

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 495

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 57, 208b, 217a, 232, 301, 303, 306, 307,
307a, 312e, 312f, 312h, 314, 319b, 319d, 319f, 319g, 320a, 602b,
605, 732, 801, 801g, 802, 803b, 803r, 804, 806, 809, 811e, 811h,
and 907 (MCL 257.57, 257.208b, 257.217a, 257.232, 257.301,
257.303, 257.306, 257.307, 257.307a, 257.312e, 257.312f,
257.312h, 257.314, 257.319b, 257.319d, 257.319f, 257.319g,
257.320a, 257.602b, 257.605, 257.732, 257.801, 257.801g, 257.802,
257.803b, 257.803r, 257.804, 257.806, 257.809, 257.811e,
257.811h, and 257.907), sections 57 and 301 as amended by 1988 PA
346, sections 208b, 217a, 232, 801, 802, 803b, 803r, 804, 806,
809, and 811h as amended by 2009 PA 99, section 303 as amended by
2010 PA 155, sections 306, 307a, 312e, 312f, 319f, and 319g as
amended by 2006 PA 298, section 307 as amended by 2008 PA 36,
section 312h as amended by 2003 PA 152, section 314 as amended by
2008 PA 7, section 319b as amended by 2008 PA 463, section 319d

as amended by 1996 PA 404, section 320a as amended by 2010 PA 58, section 602b as added by 2010 PA 60, section 605 as amended by 2000 PA 97, sections 732 and 907 as amended by 2010 PA 59, section 801g as amended by 1992 PA 29, and section 811e as amended by 2011 PA 66, and by adding section 36b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 36B. "OUT-OF-SERVICE" MEANS A DECLARATION BY AN**
 2 **AUTHORIZED ENFORCEMENT OFFICER OF A STATE, A LOCAL UNIT OF**
 3 **GOVERNMENT OF A STATE, THE UNITED STATES, CANADA, OR THE UNITED**
 4 **MEXICAN STATES THAT AN OPERATOR, A COMMERCIAL MOTOR VEHICLE, OR A**
 5 **MOTOR CARRIER OPERATION IS OUT-OF-SERVICE UNDER 49 CFR 386.72,**
 6 **392.5, 395.13, OR 396.9, OR A SUBSTANTIALLY SIMILAR LAW OR**
 7 **ORDINANCE, OR THE NORTH AMERICAN UNIFORM OUT-OF-SERVICE CRITERIA.**

8 Sec. 57. "School bus" means every motor vehicle, except
 9 station wagons, with a manufacturers' rated seating capacity of
 10 16 or more passengers, including the driver, owned by a public,
 11 private, or governmental agency and operated for the
 12 transportation of children to or from school, or privately owned
 13 and operated for compensation for the transportation of children
 14 to or from school. ~~School bus does not include buses operated by~~
 15 ~~a municipally owned transportation system or by a common~~
 16 ~~passenger carrier certificated by the state transportation~~
 17 ~~department.~~

18 Sec. 208b. (1) The secretary of state may provide a
 19 commercial look-up service of records maintained under this act.
 20 For each individual record looked up, the secretary of state
 21 shall charge a fee specified annually by the legislature, or if

1 the legislature does not specify a fee, a market-based price
2 established by the secretary of state. The secretary of state
3 shall process a commercial look-up request only if the request is
4 in a form or format prescribed by the secretary of state. Fees
5 collected under this subsection on and after October 1, 2005
6 through October 1, ~~2011~~2015 shall be credited to the
7 transportation administration collection fund created in section
8 810b.

9 (2) A driver ~~training school operator~~ **EDUCATION PROVIDER**
10 shall subscribe to the commercial look-up service maintained by
11 the secretary of state.

12 (3) A driver ~~training school operator~~ **EDUCATION PROVIDER**
13 shall maintain on ~~the ITS premises of the driver training school~~
14 the most current copy of all nonpersonal information related to
15 his or her driving record and the driving record of each
16 instructor employed by the driver ~~training school operator~~
17 **EDUCATION PROVIDER** for review by any prospective customer or the
18 parent or guardian of a prospective customer.

19 (4) A prospective customer or the parent or guardian of a
20 prospective customer may review a copy of all nonpersonal
21 information related to the driving record of the driver ~~training~~
22 ~~school operator~~ **EDUCATION PROVIDER** or an instructor employed by
23 the driver ~~training school operator~~ **EDUCATION PROVIDER**.

24 (5) A driver ~~training school operator~~ **EDUCATION PROVIDER**
25 shall include in its contract with each client, as prescribed by
26 the secretary of state, a notice that nonpersonal information
27 related to the driving record of each individual instructor is

1 available for review by the general public. A driver ~~training~~
2 ~~school operator that~~ **EDUCATION PROVIDER WHO** fails to include the
3 information required by this subsection is subject to a fine of
4 not more than \$500.00.

5 (6) Each limo carrier of passengers shall subscribe to the
6 commercial look-up service maintained by the secretary of state.

7 (7) A person who drives a limousine for hire for a limo
8 carrier of passengers shall maintain a most current copy of all
9 nonpersonal information related to the person's driving record in
10 the limousine available for review by any prospective passenger.

11 (8) A prospective passenger may review a copy of all
12 nonpersonal information related to the driving record of the
13 driver of a limousine from a limo carrier of passengers or from
14 the driver of the limousine.

15 (9) The secretary of state shall not provide an entire
16 computerized central file or other file of records maintained
17 under this act to a nongovernmental person or entity, unless the
18 person or entity pays the prescribed fee for each individual
19 record contained within the computerized file.

20 (10) A driver training school operator who fails to provide
21 the information required to be maintained by this section is
22 subject to a fine of not more than \$500.00. Each failure to
23 provide information constitutes a separate offense.

24 (11) A limo carrier of passengers who fails to provide the
25 information required to be maintained by this section is subject
26 to a fine of not more than \$500.00. Each failure to provide
27 information constitutes a separate offense.

1 (12) The driver of a limousine who fails to provide the
2 information required by this section is subject to a fine of not
3 more than \$500.00. Each failure to provide information
4 constitutes a separate offense.

5 (13) As used in this section:

6 (a) "~~Driver training school operator~~" **EDUCATION PROVIDER**
7 means ~~a person licensed to operate a driver training school under~~
8 ~~part 2 of former 1974 PA 369.~~ **THAT TERM AS DEFINED IN SECTION 5 OF**
9 **THE DRIVER EDUCATION PROVIDER AND INSTRUCTOR ACT, 2006 PA 384,**
10 **MCL 256.625.**

11 (b) "Limo carrier of passengers" and "limousine" mean those
12 terms as defined in section 3 of the limousine transportation
13 act, 1990 PA 271, MCL 257.1903.

14 Sec. 217a. (1) A person who holds an unexpired technician,
15 general, conditional, advanced, or extra class amateur radio
16 license issued by the federal communications commission may make
17 application directly to the secretary of state for a registration
18 plate inscribed with the official amateur radio call letters of
19 the applicant as assigned by the federal communications
20 commission.

21 (2) The applicant shall prove to the satisfaction of the
22 secretary of state that the applicant holds an unexpired amateur
23 radio license. In addition to the regular registration fee, the
24 applicant shall pay a service fee of \$2.00. The \$2.00 fee shall
25 be credited to the transportation administration collection fund
26 created under section 810b through October 1, ~~2011.~~ **2015.** A
27 **REGISTRATION** plate may be issued **UNDER THIS SECTION** for a motor

1 vehicle ~~which~~ **THAT** bears a registration issued pursuant to ~~TAXED~~
2 **UNDER** section 801(1)(a) ~~and~~ **OR** (q).

3 (3) If a **REGISTRATION** plate issued under this section is
4 used on a vehicle other than the vehicle for which the
5 **REGISTRATION** plate was issued, the owner of the **REGISTRATION**
6 plate is guilty of a misdemeanor and the registration plate shall
7 be surrendered to the secretary of state. A holder of a
8 **REGISTRATION** plate whose amateur radio license is not in full
9 force and effect immediately shall surrender the ~~call letter~~
10 **REGISTRATION** plate **ISSUED UNDER THIS SECTION** to the secretary of
11 state and obtain a regular registration plate.

12 (4) An application for a **REGISTRATION** plate issued under
13 this section shall be submitted to the secretary of state
14 ~~pursuant to~~ **UNDER** section 217. The expiration date for plates
15 issued under this section shall be the date determined ~~pursuant~~
16 ~~to~~ **UNDER** section 226.

17 Sec. 232. (1) Upon request, the secretary of state may
18 furnish a list of information from the records of the department
19 maintained under this act to a federal, state, or local
20 governmental agency for use in carrying out the agency's
21 functions, or to a private person or entity acting on behalf of a
22 governmental agency for use in carrying out the agency's
23 functions. The secretary of state may charge the requesting
24 agency a preparation fee to cover the cost of preparing and
25 furnishing a list provided under this subsection if the cost of
26 preparation exceeds \$25.00, and use the revenues received from
27 the service to defray necessary expenses. If the secretary of

1 state sells a list of information under this subsection to a
2 member of the state legislature, the secretary of state shall
3 charge the same fee as the fee for the sale of information under
4 subsection (2) unless the list of information is requested by the
5 member of the legislature to carry out a legislative function.
6 The secretary of state may require the requesting agency to
7 furnish 1 or more blank computer tapes, cartridges, or other
8 electronic media and may require the agency to execute a written
9 memorandum of agreement as a condition of obtaining a list of
10 information under this subsection.

