SERIOUS TRAFFIC VIOLATION AS DEFINED IN 49 CFR
7 383.5 OR AS PRESCRIBED UNDER THIS ACT.

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

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

15 (A) IF THE VIOLATION OCCURRED WHILE THE PERSON WAS
16 TRANSPORTING NONHAZARDOUS MATERIAL, THE VEHICLE GROUP
17 DESIGNATIONS SHALL BE SUSPENDED AS FOLLOWS:

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

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

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

26 (B) IF THE VIOLATION OCCURRED WHILE THE PERSON WAS
27 TRANSPORTING HAZARDOUS MATERIALS REQUIRED TO BE PLACARDED UNDER

1 49 CFR PARTS 100 TO 199 OR WHILE OPERATING A VEHICLE DESIGNED TO
 2 TRANSPORT 16 OR MORE PASSENGERS, INCLUDING THE DRIVER, THE
 3 VEHICLE GROUP DESIGNATIONS SHALL BE SUSPENDED AS FOLLOWS:

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

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

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

12 (4) ~~(2)~~ As used in ~~subsection (1)~~ THIS SECTION:

13 (a) "Out-of-service order" means a declaration by an
 14 authorized enforcement officer that a driver of a commercial
 15 motor vehicle as defined in subdivision (b), or a motor carrier
 16 operation, is out-of-service pursuant to 49 ~~C.F.R.~~ **CFR** 386.72,
 17 ~~49 C.F.R.~~ 392.5, ~~49 C.F.R.~~ 395.13, ~~49 C.F.R.~~ **OR** 396.9, or
 18 the north American uniform out-of-service criteria, or a law or
 19 local ordinance of a state, the United States, Canada, Mexico, or
 20 a local jurisdiction thereof, substantially corresponding to 49
 21 ~~C.F.R.~~ **CFR** 386.72, ~~49 C.F.R.~~ 392.5, ~~49 C.F.R.~~ 395.13, ~~49~~
 22 ~~C.F.R.~~ **OR** 396.9, or the north American uniform out-of-service
 23 criteria.

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

27 Sec. 319g. (1) An employer shall not knowingly allow,

1 permit, authorize, or require a driver to operate a commercial
2 motor vehicle in violation of any of the following:

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

6 (b) Motor carrier safety regulations 49 CFR 392.10 or
7 392.11, as adopted by section 1a of the motor carrier safety act
8 of 1963, 1963 PA 181, MCL 480.11a.

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

11 (d) Motor carrier safety regulations 49 CFR 392.10 or
12 392.11, as adopted by section 31 of the motor bus transportation
13 act, 1982 PA 432, MCL 474.131.

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

17 (f) Transportation security regulations 49 CFR parts 1570
18 and 1572 or motor carrier safety regulations 49 CFR parts 383 and
19 384 that regulate who may operate a commercial motor vehicle that
20 is used to transport hazardous material.

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

22 (2) ~~A~~ **EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISIONS (A) AND**
23 **(B), A** person who violates this section is responsible for a
24 civil infraction: ~~—~~

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

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

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

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

14 (a) Display, or cause or permit to be displayed, or have in
15 possession an operator's or chauffeur's license knowing the
16 operator's or chauffeur's license to be fictitious or to have
17 been canceled, revoked, suspended, or altered.

18 (b) Lend to or knowingly permit use of, by one not entitled
19 to its use, the operator's or chauffeur's license issued to the
20 person lending or permitting the use of the operator's or
21 chauffeur's license.

22 (c) Display or to represent as one's own any operator's or
23 chauffeur's license not issued to the person displaying the
24 operator's or chauffeur's license.

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

1 (e) Use a false or fictitious name or give a false or
2 fictitious address in an application for an operator's or
3 chauffeur's license, or any renewal or duplicate of an operator's
4 or chauffeur's license, or knowingly make a false statement or
5 knowingly conceal a material fact or otherwise commit a fraud in
6 making an application.

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

11 (g) Use or have in possession in committing a crime an
12 operator's or chauffeur's license that has been altered or that
13 is used to knowingly make a false statement or to knowingly
14 conceal a material fact in order to misrepresent as one's own the
15 operator's or chauffeur's license.

16 (h) Furnish to a peace officer false, forged, fictitious, or
17 misleading verbal or written information identifying the person
18 as another person, if the person is detained for a violation of
19 this act or of a local ordinance substantially corresponding to a
20 provision of this act.

21 (2) A license for an operator or chauffeur issued under this
22 chapter upon an application that is untrue, or that contains
23 false statements as to any material matters, is absolutely void
24 from the date of issuance. The operator or chauffeur who was
25 issued the license is considered unlicensed and the license
26 issued shall be returned upon request or order of the department.
27 **A PERSON WHOSE COMMERCIAL DRIVER LICENSE APPLICATION IS VOIDED OR**

1 CANCELED UNDER THIS SUBSECTION SHALL NOT REAPPLY FOR A COMMERCIAL
2 DRIVER LICENSE FOR AT LEAST 60 DAYS AFTER AN APPLICATION IS
3 VOIDED OR CANCELED.

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

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

26 (b) Immediately for each case charging a violation of
27 section 625(1), (3), (4), (5), (6), (7), or (8) or section 625m

1 or a local ordinance substantially corresponding to section
2 625(1), (3), (6), or (8) or section 625m in which the charge is
3 dismissed or the defendant is acquitted.

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

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

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

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

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

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

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

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

6 (f) Whether bail was forfeited.

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

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

11 (i) Other information considered necessary to the secretary
12 of state.

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

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

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

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

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

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

26 (f) A violation of motor carrier safety regulations ~~—~~ 49
27 CFR 392.10 or 392.11 ~~—~~ as adopted by section 1a of the motor

1 carrier safety act of 1963, 1963 PA 181, MCL 480.11a.

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

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

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

14 (j) An attempt to commit an offense described in
15 subdivisions (a) to (h).

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

18 (l) A violation of section 3101, 3102(1), or 3103 of the
19 insurance code of 1956, 1956 PA 218, MCL 500.3101, 500.3102, and
20 500.3103.

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

23 (5) ~~Beginning September 1, 2004, the~~ **THE** clerk of the
24 court shall also forward an abstract of the court record to the
25 secretary of state if a person has pled guilty to, or offered a
26 plea of admission in a juvenile proceeding for, a violation of
27 section 703 of the Michigan liquor control code of 1998, 1998 PA

1 58, MCL 436.1703, or a local ordinance substantially
2 corresponding to that section, and has had further proceedings
3 deferred under that section. If the person is sentenced to a term
4 of probation and terms and conditions of probation are fulfilled
5 and the court discharges the individual and dismisses the
6 proceedings, the court shall also report the dismissal to the
7 secretary of state.

8 (6) As used in subsections (7) to (9), "felony in which a
9 motor vehicle was used" means a felony during the commission of
10 which 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 (7) If a person is charged with a felony in which a motor
20 vehicle was used, other than a felony specified in subsection (4)
21 or section 319, the prosecuting attorney shall include the
22 following statement on the complaint and information filed in
23 district or circuit court:

24 "You are charged with the commission of a felony in which a
25 motor vehicle was used. If you are convicted and the judge finds
26 that the conviction is for a felony in which a motor vehicle was
27 used, as defined in section 319 of the Michigan vehicle code,

1 1949 PA 300, MCL 257.319, your driver's license shall be
2 suspended by the secretary of state."

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

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

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

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

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

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

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

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

6 (11) If a person is charged with a felony in which a
7 commercial motor vehicle was used and for which a vehicle group
8 designation on a license is subject to suspension or revocation
9 under section 319b(1)(c)(iii), 319b(1)(d), 319b(1)(e)(iii), or
10 319b(1)(f)(i), the prosecuting attorney shall include the
11 following statement on the complaint and information filed in
12 district or circuit court:

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

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

26 (13) Every person required to forward abstracts to the
27 secretary of state under this section shall certify for the

1 period from January 1 through June 30 and for the period from
2 July 1 through December 31 that all abstracts required to be
3 forwarded during the period have been forwarded. The
4 certification shall be filed with the secretary of state not
5 later than 28 days after the end of the period covered by the
6 certification. The certification shall be made upon a form
7 furnished by the secretary of state and shall include all of the
8 following:

9 (a) The name and title of the person required to forward
10 abstracts.

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

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

13 (d) The following statement:

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

18 (e) Other information the secretary of state considers
19 necessary.