11 (2) The secretary of state may contract for the sale of
12 lists of driver and motor vehicle records and other records
13 maintained under this act in bulk, in addition to those lists
14 distributed at cost or at no cost under this section for purposes
15 permitted by and described in section 208c(3). The secretary of
16 state shall require each purchaser of records in bulk to execute
17 a written purchase contract. The secretary of state shall fix a
18 market-based price for the sale of such lists or other records
19 maintained in bulk, which may include personal information. The
20 proceeds from each sale made under this subsection on and after
21 October 1, 2005 through October 1, ~~2011~~2015 shall be credited to
22 the transportation administration collection fund created in
23 section 810b.

24 (3) The secretary of state or any other state agency shall
25 not sell or furnish any list of information under subsection (2)
26 for the purpose of surveys, marketing, ~~and~~OR solicitations. The
27 secretary of state shall ensure that personal information

1 disclosed in bulk will be used, rented, or sold solely for uses
2 permitted under this act.

3 (4) The secretary of state may insert any safeguard the
4 secretary considers reasonable or necessary, including a bond
5 requirement, in a memorandum of agreement or purchase contract
6 executed under this section, to ensure that the information
7 provided or sold is used only for a permissible purpose and that
8 the rights of individuals and of the department are protected.

9 (5) An authorized recipient of personal information
10 disclosed under this section who resells or rediscloses the
11 information for any of the purposes permitted by and described in
12 section 208c(3) shall do both of the following:

13 (a) Make and keep for a period of not less than 5 years
14 records identifying each person who received personal information
15 from the authorized recipient and the permitted purpose for which
16 it was obtained.

17 (b) Allow a representative of the secretary of state, upon
18 request, to inspect and copy records identifying each person who
19 received personal information from the authorized recipient and
20 the permitted purpose for which it was obtained.

21 (6) The secretary of state shall not disclose a list based
22 on driving behavior or sanctions to a nongovernmental agency,
23 including an individual.

24 Sec. 301. (1) Except as provided in this act, a person shall
25 not drive a motor vehicle upon a highway in this state unless
26 that person has a valid operator's or chauffeur's license with
27 the appropriate group designation and indorsements for the type

1 or class of vehicle being driven or towed. **A RESIDENT OF THIS**
2 **STATE HOLDING A COMMERCIAL DRIVER'S LICENSE GROUP INDORSEMENT**
3 **ISSUED BY ANOTHER STATE SHALL APPLY FOR A LICENSE TRANSFER WITHIN**
4 **30 DAYS AFTER ESTABLISHING DOMICILE IN THIS STATE.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (a) Any combination of 2 convictions within 7 years for
20 reckless driving in violation of section 626 before October 31,
21 2010 or, beginning October 31, 2010, 626(2).

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

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

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

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

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

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

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

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

19 (iii) A violation or attempted violation of former section
20 625b.

21 (d) One conviction for a violation or attempted violation of
22 section 315(5), section 601b(3), section 601c(2), section 602a(4)
23 or (5), section 617, section 625(4) or (5), section 653a(4),
24 section 904(4) or (5), or, beginning October 31, 2010, section
25 626(3) or (4).

26 (e) One conviction of negligent homicide, manslaughter, or
27 murder resulting from the operation of a vehicle or an attempt to

1 commit any of those crimes.

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

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

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

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

19 (iii) A violation or attempted violation of former section
20 625b.

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

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

1 as applicable:

2 (a) The later of the following:

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

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

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

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

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

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

25 (b) To a person less than 21 years of age not licensed under
26 this act who was convicted of or received a juvenile disposition
27 for violating or attempting to violate section 411a(2) of the

1 Michigan penal code, 1931 PA 328, MCL 750.411a, involving a
2 school when he or she was 14 years of age or older, until 3 years
3 after the date of the conviction or juvenile disposition. A
4 person not issued a license under this subdivision is not
5 eligible to begin graduated licensing training or otherwise
6 obtain an original operator's or chauffeur's license until 3
7 years after the date of the conviction or juvenile disposition.

8 (6) The secretary of state shall deny issuance of a vehicle
9 group designation to a person ~~if the~~ **UNDER EITHER OF THE**
10 **FOLLOWING CIRCUMSTANCES:**

11 (A) **THE** person has been disqualified by the United States
12 secretary of transportation from operating a commercial motor
13 vehicle.

14 (B) **BEGINNING ON AND AFTER JANUARY 30, 2012, THE PERSON DOES**
15 **NOT MEET THE REQUIREMENTS OF THE FEDERAL REGULATIONS UNDER PARTS**
16 **383 AND 391 BY REFUSING TO CERTIFY THE TYPE OF COMMERCIAL MOTOR**
17 **VEHICLE OPERATION THE PERSON INTENDS TO PERFORM AND, IF REQUIRED,**
18 **FAILS TO PRESENT TO THE SECRETARY OF STATE A VALID MEDICAL**
19 **CERTIFICATION.**

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

24 (8) As used in this section, "felony in which a motor
25 vehicle was used" means a felony during the commission of which
26 the person operated a motor vehicle and while operating the
27 vehicle presented real or potential harm to persons or property

1 and 1 or more of the following circumstances existed:

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

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

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

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

8 Sec. 306. (1) The secretary of state, upon receiving an
9 application for a temporary instruction permit from a person who
10 is 18 years of age or older, may issue that permit entitling the
11 applicant, while carrying the permit, to drive a motor vehicle
12 other than a motor vehicle requiring an indorsement under section
13 312a or a vehicle group designation under section 312e upon the
14 highways for a period of 180 days when accompanied by a licensed
15 adult operator or chauffeur who is actually occupying a seat
16 beside the driver.

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

22 (3) A student enrolled in a driver education course as that
23 term is defined in section ~~1 of the driver education and training~~
24 ~~schools act, 1974 PA 369, MCL 256.601-3~~ **OF THE DRIVER EDUCATION**
25 **PROVIDER AND INSTRUCTOR ACT, 2006 PA 384, MCL 256.623**, or a
26 motorcycle safety course approved by the department of state may
27 operate a motor vehicle without holding an operator's license or

1 permit while under the direct supervision of the program
2 instructor.

3 (4) A student enrolled in a driver education course as that
4 term is defined in section ~~1 of the driver education and training~~
5 ~~schools act, 1974 PA 369, MCL 256.601-3~~ **OF THE DRIVER EDUCATION**
6 **PROVIDER AND INSTRUCTOR ACT, 2006 PA 384, MCL 256.623**, and who
7 has successfully completed 10 hours of classroom instruction and
8 the equivalent of 2 hours of behind-the-wheel training may be
9 issued a temporary driver education certificate furnished by the
10 department of state that authorizes a student to drive a motor
11 vehicle, other than a motor vehicle requiring an indorsement
12 pursuant to section 312a or a vehicle group designation pursuant
13 to section 312e, when accompanied by a licensed parent or
14 guardian, or when accompanied by a nonlicensed parent or guardian
15 and a licensed adult for the purpose of receiving additional
16 instruction until the end of the student's driver education
17 course.

18 (5) The secretary of state, upon receiving proper
19 application from a person 16 or 17 years of age who is enrolled
20 in or has successfully completed an approved motorcycle safety
21 course under section 811a, or a person who is 18 years of age or
22 older and who holds a valid operator's or chauffeur's license,
23 may issue a motorcycle temporary instruction permit entitling the
24 applicant, while carrying the permit, to operate a motorcycle
25 upon the public streets and highways for a period of 180 days,
26 but only when under the constant visual supervision of a licensed
27 motorcycle operator at least 18 years of age. The applicant shall

1 not operate the motorcycle at night or with a passenger.

2 (6) Except as prohibited under federal law, the secretary of
3 state, upon receiving proper application from a person who is 18
4 years of age or older, who holds a valid operator's or
5 chauffeur's license other than a restricted license, and who has
6 passed the knowledge test for an original vehicle group
7 designation or indorsement, **AND, IF THE PERSON IS APPLYING FOR A**
8 **HAZARDOUS MATERIAL INDORSEMENT, THE PERSON HAS BEEN APPROVED FOR**
9 **THE HAZARDOUS MATERIALS INDORSEMENT BY THE TRANSPORTATION**
10 **SECURITY ADMINISTRATION**, may issue a temporary instruction permit
11 entitling the person, while carrying the permit, to drive a
12 vehicle requiring a vehicle group designation or vehicle group
13 indorsement under section 312e upon the streets and highways for
14 a period of 180 days, but only when accompanied by a licensed
15 adult operator or chauffeur who is licensed with the appropriate
16 vehicle group designation and indorsement for the vehicle group
17 being driven and who is actually occupying a seat beside the
18 driver, or behind the driver if the permittee is driving a bus or
19 school bus. In addition, if a permittee is enrolled in a driver
20 training program for drivers of motor vehicles requiring a
21 vehicle group designation or vehicle group indorsement under
22 section 312e, which program is conducted by a college, a
23 university, a school licensed by the department under the driver
24 education ~~and training schools~~ **PROVIDER AND INSTRUCTOR** act, ~~1974~~
25 ~~PA 369, MCL 256.601 to 256.612~~ **2006 PA 384, MCL 256.621 TO**
26 **256.705**, or a local or intermediate school district, the
27 permittee may drive a vehicle requiring a vehicle group

1 designation or vehicle group indorsement on the streets and
2 highways of this state for a period of 180 days when accompanied
3 by an instructor licensed with the appropriate vehicle group
4 designation and indorsement for the vehicle being driven who is
5 either occupying the seat beside the driver or in direct visual
6 and audio communication with the permittee. A person issued a
7 temporary instruction permit under this section shall not operate
8 a vehicle designed to carry 16 or more passengers that is
9 transporting passengers except with an instructor licensed with
10 the appropriate vehicle group designation and indorsement for the
11 vehicle being driven or a driver skills test examiner.

12 Sec. 307. (1) If an applicant for an operator's license or
13 chauffeur's license is a citizen of the United States, the
14 applicant shall supply a photographic identity document, a birth
15 certificate, or other sufficient documents as the secretary of
16 state may require to verify the identity and citizenship of the
17 applicant. If an applicant for an operator's or chauffeur's
18 license is not a citizen of the United States, the applicant
19 shall supply a photographic identity document and other
20 sufficient documents to verify the identity of the applicant and
21 the applicant's legal presence in the United States under
22 subdivision (b). The documents required under this subsection
23 shall include the applicant's full legal name, date of birth, and
24 address and residency and demonstrate that the applicant is a
25 citizen of the United States or is legally present in the United
26 States. If the applicant's full legal name differs from the name
27 of the applicant that appears on a document presented under this

1 subsection, the applicant shall present documents to verify his
2 or her current full legal name. An application for an operator's
3 or chauffeur's license shall be made in a manner prescribed by
4 the secretary of state and shall contain all of the following:

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

13 (b) If the applicant is not a citizen of the United States,
14 the applicant shall provide, **AND THE DEPARTMENT SHALL VERIFY,**
15 documents demonstrating his or her legal presence in the United
16 States. ~~A person legally present in the United States includes,~~
17 ~~but is not limited to, a person authorized by the United States~~
18 ~~government for employment in the United States, a person with~~
19 ~~nonimmigrant status authorized under federal law, and a person~~
20 ~~who is the beneficiary of an approved immigrant visa petition or~~
21 ~~an approved labor certification. **NOTHING IN THIS ACT SHALL**~~
22 **OBLIGATE OR BE CONSTRUED TO OBLIGATE THIS STATE TO COMPLY WITH**
23 **TITLE II OF THE REAL ID ACT OF 2005, PUBLIC LAW 109-13.** The
24 secretary of state shall ~~shall~~ **MAY** adopt rules under the administrative
25 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, as are
26 necessary for the administration of this subdivision. A
27 determination by the secretary of state that an applicant is not

1 legally present in the United States may be appealed under
2 section 631 of the revised judicature act of 1961, 1961 PA 236,
3 MCL 600.631.

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

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

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

1 (e) 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~~**PARTS 383 AND** 391 if
6 the applicant operates or intends to operate in interstate
7 commerce or meets the applicable qualifications of the department
8 of state police under the motor carrier safety act of 1963, 1963
9 PA 181, MCL 480.11 to 480.25, if the applicant operates or
10 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 (f) 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) An applicant for an operator's or chauffeur's license
25 may have his or her image and signature captured or reproduced
26 when the application for the license is made. The secretary of
27 state shall acquire equipment purchased or leased under this

1 section under standard purchasing procedures of the department of
2 management and budget based on standards and specifications
3 established by the secretary of state. The secretary of state
4 shall not purchase or lease equipment until an appropriation for
5 the equipment has been made by the legislature. A digital
6 photographic image and signature captured under this section
7 shall appear on the applicant's operator's license or chauffeur's
8 license. A person's digital photographic image shall be used as
9 follows:

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

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

14 (c) By the secretary of state for forwarding to the
15 department of state police the images ~~to~~**OF** persons required to
16 be registered under the sex offenders registration act, 1994 PA
17 295, MCL 28.721 to 28.736, upon the department of state police
18 providing the secretary of state an updated list of the names of
19 those persons.

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

22 (3) An application shall contain a signature or verification
23 and certification by the applicant, as determined by the
24 secretary of state, and shall be accompanied by the proper fee.
25 The secretary of state shall collect the application fee with the
26 application. The secretary of state shall refund the application
27 fee to the applicant if the license applied for is denied, but

1 shall not refund the fee to an applicant who fails to complete
2 the examination requirements of the secretary of state within 90
3 days after the date of application for a license.

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

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

8 (i) Information explaining the applicant's right to make an
9 anatomical gift in the event of death in accordance with section
10 310.

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

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

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

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

1 for the donor registry.

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

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

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

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

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

17 (6) The secretary of state shall maintain a record of an
18 individual who indicates a willingness to have his or her name
19 placed on the donor registry described in subsection (4)(a)(ii).
20 Information about an applicant's indication of a willingness to
21 have his or her name placed on the donor registry that is
22 obtained by the secretary of state under subsection (4) and
23 forwarded under subsection (14) is exempt from disclosure under
24 section 13(1)(d) of the freedom of information act, 1976 PA 442,
25 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 or until the person is no longer
6 determined to be legally present under **THIS** section ~~307~~ by mail
7 or by other methods prescribed by the secretary of state. The
8 secretary of state may check the applicant's driving record
9 through the national driver register and the commercial driver
10 license information system before issuing a license under this
11 section. The secretary of state shall issue a renewal license
12 only in person if the person is a person required under section
13 5a of the sex offenders registration act, 1994 PA 295, MCL
14 28.725a, to maintain a valid operator's or chauffeur's license or
15 official state personal identification card. If a license is
16 renewed by mail or by other method, the secretary of state shall
17 issue evidence of renewal to indicate the date the license
18 expires in the future. The department of state police shall
19 provide to the secretary of state updated lists of persons
20 required under section 5a of the sex offenders registration act,
21 1994 PA 295, MCL 28.725a, to maintain a valid operator's or
22 chauffeur's license or official state personal identification
23 card.

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

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

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

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

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

12 (d) With the department of community health, for comparison
13 with vital records maintained by the department of community
14 health under part 28 of the public health code, 1978 PA 368, MCL
15 333.2801 to 333.2899.

16 (e) As otherwise required by law.

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

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

24 (14) As required in section 10120 of the public health code,
25 1978 PA 368, MCL 333.10120, the secretary of state shall maintain
26 the donor registry in a manner that provides electronic access,
27 including, but not limited to, the transfer of data to this

1 state's federally designated organ procurement organization or
2 its successor organization, tissue banks, and eye banks, in a
3 manner that complies with that section.

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

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

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

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

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

1 manufactured or produced in this state.

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

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

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

10 (b) Date of birth.

11 (c) Height and sex.

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

14 (e) ~~The~~ **IN ACCORDANCE WITH FEDERAL REGULATIONS, THE** vehicle
15 group designation and any indorsement **OR RESTRICTION** of a
16 commercial motor vehicle the licensee is authorized to operate.

17 (f) The name of this state.

18 (g) The expiration date of the license.

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

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

27 Unless an indorsement or the removal of restrictions is required,

1 a person licensed to operate a group A vehicle may operate a
2 group B or C vehicle without taking another test.

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

10 (c) A person, before operating a single vehicle ~~having a~~
11 ~~gross vehicle weight rating under 26,001 pounds or a vehicle~~
12 ~~having a gross vehicle weight rating under 26,001 pounds towing a~~
13 ~~trailer or other vehicle and carrying hazardous materials on~~
14 ~~which a placard is required under 49 CFR parts 100 to 199, or~~
15 ~~designed to transport 16 or more passengers including the driver,~~
16 **OR A COMBINATION OF VEHICLES THAT FITS THE DEFINITION OF SMALL**
17 **VEHICLE (GROUP C) UNDER 49 CFR 383.91(A)(3)** shall procure a group
18 C vehicle designation and a hazardous material or passenger
19 vehicle indorsement on his or her operator's or chauffeur's
20 license.

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

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

27 (4) Except as provided in this subsection, all of the

1 following apply:

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

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

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

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

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

27 (b) A person, before operating a commercial motor vehicle

1 that is a tank vehicle, shall procure the appropriate vehicle
2 group designation and an N vehicle indorsement under this act.

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

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

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

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

1 school bus.

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

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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 (6) ~~(7)~~—An applicant for an indorsement shall take the
 20 knowledge and driving skills tests described and required under
 21 49 CFR part 383.

22 (7) ~~(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 [
 27] and an indorsement fee of

1 \$5.00 per indorsement, and a corrected license fee of \$18.00. A
2 person required to procure an F vehicle indorsement under
3 subsection ~~(10)~~-(9) shall pay an indorsement fee of \$5.00.

4 (8) ~~(9)~~—Except as otherwise provided in subsections ~~(10)~~-(9)
5 and ~~(11)~~-(10), this section does not apply to a driver or
6 operator of a vehicle under all of the following conditions:

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

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

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

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

15 (9) ~~(10)~~—A person, before driving or operating a combination
16 of vehicles having a gross vehicle weight rating of 26,001 pounds
17 or more on the power unit that is used as described in subsection
18 ~~(9)(a)~~-(8) (A) to (d), shall obtain an F vehicle indorsement. The
19 F vehicle indorsement shall be issued upon successful completion
20 of a knowledge test only.