20 (f) The signature of the person required to forward
21 abstracts.

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

25 (15) Except as provided in subsection (16), the secretary of
26 state shall keep all abstracts received under this section at the
27 secretary of state's main office and the abstracts shall be open

1 for public inspection during the office's usual business hours.
2 Each abstract shall be entered upon the master driving record of
3 the person to whom it pertains.

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

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

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

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

16 (d) A pedestrian, passenger, or bicycle violation, other
17 than a violation of section 703(1) or (2) of the Michigan liquor
18 control code of 1998, 1998 PA 58, MCL 436.1703, or a local
19 ordinance substantially corresponding to section 703(1) or (2) of
20 the Michigan liquor control code of 1998, 1998 PA 58, MCL
21 436.1703, or section 624a or 624b or a local ordinance
22 substantially corresponding to section 624a or 624b.

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

25 (f) A violation of section 328(1) if, before the appearance
26 date on the citation, the person submits proof to the court that
27 the motor vehicle had insurance meeting the requirements of

1 sections 3101 and 3102 of the insurance code of 1956, 1956 PA
2 218, MCL 500.3101 and 500.3102, at the time the citation was
3 issued. Insurance obtained subsequent to the time of the
4 violation does not make the violation an exception under this
5 subsection.

6 (g) A violation described in section ~~319b(4)(b)(vii)~~
7 **319B(10)(B)(vii)** if, before the court appearance date or date fines
8 are to be paid, the person submits proof to the court that he or
9 she held a valid commercial driver license on the date the
10 citation was issued.

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

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

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

1 state shall enter the order in the proper book or index in
2 connection with the record of the conviction or civil infraction
3 determination.

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

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

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

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

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

16	Amount of Check or Draft	Penalty
17	\$.01 to 15.00	\$ 5.00
18	15.01 to 50.00	10.00
19	50.01 to 100.00	20.00
20	100.01 to 300.00	60.00
21	300.01 and higher	20% of the check or draft

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

26 (4) The department shall suspend, until all fees, taxes, and

1 penalties due are paid, the operator's or chauffeur's license of
 2 a person who has had outstanding against him or her for not less
 3 than 60 days a claim resulting from nonpayment of a check or
 4 draft used to pay a fee or tax ~~on a vehicle~~ **TO THE SECRETARY OF**
 5 **STATE**. A person whose operator's or chauffeur's license has been
 6 suspended under this section shall not be subject to the
 7 examination provisions of section 320c.

8 (5) The collection of delinquent accounts remains the
 9 responsibility of the office of secretary of state.

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

16 (1) ~~(2)~~ The Michigan lighthouse preservation grant fund is
 17 created as a separate fund in the department of treasury. The
 18 fund shall be expended only as provided in this section. The
 19 state treasurer may receive money or other assets from any source
 20 for deposit into the fund. The state treasurer shall direct the
 21 investment of the fund. The state treasurer shall credit to the
 22 fund interest and earnings from fund investments. The state
 23 treasurer shall annually present to the ~~secretary of state~~
 24 **DEPARTMENT OF HISTORY, ARTS, AND LIBRARIES** an accounting of the
 25 amount of money in the fund. Money in the fund at the close of
 26 the fiscal year shall remain in the fund and shall not lapse to
 27 the general fund.

1 (2) ~~(3)~~ The ~~secretary of state~~ **DEPARTMENT OF HISTORY,**
 2 **ARTS, AND LIBRARIES** shall administer the **MICHIGAN LIGHTHOUSE**
 3 **PRESERVATION** fund and may expend money from ~~the~~ **THAT** fund
 4 through discretionary historical grants to preserve Michigan
 5 lighthouses. The ~~secretary of state~~ **DEPARTMENT OF HISTORY,**
 6 **ARTS, AND LIBRARIES** shall ~~not~~ use not more than 10% of the
 7 funds for ~~the secretary of state's~~ costs that occur from fund
 8 administration and grant project coordination.