21 (10) ~~(11)~~—A person, before driving or operating a single
22 vehicle truck having a gross vehicle weight rating of 26,001
23 pounds or more or a combination of vehicles having a gross
24 vehicle weight rating of 26,001 pounds or more on the power unit
25 that is used as described in subsection ~~(9)(a)~~-(8) (A) to (d) for
26 carrying hazardous materials on which a placard is required under
27 49 CFR parts 100 to 199, shall successfully complete both a

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1 knowledge test and a driving skills test. Upon successful
 2 completion of the knowledge test and driving skills test, the
 3 person shall be issued the appropriate vehicle group designation
 4 and any vehicle indorsement necessary under this act.

5 (11) ~~(12)~~—This section does not apply to a police officer
 6 operating an authorized emergency vehicle or to a firefighter
 7 operating an authorized emergency vehicle who has met the driver
 8 training standards published under the ~~fire fighters~~ **FIREFIGHTERS**
 9 training council act of 1966, 1966 PA 291, MCL 29.361 to 29.377.

10 (12) ~~(13)~~—This section does not apply to a person operating
 11 a vehicle used exclusively to transport personal possessions or
 12 family members for nonbusiness purposes.

13 (13) ~~(14)~~—The money collected under subsection ~~(8)~~ **(7)** for a
 14 vehicle group designation or indorsement shall be deposited in
 15 the state treasury to the credit of the general fund. The
 16 secretary of state shall refund out of the fees collected to each
 17 county or municipality acting as an examining officer or
 18 examining bureau \$3.00 for each applicant examined for a first
 19 designation or indorsement to an operator's or chauffeur's
 20 license and \$1.50 for each renewal designation or indorsement to
 21 an operator's or chauffeur's license, whose application is not
 22 denied, on the condition that the money refunded shall be paid to
 23 the county or local treasurer and is appropriated to the county,
 24 municipality, or officer or bureau receiving that money for the
 25 purpose of carrying out this act. [

26

27]

1 (14) ~~(15)~~ Notwithstanding any other provision of this
2 section, a person operating a vehicle described in subsections
3 (8) **AND** (9) ~~and (10)~~ is subject to the provisions of sections 303
4 and 319b.

5 (15) ~~(16)~~ This state shall comply with the requirements of
6 the American association of motor vehicle administrators'
7 AAMVANet, incorporated's "Commercial Driver License Information
8 System (CDLIS) State Procedures Manual" that the secretary of
9 state determines are required for implementing and enforcing
10 federal law.

11 Sec. 312f. (1) Except as otherwise provided in this section,
12 a person shall be not less than 18 years of age before he or she
13 is issued a vehicle group designation or indorsement, other than
14 a motorcycle indorsement, or not less than 21 years of age **AND**
15 **HAS BEEN APPROVED BY THE TRANSPORTATION SECURITY ADMINISTRATION**
16 **FOR A HAZARDOUS MATERIAL ENDORSEMENT** before he or she is issued a
17 hazardous material indorsement on an operator's or chauffeur's
18 license and, as provided in this section, the person shall pass
19 knowledge and driving skills tests that comply with minimum
20 federal standards prescribed in 49 CFR part 383. A person who is
21 18 years of age or older operating a vehicle to be used for
22 farming purposes only may obtain an A or B vehicle group
23 designation or an F vehicle indorsement. Each written examination
24 given an applicant for a vehicle group designation or indorsement
25 shall include subjects designed to cover the type or general
26 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)~~ **312E(8)(A)** to (d)
8 unless the vehicle has a gross vehicle weight rating of 26,001
9 pounds or more on the power unit and is to be used to carry
10 hazardous materials on which a placard is required under 49 CFR
11 parts 100 to 199. The driving skills test may be waived if the
12 applicant 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 the requirements of 49 CFR 383.77.

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

1 of issuance in a 12-month period.

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

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

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

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

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

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

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

19 (3) A seasonal restricted vehicle group designation under
20 this section shall be issued, suspended, revoked, canceled,
21 denied, or renewed in accordance with this act.

22 (4) The secretary of state may enter into an agreement with
23 another public or private corporation or agency to conduct a
24 driving skills test required under this section, section 312e, or
25 49 CFR part 383. Before the secretary of state authorizes a
26 person to administer a corporation's or agency's driver skills
27 testing operations or authorizes an examiner to conduct a driving

1 skills test, that person or examiner must complete both a state
2 and federal bureau of investigation fingerprint based criminal
3 history check through the department of state police.

4 (5) The secretary of state shall not issue a vehicle group
5 designation or a vehicle indorsement to an applicant for an
6 original vehicle group designation or vehicle indorsement under
7 section 312e **OR MAY CANCEL ALL VEHICLE GROUP DESIGNATIONS OR**
8 **ENDORSEMENTS ON A PERSON'S OPERATOR'S OR CHAUFFEUR'S LICENSE** to
9 whom 1 or more of the following apply:

10 (a) The applicant has had his or her license suspended or
11 revoked for a reason other than as provided in section 321a, 515,
12 **732A**, or 801c **OR SECTION 30 OF THE SUPPORT AND PARENTING TIME**
13 **ENFORCEMENT ACT, 1982 PA 295, MCL 552.630**, in the 36 months
14 immediately preceding application. ~~except that~~ **HOWEVER**, a
15 vehicle group designation may be issued if the suspension or
16 revocation was due to a temporary medical condition or failure to
17 appear at a reexamination as provided in section 320.

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

27 (c) The applicant is listed on the national driver register,

1 the commercial driver license information system, or the driving
2 records of the state in which the applicant was previously
3 licensed as being disqualified from operating a commercial motor
4 vehicle or as having a license or driving privilege suspended,
5 revoked, canceled, or denied.

6 (d) The applicant is listed on the national driver register,
7 the commercial driver license information system, or the driving
8 records of the state in which the applicant was previously
9 licensed as having had a license suspended, revoked, or canceled
10 in the 36 months immediately preceding application if a
11 suspension or revocation would have been imposed under this act
12 had the applicant been licensed in this state in the original
13 instance. This subdivision does not apply to a suspension or
14 revocation that would have been imposed due to a temporary
15 medical condition or pursuant to section 321a, 515, **732A**, or 801c
16 **OR SECTION 30 OF THE SUPPORT AND PARENTING TIME ENFORCEMENT ACT,**
17 **1982 PA 295, MCL 552.630.**

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

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

27 (g) The United States secretary of transportation has

1 disqualified the applicant from operating a commercial motor
2 vehicle.

3 **(H) THE APPLICANT FAILS TO SATISFY THE FEDERAL REGULATIONS**
4 **PROMULGATED UNDER 49 CFR PARTS 383 AND 391 BY REFUSING TO CERTIFY**
5 **THE TYPE OF COMMERCIAL MOTOR VEHICLE OPERATION THE APPLICANT**
6 **INTENDS TO PERFORM AND FAILS TO PRESENT VALID MEDICAL**
7 **CERTIFICATION TO THE SECRETARY OF STATE IF REQUIRED TO DO SO.**

8 **(I) THE APPLICANT HAS BEEN DISQUALIFIED FROM OPERATING A**
9 **COMMERCIAL MOTOR VEHICLE DUE TO FRAUDULENT TESTING.**

10 (6) The secretary of state shall not renew or upgrade a
11 vehicle group designation if ~~the~~ **1 OR MORE OF THE FOLLOWING**
12 **CONDITIONS EXIST:**

13 **(A) THE** United States secretary of transportation has
14 disqualified the applicant from operating a commercial motor
15 vehicle. ~~or the~~

16 **(B) THE** applicant is listed on the national driver register
17 or the commercial driver license information system as being
18 disqualified from operating a commercial motor vehicle or as
19 having a driver license or driving privilege suspended, revoked,
20 canceled, or denied.

21 **(C) ON OR AFTER JANUARY 30, 2012, THE APPLICANT FAILS TO**
22 **MEET THE REQUIREMENTS OF 49 CFR PARTS 383 AND 391 BY REFUSING TO**
23 **CERTIFY THE TYPE OF COMMERCIAL MOTOR VEHICLE OPERATION THE**
24 **APPLICANT INTENDS TO PERFORM AND FAILS TO PRESENT MEDICAL**
25 **CERTIFICATION TO THE SECRETARY OF STATE IF REQUIRED TO DO SO.**

26 (7) The secretary of state shall only consider bond
27 forfeitures under subsection (5)(b) for violations that occurred

1 on or after January 1, 1990 when determining the applicability of
2 subsection (5).

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

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

18 (10) The secretary of state shall cancel all vehicle group
19 designations on the person's operator's or chauffeur's license
20 upon receiving proper notice that the person no longer meets the
21 federal driver qualification requirements under 49 CFR ~~part~~**PARTS**
22 **383 AND** 391 to operate a commercial motor vehicle in interstate
23 **OR INTRASTATE** commerce, or the person no longer meets the driver
24 qualification requirements to operate a commercial motor vehicle
25 in intrastate commerce under the motor carrier safety act of
26 1963, 1963 PA 181, MCL 480.11 to 480.25.

27 (11) Subsection (5)(a), (b), (d), and (f) do not apply to an

1 applicant for an original vehicle group designation who at the
2 time of application has a valid license to operate a commercial
3 motor vehicle issued by any state in compliance with 49 USC 31301
4 to 31317.

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

8 Sec. 312h. (1) A person who is issued an original
9 chauffeur's license as described in section 314(3), upon payment
10 of a ~~fee of \$25.00 for a~~ vehicle group designation **FEE AS**
11 **PROVIDED UNDER SECTION 312E(7)** and \$5.00 for each indorsement in
12 addition to any other chauffeur's license fees and compliance
13 with section 312f, may be issued a vehicle group designation and
14 indorsement for the same period.

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

26 Sec. 314. (1) Except as otherwise provided in this section,
27 operator's licenses and chauffeur's licenses expire on the

1 birthday of the person to whom the license is issued in the
2 fourth year following the date of the issuance of the license or
3 on the date the person is no longer considered to be legally
4 present in the United States under section 307, whichever is
5 earlier, unless suspended or revoked before that date. A license
6 shall not be issued for a period longer than 4 years. A person
7 holding a license at any time 12 months before the expiration of
8 his or her license may apply for a new license as provided for in
9 this chapter. A knowledge test for an original group designation
10 or indorsement may be taken at any time during this period and
11 the results are valid for 12 months. A license renewed under this
12 subsection shall be renewed for the time remaining on the license
13 before its renewal combined with the 4-year renewal period.

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

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

1 no longer considered to be legally present in the United States
2 under section 307, whichever is earlier, unless suspended or
3 revoked. A subsequent chauffeur's license expires on the birthday
4 of the person to whom the license is issued in the fourth year
5 following the date of issuance of the license or on the date the
6 person is no longer considered to be legally present in the
7 United States under section 307, whichever is earlier, unless the
8 license is suspended or revoked before that date.

9 (4) A person may apply for an extension of his or her
10 driving privileges if he or she is out of state on the date that
11 his or her operator's or chauffeur's license expires. The
12 extension may extend the license for 180 days beyond the
13 expiration date or not more than 2 weeks after the applicant
14 returns to Michigan, whichever occurs first. **THIS SUBSECTION DOES**
15 **NOT APPLY TO A PERSON WHO FAILS TO MEET THE REQUIREMENTS OF 49**
16 **CFR PARTS 383 AND 391 WITH REGARD TO MEDICAL CERTIFICATION**
17 **DOCUMENTATION REQUIREMENTS.**

18 (5) ~~Except for an operator's or chauffeur's license with a~~
19 ~~hazardous material indorsement, the~~ **THE** secretary of state may
20 issue a renewal operator's or chauffeur's license to a person who
21 will be out of state for more than 180 days beyond the expiration
22 date of his or her operator's or chauffeur's license, if the
23 secretary of state has a digital image of the person on file. The
24 applicant for this renewal shall submit a statement evidencing a
25 vision examination in accordance with the rules promulgated by
26 the secretary of state under section 309 and any other statement
27 required by this act or federal law. A person is not eligible for

1 consecutive renewals of a license under this subsection. **THIS**
2 **SUBSECTION DOES NOT APPLY TO A PERSON WHO FAILS TO MEET THE**
3 **REQUIREMENTS OF 49 CFR PARTS 383 AND 391 WITH REGARD TO MEDICAL**
4 **CERTIFICATION DOCUMENTATION REQUIREMENTS, OR A PERSON WITH A**
5 **HAZARDOUS MATERIAL INDORSEMENT ON HIS OR HER OPERATOR'S OR**
6 **CHAUFFEUR'S LICENSE.**

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

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

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

4 (i) Two serious traffic violations arising from separate
5 incidents within 36 months.

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

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

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

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

15 (vi) A violation of motor carrier safety regulations 49 CFR
16 392.10 or 392.11 while operating a commercial motor vehicle other
17 than a vehicle covered under subparagraph (iii), (iv), or (v).

18 (b) Suspension for 120 days, **TO BE SERVED CONSECUTIVELY WITH**
19 **A 60-DAY SUSPENSION IMPOSED UNDER SUBSECTION (1) (A) (i)**, if the
20 person is convicted of or found responsible for 1 of the
21 following arising from separate incidents within 36 months while
22 operating a commercial motor vehicle:

23 (i) Three serious traffic violations.

24 (ii) Any combination of 2 violations described in subdivision
25 (a) (ii).

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

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

5 (ii) Leaving the scene of an accident involving a commercial
6 or noncommercial motor vehicle operated by the person.

7 (iii) Except for a felony described in 49 CFR 383.51(b)(9), a
8 felony in which a commercial or noncommercial motor vehicle was
9 used.

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

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

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

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

27 (viii) Any combination of 3 violations described in

1 subdivision (a) (ii) arising from separate incidents within 36
2 months while operating a commercial motor vehicle.

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

8 (e) Revocation for life, but with eligibility for reissue of
9 a group vehicle designation after not less than 10 years and
10 after approval by the secretary of state, if the person is
11 convicted of or found responsible for 2 violations or a
12 combination of any 2 violations arising from 2 or more separate
13 incidents involving any of the following:

14 (i) Section 625(1), (3), (4), (5), (6), (7), or (8), section
15 625m, or former section 625(1) or (2), or former section 625b,
16 while operating a commercial or noncommercial motor vehicle.

17 (ii) Leaving the scene of an accident involving a commercial
18 or noncommercial motor vehicle operated by the licensee.

19 (iii) Except for a felony described in 49 CFR 383.51(b) (9), a
20 felony in which a commercial or noncommercial motor vehicle was
21 used.

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

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

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

10 (vii) Six-point violations as provided in section 320a while
11 operating a commercial motor vehicle.

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

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

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

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

23 (2) The secretary of state shall immediately deny, cancel,
24 or revoke a hazardous material indorsement on the operator's or
25 chauffeur's license of a person with a vehicle group designation
26 upon receiving notice from a federal government agency that the
27 person poses a security risk warranting denial, cancellation, or

1 revocation under the uniting and strengthening America by
2 providing appropriate tools required to intercept and obstruct
3 terrorism (USA PATRIOT ACT) act of 2001, Public Law 107-56. The
4 denial, cancellation, or revocation cannot be appealed under
5 section 322 or 323 and remains in effect until the secretary of
6 state receives a federal government notice that the person does
7 not pose a security risk in the transportation of hazardous
8 materials.

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

22 (a) Suspension for ~~90~~**180** days if the person is convicted of
23 or found responsible for a violation of section 319d(4) or 319f
24 while operating a commercial motor vehicle.

25 (b) Suspension for 180 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 that is either

1 carrying hazardous material required to have a placard under 49
2 CFR parts 100 to 199 or designed to carry 16 or more passengers,
3 including the driver.

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

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

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

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

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

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

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

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

24 (b) Refusing to submit to a chemical test of his or her
25 blood, breath, or urine for the purpose of determining the amount
26 of alcohol or the presence of a controlled substance or both in
27 the person's blood, breath, or urine as required by a law or

1 local ordinance of this or another state.

2 (c) Leaving the scene of an accident.

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

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

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

10 (10) As used in this section:

11 (a) "Felony in which a commercial motor vehicle was used"
12 means a felony during the commission of which the person
13 convicted operated a commercial motor vehicle and while the
14 person was operating the vehicle 1 or more of the following
15 circumstances existed:

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

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

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

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

22 (b) "Serious traffic violation" means any of the following:

23 (i) A traffic violation that occurs in connection with an
24 accident in which a person died.

25 (ii) ~~Careless~~ **RECKLESS** driving.

26 (iii) Excessive speeding as defined in regulations promulgated
27 under 49 USC 31301 to 31317.

1 (iv) Improper lane use.

2 (v) Following too closely.

3 (vi) ~~Effective October 1, 2005, driving~~ **OPERATING** a
4 commercial motor vehicle without obtaining any vehicle group
5 designation on the person's license.

6 (vii) ~~Effective October 1, 2005, driving~~ **OPERATING** a
7 commercial motor vehicle without either having an operator's or
8 chauffeur's license in the person's possession or providing proof
9 to the court, not later than the date by which the person must
10 appear in court or pay a fine for the violation, that the person
11 held a valid vehicle group designation and indorsement on the
12 date that the citation was issued.

13 (viii) ~~Effective October 1, 2005, driving~~ **OPERATING** a
14 commercial motor vehicle while in possession of an operator's or
15 chauffeur's license that has a vehicle group designation but does
16 not have the appropriate vehicle group designation or indorsement
17 required for the specific vehicle group being operated or the
18 passengers or type of cargo being transported.

19 (ix) **BEGINNING OCTOBER 28, 2013, A VIOLATION OF SECTION**
20 **602B(2).**

21 (x) ~~(ix)~~ Any other serious traffic violation as defined in 49
22 CFR 383.5 or as prescribed under this act.

23 Sec. 319d. (1) A person, whether licensed or not, shall not
24 operate a commercial motor vehicle within this state with an
25 alcohol content of 0.015 grams or more per 100 milliliters of
26 blood, per 210 liters of breath, or per 67 milliliters of urine.