9 (3) ~~(4)~~ The ~~secretary of state~~ **DEPARTMENT OF HISTORY,**
 10 **ARTS, AND LIBRARIES** may award grants **UNDER SUBSECTION (2)** for the
 11 preparation of plans and specifications for restoration and
 12 stabilization and for stabilization, rehabilitation, or other
 13 preservation work on a Michigan lighthouse, but grants shall not
 14 be awarded for operational purposes. The ~~secretary of state~~
 15 **DEPARTMENT OF HISTORY, ARTS, AND LIBRARIES** shall allocate grant
 16 funds pursuant to eligibility and scoring requirements
 17 established by the ~~secretary of state~~ **DEPARTMENT OF HISTORY,**
 18 **ARTS, AND LIBRARIES**. To award grants under this section, the
 19 ~~secretary of state~~ **DEPARTMENT OF HISTORY, ARTS, AND LIBRARIES**
 20 shall solicit applications from eligible recipients, score
 21 applications based on the established criteria, and award grants
 22 through executed contracts. All plans and work performed under a
 23 grant shall be consistent with the United States secretary of the
 24 interior's standards for rehabilitation and guidelines for
 25 rehabilitating historic buildings, ~~36 C.F.R.~~ **36 CFR 67,**
 26 historic preservation certifications.

27 (4) ~~(5)~~ ~~Lighthouse fund raising registration plate~~

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

9 ~~(6) For purposes of this chapter, "state-sponsored~~
 10 ~~lighthouse fund-raising registration plate" means a registration~~
 11 ~~plate containing a specialized design pertaining to historic~~
 12 ~~Michigan lighthouses.~~

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

17 (2) If a person is determined pursuant to sections 741 to
 18 750 to be responsible or responsible "with explanation" for a
 19 civil infraction under this act or a local ordinance
 20 substantially corresponding to a provision of this act, the judge
 21 or district court magistrate may order the person to pay a civil
 22 fine of not more than \$100.00 and costs as provided in subsection
 23 (4). However, for a violation of section 674(1)(s) or a local
 24 ordinance substantially corresponding to section 674(1)(s), the
 25 person shall be ordered to pay costs as provided in subsection
 26 (4) and a civil fine of not less than \$100.00 or more than
 27 \$250.00. For a violation of section 328, the civil fine ordered

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

25 (3) Except as provided in this subsection, if a person is
26 determined to be responsible or responsible "with explanation"
27 for a civil infraction under this act or a local ordinance

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

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

21 (5) In addition to a civil fine and costs ordered under
22 subsection (2) or (3) and subsection (4) and the justice system
23 assessment ordered under subsection (14), the judge or district
24 court magistrate may order the person to attend and complete a
25 program of treatment, education, or rehabilitation.

26 (6) A district court magistrate shall impose the sanctions
27 permitted under subsections (2), (3), and (5) only to the extent

1 expressly authorized by the chief judge or only judge of the
2 district court district.

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

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

21 (9) If a person has received a civil infraction citation for
22 defective safety equipment on a vehicle under section 683, the
23 court shall waive a civil fine, costs, and assessments upon
24 receipt of certification by a law enforcement agency that repair
25 of the defective equipment was made before the appearance date on
26 the citation.

27 (10) A default in the payment of a civil fine or costs

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

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

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

20 (13) Until October 1, 2003, in addition to any civil fines
21 and costs ordered to be paid under this section, the judge or
22 district court magistrate shall levy an assessment of \$5.00 for
23 each civil infraction determination, except for a parking
24 violation or a violation for which the total fine and costs
25 imposed are \$10.00 or less. An assessment paid before October 1,
26 2003 shall be transmitted by the clerk of the court to the state
27 treasurer to be deposited into the Michigan justice training

1 fund. An assessment ordered before October 1, 2003 but collected
2 on or after October 1, 2003 shall be transmitted by the clerk of
3 the court to the state treasurer for deposit in the justice
4 system fund created in section 181 of the revised judicature act
5 of 1961, 1961 PA 236, MCL 600.181. An assessment levied under
6 this subsection is not a civil fine for purposes of section 909.

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

19 (15) If a person has received a citation for a violation of
20 section 223, the court shall waive any civil fine, costs, and
21 assessment, upon receipt of certification by a law enforcement
22 agency that the person, before the appearance date on the
23 citation, produced a valid registration certificate that was
24 valid on the date the violation of section 223 occurred.

25 (16) If a person has received a citation for a violation of
26 section 328(1) for failing to produce a certificate of insurance
27 pursuant to section 328(2), the court may waive the fee described

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