27 (2) A peace officer who has reasonable cause to believe that

1 a person was operating a commercial motor vehicle within the
2 state with an alcohol content of 0.015 grams or more per 100
3 milliliters of blood, per 210 liters of breath, or per 67
4 milliliters of urine, as measured by a preliminary chemical
5 breath analysis or a chemical test provided under section 625a,
6 shall order the person out-of-service immediately for 24 hours,
7 which shall begin upon issuance of the order.

8 (3) A peace officer shall immediately order a person who
9 refuses to submit to a preliminary chemical breath analysis
10 requested or a chemical test provided under section 625a out-of-
11 service for 24 hours, which shall begin when the order is issued.

12 (4) A person ordered out-of-service ~~under this section, a~~
13 ~~local ordinance substantially corresponding to this section, or a~~
14 ~~law or local ordinance of another state substantially~~
15 ~~corresponding to~~ **AS DESCRIBED IN** this section shall not operate a
16 commercial motor vehicle within this state during the 24-hour
17 out-of-service period.

18 (5) A peace officer who issues an out-of-service order under
19 this section shall provide for the safe and expeditious
20 disposition of a product carried by a commercial motor vehicle
21 that is hazardous or would result in damage to the vehicle, human
22 health, or the environment.

23 (6) Failure to comply with subsection (1) is not a civil
24 infraction or criminal violation of this act.

25 (7) A person who violates subsection (4) is guilty of a
26 misdemeanor punishable by imprisonment for not more than 90 days
27 or a fine of not more than \$100.00, or both.

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

3 (2) Except as otherwise provided in this subsection, the
4 secretary of state shall immediately suspend all vehicle group
5 designations on the operator's or chauffeur's license of a person
6 convicted of violating a driver out-of-service or vehicle out-of-
7 service order as follows:

8 ~~—— (a) If the violation occurred while the person was
9 transporting nonhazardous material, the vehicle group~~

10 ~~designations shall be suspended as follows:~~

11 ~~—— (i) Except as provided in subparagraphs (ii) and (iii),
12 suspension for not less than 90 days or more than 1 year.~~

13 ~~—— (ii) If the violation is the person's second violation within
14 a 10-year period, suspension for not less than 1 year or more
15 than 5 years.~~

16 ~~—— (iii) If the violation is the person's third or subsequent
17 violation within a 10-year period, suspension for not less than 3
18 years or more than 5 years.~~

19 ~~—— (b) If the violation occurred while the person was
20 transporting hazardous materials required to be placarded under
21 49 CFR parts 100 to 199 or while operating a vehicle designed to
22 transport 16 or more passengers, including the driver, the
23 vehicle group designations shall be suspended as follows:~~

24 ~~—— (i) Except as otherwise provided in subparagraph (ii),
25 suspension for not less than 180 days or more than 2 years.~~

26 ~~—— (ii) For a second or subsequent violation within a 10-year
27 period, suspension for not less than 3 years or more than 5 years~~

1 **REQUIRED UNDER 49 CFR 383.51.**

2 (3) A person who violates an out-of-service order shall be
3 ordered to pay a civil fine ~~of not less than \$1,100.00 or more~~
4 ~~than \$2,750.00~~ **AS REQUIRED UNDER SECTION 907.**

5 (4) As used in this section, +

6 ~~—— (a) "Out of service order" means a declaration by an~~
7 ~~authorized enforcement officer that a driver of a commercial~~
8 ~~motor vehicle as defined in subdivision (b), or a motor carrier~~
9 ~~operation, is out of service pursuant to 49 CFR 386.72, 392.5,~~
10 ~~395.13, or 396.9, or the North American uniform out of service~~
11 ~~criteria, or a law or local ordinance of a state, the United~~
12 ~~States, Canada, Mexico, or a local jurisdiction thereof,~~
13 ~~substantially corresponding to 49 CFR 386.72, 392.5, 395.13, or~~
14 ~~396.9, or the North American uniform out of service criteria.~~

15 ~~—— (b) "Commercial"~~ **COMMERCIAL** motor vehicle" means that term
16 as defined in section 7a and any motor vehicle having a GVWR or
17 GCWR of 10,001 pounds or more.

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

21 (a) Section 667, 668, 669, 669a, or 670 or a federal, state,
22 or local law or regulation pertaining to railroad-highway grade
23 crossings.

24 (b) Motor carrier safety regulations 49 CFR 392.10 or
25 392.11, as adopted by section 1a of the motor carrier safety act
26 of 1963, 1963 PA 181, MCL 480.11a.

27 (c) Section 57 of the pupil transportation act, 1990 PA 187,

1 MCL 257.1857.

2 (d) Motor carrier safety regulations 49 CFR 392.10 or
3 392.11, as adopted by section 31 of the motor bus transportation
4 act, 1982 PA 432, MCL 474.131.

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

8 (f) Transportation security regulations 49 CFR parts 1570
9 and 1572 or motor carrier safety regulations 49 CFR parts 383 and
10 384 that regulate who may operate a commercial motor vehicle that
11 is used to transport hazardous material.

12 (g) ~~An~~ **A FEDERAL REGULATION OR STATE LAW OR LOCAL ORDINANCE**
13 **PERTAINING TO AN** out-of-service order.

14 (2) Except as otherwise provided ~~in subdivisions (a) and (b)~~
15 **FOR VIOLATIONS LISTED UNDER SUBSECTION (1) (A) AND (G)**, a person
16 who violates this section is responsible for a civil infraction +
17 **AND SHALL BE ORDERED TO PAY A CIVIL FINE UNDER SECTION 907.**

18 ~~— (a) An employer who violates subsection (1)(a) is~~
19 ~~responsible for a civil infraction and liable to pay a civil fine~~
20 ~~of not more than \$10,000.00.~~

21 ~~— (b) An employer who violates subsection (1)(g) is~~
22 ~~responsible for a civil infraction and liable to pay a civil fine~~
23 ~~of not less than \$2,750.00 or more than \$11,000.00.~~

24 ~~— (3) As used in this section, "out of service order" means a~~
25 ~~declaration by an authorized enforcement officer that a driver of~~
26 ~~a commercial motor vehicle or a motor carrier operation is out-~~
27 ~~of service pursuant to 49 CFR 386.72, 392.5, 395.13, or 396.9, or~~

1 ~~the North American uniform out of service criteria, or a law or~~
2 ~~local ordinance of a state, the United States, Canada, Mexico, or~~
3 ~~a local jurisdiction thereof substantially corresponding to 49~~
4 ~~CFR 386.72, 392.5, 395.13, or 396.9, or the North American~~
5 ~~uniform out of service criteria.~~

6 Sec. 320a. (1) ~~The~~ **WITHIN 5 DAYS AFTER RECEIPT OF A PROPERLY**
7 **PREPARED ABSTRACT FROM A COURT OF THIS STATE OR ANOTHER STATE,**
8 **THE** secretary of state shall record the date of conviction, civil
9 infraction determination, or probate court disposition, and the
10 number of points for each, based on the following formula, except
11 as otherwise provided in this section and section 629c:

12 (a) Manslaughter, negligent homicide, or a
13 felony resulting from the operation of a motor
14 vehicle, ORV, or snowmobile.....6 points

15 (b) A violation of section 601b(2) or (3),
16 601c(1) or (2), or 653a(3) or (4) or, beginning
17 October 31, 2010, a violation of section 601d.....6 points

18 (c) A violation of section 625(1), (4), (5),
19 (7), or (8), section 81134 or 82127(1) of the
20 natural resources and environmental protection act,
21 1994 PA 451, MCL 324.81134 and 324.82127, or a law or
22 ordinance substantially corresponding to section
23 625(1), (4), (5), (7), or (8), or section 81134
24 or 82127(1) of the natural resources and
25 environmental protection act, 1994 PA 451,
26 MCL 324.81134 and 324.82127.....6 points

27 (d) Failing to stop and disclose identity
28 at the scene of an accident when required by law.....6 points

29 (e) Operating a motor vehicle in violation

- 1 of section 626.....6 points
- 2 (f) Fleeing or eluding an officer.....6 points
- 3 (g) A violation of section 627(9) pertaining
- 4 to speed in a work zone described in that section
- 5 by exceeding the lawful maximum by more than
- 6 15 miles per hour.....5 points
- 7 (h) A violation of any law other than the
- 8 law described in subdivision (g) or ordinance
- 9 pertaining to speed by exceeding the lawful
- 10 maximum by more than 15 miles per hour.....4 points
- 11 (i) A violation of section 625(3) or (6),
- 12 section 81135 or 82127(3) of the natural
- 13 resources and environmental protection act,
- 14 1994 PA 451, MCL 324.81135 and 324.82127,
- 15 or a law or ordinance substantially corresponding
- 16 to section 625(3) or (6) or section 81135
- 17 or 82127(3) of the natural resources and
- 18 environmental protection act, 1994 PA 451,
- 19 MCL 324.81135 and 324.82127.....4 points
- 20 (j) A violation of section 626a or a law
- 21 or ordinance substantially corresponding to
- 22 section 626a.....4 points
- 23 (k) A violation of section 653a(2).....4 points
- 24 (l) A violation of section 627(9) pertaining
- 25 to speed in a work zone described in that section
- 26 by exceeding the lawful maximum by more than 10
- 27 but not more than 15 miles per hour.....4 points
- 28 (m) Beginning October 31, 2010, a
- 29 moving violation resulting in an at-fault
- 30 collision with another vehicle, a person,
- 31 or any other object.....4 points

1 (n) A violation of any law other than the
2 law described in subdivision (l) or ordinance
3 pertaining to speed by exceeding the lawful
4 maximum by more than 10 but not more than 15
5 miles per hour or careless driving in violation
6 of section 626b or a law or ordinance substantially
7 corresponding to section 626b.....3 points

8 (o) A violation of section 627(9) pertaining
9 to speed in a work zone described in that section
10 by exceeding the lawful maximum by 10 miles per
11 hour or less.....3 points

12 (p) A violation of any law other than the law
13 described in subdivision (o) or ordinance
14 pertaining to speed by exceeding the lawful maximum
15 by 10 miles per hour or less.....2 points

16 (q) Disobeying a traffic signal or stop sign,
17 or improper passing.....3 points

18 (r) A violation of section 624a, 624b, or
19 a law or ordinance substantially corresponding to
20 section 624a or 624b.....2 points

21 (s) A violation of section 310e(4) or (6) or
22 a law or ordinance substantially corresponding to
23 section 310e(4) or (6).....2 points

24 (t) All other moving violations pertaining to
25 the operation of motor vehicles reported under
26 this section.....2 points

27 (u) A refusal by a person less than 21 years of
28 age to submit to a preliminary breath test required
29 by a peace officer under section 625a.....2 points

30 (2) Points shall not be entered for a violation of section

1 310e(14), 311, ~~602b~~**602B(1)**, 625m, 658, **710D**, 717, 719, 719a, or
2 723.

3 (3) Points shall not be entered for bond forfeitures.

4 (4) Points shall not be entered for overweight loads or for
5 defective equipment.

6 (5) If more than 1 conviction, civil infraction
7 determination, or probate court disposition results from the same
8 incident, points shall be entered only for the violation that
9 receives the highest number of points under this section.

10 (6) If a person has accumulated 9 points as provided in this
11 section, the secretary of state may call the person in for an
12 interview as to the person's driving ability and record after due
13 notice as to time and place of the interview. If the person fails
14 to appear as provided in this subsection, the secretary of state
15 shall add 3 points to the person's record.

16 (7) If a person violates a speed restriction established by
17 an executive order issued during a state of energy emergency as
18 provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of
19 state shall enter points for the violation pursuant to subsection
20 (1).

21 (8) The secretary of state shall enter 6 points upon the
22 record of a person whose license is suspended or denied pursuant
23 to section 625f. However, if a conviction, civil infraction
24 determination, or probate court disposition results from the same
25 incident, additional points for that offense shall not be
26 entered.

27 (9) If a Michigan driver commits a violation in another

1 state that would be a civil infraction if committed in Michigan,
2 and a conviction results solely because of the failure of the
3 Michigan driver to appear in that state to contest the violation,
4 upon receipt of the abstract of conviction by the secretary of
5 state, the violation shall be noted on the driver's record, but
6 no points shall be assessed against his or her driver's license.

7 Sec. 602b. (1) Except as otherwise provided in this section,
8 a person shall not read, manually type, or send a text message on
9 a wireless 2-way communication device that is located in the
10 person's hand or in the person's lap, including a wireless
11 telephone used in cellular telephone service or personal
12 communication service, while operating a motor vehicle that is
13 moving on a highway or street in this state. As used in this
14 subsection, a wireless 2-way communication device does not
15 include a global positioning or navigation system that is affixed
16 to the motor vehicle. **BEGINNING OCTOBER 28, 2013, THIS SUBSECTION**
17 **DOES NOT APPLY TO A PERSON OPERATING A COMMERCIAL VEHICLE.**

18 **(2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON**
19 **SHALL NOT READ, MANUALLY TYPE, OR SEND A TEXT MESSAGE ON A**
20 **WIRELESS 2-WAY COMMUNICATION DEVICE THAT IS LOCATED IN THE**
21 **PERSON'S HAND OR IN THE PERSON'S LAP, INCLUDING A WIRELESS**
22 **TELEPHONE USED IN CELLULAR TELEPHONE SERVICE OR PERSONAL**
23 **COMMUNICATION SERVICE, WHILE OPERATING A COMMERCIAL MOTOR VEHICLE**
24 **ON A HIGHWAY OR STREET IN THIS STATE. AS USED IN THIS SUBSECTION,**
25 **A WIRELESS 2-WAY COMMUNICATION DEVICE DOES NOT INCLUDE A GLOBAL**
26 **POSITIONING OR NAVIGATION SYSTEM THAT IS AFFIXED TO THE**
27 **COMMERCIAL MOTOR VEHICLE. THIS SUBSECTION APPLIES BEGINNING**

1 OCTOBER 28, 2013.

2 (3) ~~(2) Subsection (1) does~~ **SUBSECTIONS (1) AND (2) DO** not
3 apply to an individual who is using a device described in
4 subsection (1) to do any of the following:

5 (a) Report a traffic accident, medical emergency, or serious
6 road hazard.

7 (b) Report a situation in which the person believes his or
8 her personal safety is in jeopardy.

9 (c) Report or avert the perpetration or potential
10 perpetration of a criminal act against the individual or another
11 person.

12 (d) Carry out official duties as a police officer, law
13 enforcement official, member of a paid or volunteer fire
14 department, or operator of an emergency vehicle.

15 (4) ~~(3)~~—An individual who violates this section is
16 responsible for a civil infraction and shall be ordered to pay a
17 civil fine as follows:

18 (a) For a first violation, \$100.00.

19 (b) For a second or subsequent violation, \$200.00.

20 (5) ~~(4)~~—This section supersedes all local ordinances
21 regulating the use of a communications device while operating a
22 motor vehicle in motion on a highway or street, except that a
23 unit of local government may adopt an ordinance or enforce an
24 existing ordinance substantially corresponding to this section.

25 Sec. 605. (1) This chapter and chapter VIII apply uniformly
26 throughout this state and in all political subdivisions and
27 municipalities in the state. A local authority shall not adopt,

1 enact, or enforce a local law that provides lesser penalties or
2 that is otherwise in conflict with this chapter or chapter VIII.

3 (2) A local law or portion of a local law that imposes a
4 criminal penalty for an act or omission that is a civil
5 infraction under this act, or that imposes a criminal penalty or
6 civil sanction in excess of that prescribed in this act, is in
7 conflict with this act and is void to the extent of the conflict.

8 (3) Except for a case in which the citation is dismissed
9 pursuant to subsection (4), proceeds of a civil fine imposed by a
10 local authority for violation of a local law regulating the
11 operation of a commercial motor vehicle and substantially
12 corresponding to a provision of this act shall be paid to the
13 county treasurer and allocated as follows:

14 (a) Seventy percent to the local unit of government in which
15 the citation is issued.

16 (b) Thirty percent for library purposes as provided by law.

17 (4) The owner or operator of a commercial motor vehicle
18 shall not be issued more than 1 citation for each violation of a
19 code or ordinance regulating the operation of a commercial motor
20 vehicle and substantially corresponding to a provision of
21 sections 683 to 725a of the Michigan vehicle code, 1949 PA 300,
22 MCL 257.683 to 257.725a, within a 24-hour period. If the owner or
23 operator of a commercial motor vehicle is issued a citation for
24 an equipment violation pursuant to section 683 that does not
25 result in the vehicle being placed out of service, the court
26 shall dismiss the citation if the owner or operator of that
27 commercial motor vehicle provides written proof to the court

1 within 14 days after the citation is issued showing that the
2 defective equipment indicated in the citation has been repaired.

3 (5) As used in this section, +

4 ~~_____~~ (a) ~~"Local"~~ **LOCAL** law" includes a local charter provision,
5 ordinance, rule, or regulation.

6 ~~_____~~ (b) ~~"Out of service"~~ means that process established under
7 the motor carrier safety act, 1963 PA 181, MCL 480.11 to 480.22.

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

18 (a) Not more than 5 days after a conviction, forfeiture of
19 bail, or entry of a civil infraction determination or default
20 judgment upon a charge of or citation for violating or attempting
21 to violate this act or a local ordinance substantially
22 corresponding to this act regulating the operation of vehicles on
23 highways.

24 (b) Immediately for each case charging a violation of
25 section 625(1), (3), (4), (5), (6), (7), or (8) or section 625m
26 or a local ordinance substantially corresponding to section
27 625(1), (3), (6), or (8) or section 625m in which the charge is

1 dismissed or the defendant is acquitted.

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

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

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

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

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

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

26 (d) The type of vehicle driven at the time of the violation
27 and, if the vehicle is a commercial motor vehicle, that vehicle's

1 group designation.

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

4 (f) Whether bail was forfeited.

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

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

9 (i) Other information considered necessary to the secretary
10 of state.

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

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

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

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

19 (d) A violation of ~~section~~**SECTIONS 701(1) AND** 703 of the
20 Michigan liquor control code of 1998, 1998 PA 58, MCL **436.1701**
21 **AND** 436.1703, or a local ordinance substantially corresponding to
22 ~~that section.~~**THOSE SECTIONS.**

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

25 (f) A violation of motor carrier safety regulations 49 CFR
26 392.10 or 392.11 as adopted by section 1a of the motor carrier
27 safety act of 1963, 1963 PA 181, MCL 480.11a.

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

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

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

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

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

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

20 (m) A violation listed as a disqualifying offense under 49
21 CFR 383.51.

22 (5) The clerk of the court shall also forward an abstract of
23 the court record to the secretary of state if a person has pled
24 guilty to, or offered a plea of admission in a juvenile
25 proceeding for, a violation of section 703 of the Michigan liquor
26 control code of 1998, 1998 PA 58, MCL 436.1703, or a local
27 ordinance substantially corresponding to that section, and has

1 had further proceedings deferred under that section. If the
2 person is sentenced to a term of probation and terms and
3 conditions of probation are fulfilled and the court discharges
4 the individual and dismisses the proceedings, the court shall
5 also report the dismissal to the secretary of state.

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

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

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

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

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

17 (7) If a person is charged with a felony in which a motor
18 vehicle was used, other than a felony specified in subsection (4)
19 or section 319, the prosecuting attorney shall include the
20 following statement on the complaint and information filed in
21 district or circuit court:

22 "You are charged with the commission of a felony in which a
23 motor vehicle was used. If you are convicted and the judge finds
24 that the conviction is for a felony in which a motor vehicle was
25 used, as defined in section 319 of the Michigan vehicle code,
26 1949 PA 300, MCL 257.319, your driver's license shall be
27 suspended by the secretary of state."

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

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

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

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

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

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

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

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

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

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

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

24 (13) Every person required to forward abstracts to the
25 secretary of state under this section shall certify for the
26 period from January 1 through June 30 and for the period from
27 July 1 through December 31 that all abstracts required to be

1 forwarded during the period have been forwarded. The
2 certification shall be filed with the secretary of state not
3 later than 28 days after the end of the period covered by the
4 certification. The certification shall be made upon a form
5 furnished by the secretary of state and shall include all of the
6 following:

7 (a) The name and title of the person required to forward
8 abstracts.

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

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

11 (d) The following statement:

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

16 (e) Other information the secretary of state considers
17 necessary.

18 (f) The signature of the person required to forward
19 abstracts.

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

23 (15) Except as provided in subsection (16), the secretary of
24 state shall keep all abstracts received under this section at the
25 secretary of state's main office and the abstracts shall be open
26 for public inspection during the office's usual business hours.
27 Each abstract shall be entered upon the master driving record of

1 the person to whom it pertains.

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

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

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

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

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

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

23 (f) A violation of section 328(1) if, before the appearance
24 date on the citation, the person submits proof to the court that
25 the motor vehicle had insurance meeting the requirements of
26 sections 3101 and 3102 of the insurance code of 1956, 1956 PA
27 218, MCL 500.3101 and 500.3102, at the time the citation was

1 issued. Insurance obtained subsequent to the time of the
2 violation does not make the violation an exception under this
3 subsection.

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

8 (h) A violation of section 311 if the person was driving a
9 noncommercial vehicle and, before the court appearance date or
10 the date fines are to be paid, the person submits proof to the
11 court that he or she held a valid driver license on the date the
12 citation was issued.

13 (i) A violation of section ~~602b~~-602B(1).

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

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

27 (19) If a conviction or civil infraction determination is

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

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

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

1 the conviction or civil infraction determination shall
2 immediately be reported to the secretary of state in accordance
3 with this section.

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

8 Sec. 801. (1) The secretary of state shall collect the
9 following taxes at the time of registering a vehicle, which shall
10 exempt the vehicle from all other state and local taxation,
11 except the fees and taxes provided by law to be paid by certain
12 carriers operating motor vehicles and trailers under the motor
13 carrier act, 1933 PA 254, MCL 475.1 to 479.43; the taxes imposed
14 by the motor carrier fuel tax act, 1980 PA 119, MCL 207.211 to
15 207.234; and except as otherwise provided by this act:

16 (a) For a motor vehicle, including a motor home, except as
17 otherwise provided, and a pickup truck or van that weighs not
18 more than 8,000 pounds, except as otherwise provided, according
19 to the following schedule of empty weights:

20	Empty weights	Tax
21	0 to 3,000 pounds.....\$	29.00
22	3,001 to 3,500 pounds.....	32.00
23	3,501 to 4,000 pounds.....	37.00
24	4,001 to 4,500 pounds.....	43.00
25	4,501 to 5,000 pounds.....	47.00
26	5,001 to 5,500 pounds.....	52.00
27	5,501 to 6,000 pounds.....	57.00

1	6,001 to 6,500 pounds.....	62.00
2	6,501 to 7,000 pounds.....	67.00
3	7,001 to 7,500 pounds.....	71.00
4	7,501 to 8,000 pounds.....	77.00
5	8,001 to 8,500 pounds.....	81.00
6	8,501 to 9,000 pounds.....	86.00
7	9,001 to 9,500 pounds.....	91.00
8	9,501 to 10,000 pounds.....	95.00
9	over 10,000 pounds.....\$ 0.90 per 100 pounds	
10		of empty weight

11 On October 1, 1983, and October 1, 1984, the tax assessed
12 under this subdivision shall be annually revised for the
13 registrations expiring on the appropriate October 1 or after that
14 date by multiplying the tax assessed in the preceding fiscal year
15 times the personal income of Michigan for the preceding calendar
16 year divided by the personal income of Michigan for the calendar
17 year that preceded that calendar year. In performing the
18 calculations under this subdivision, the secretary of state shall
19 use the spring preliminary report of the United States department
20 of commerce or its successor agency. A van that is owned by an
21 individual who uses a wheelchair or by an individual who
22 transports a member of his or her household who uses a wheelchair
23 and for which registration plates are issued under section 803d
24 shall be assessed at the rate of 50% of the tax provided for in
25 this subdivision.

26 (b) For a trailer coach attached to a motor vehicle, the tax
27 shall be assessed as provided in subdivision (l). A trailer coach
28 not under 1959 PA 243, MCL 125.1035 to 125.1043, and while

1 located on land otherwise assessable as real property under the
2 general property tax act, 1893 PA 206, MCL 211.1 to 211.155, if
3 the trailer coach is used as a place of habitation, and whether
4 or not permanently affixed to the soil, is not exempt from real
5 property taxes.

6 (c) For a road tractor, truck, or truck tractor owned by a
7 farmer and used exclusively in connection with a farming
8 operation, including a farmer hauling livestock or farm equipment
9 for other farmers for remuneration in kind or in labor, but not
10 for money, or used for the transportation of the farmer and the
11 farmer's family, and not used for hire, 74 cents per 100 pounds
12 of empty weight of the road tractor, truck, or truck tractor. If
13 the road tractor, truck, or truck tractor owned by a farmer is
14 also used for a nonfarming operation, the farmer is subject to
15 the highest registration tax applicable to the nonfarm use of the
16 vehicle but is not subject to more than 1 tax rate under this
17 act.

18 (d) For a road tractor, truck, or truck tractor owned by a
19 wood harvester and used exclusively in connection with the wood
20 harvesting operations or a truck used exclusively to haul milk
21 from the farm to the first point of delivery, 74 cents per 100
22 pounds of empty weight of the road tractor, truck, or truck
23 tractor. A registration secured by payment of the tax prescribed
24 in this subdivision continues in full force and effect until the
25 regular expiration date of the registration. As used in this
26 subdivision:

27 (i) "Wood harvester" includes the person or persons hauling

1 and transporting raw materials in the form produced at the
2 harvest site or hauling and transporting wood harvesting
3 equipment. Wood harvester does not include a person or persons
4 whose primary activity is tree-trimming or landscaping.

5 (ii) "Wood harvesting equipment" includes all of the
6 following:

7 (A) A vehicle that directly harvests logs or timber,
8 including, but not limited to, a processor or a feller buncher.

9 (B) A vehicle that directly processes harvested logs or
10 timber, including, but not limited to, a slasher, delimeter,
11 processor, chipper, or saw table.

12 (C) A vehicle that directly processes harvested logs or
13 timber, including, but not limited to, a forwarder, grapple
14 skidder, or cable skidder.

15 (D) A vehicle that directly loads harvested logs or timber,
16 including, but not limited to, a knuckle-boom loader, front-end
17 loader, or forklift.

18 (E) A bulldozer or road grader being transported to a wood
19 harvesting site specifically for the purpose of building or
20 maintaining harvest site roads.

21 (iii) "Wood harvesting operations" does not include the
22 transportation of processed lumber, Christmas trees, or processed
23 firewood for a profit making venture.

24 (e) For a hearse or ambulance used exclusively by a licensed
25 funeral director in the general conduct of the licensee's funeral
26 business, including a hearse or ambulance whose owner is engaged
27 in the business of leasing or renting the hearse or ambulance to

1 others, \$1.17 per 100 pounds of the empty weight of the hearse or
2 ambulance.

3 (f) For a vehicle owned and operated by this state, a state
4 institution, a municipality, a privately incorporated, nonprofit
5 volunteer fire department, or a nonpublic, nonprofit college or
6 university, \$5.00 per plate. A registration plate issued under
7 this subdivision expires on June 30 of the year in which new
8 registration plates are reissued for all vehicles by the
9 secretary of state.

10 (g) For a bus including a station wagon, carryall, or
11 similarly constructed vehicle owned and operated by a nonprofit
12 parents' transportation corporation used for school purposes,
13 parochial school or society, church Sunday school, or any other
14 grammar school, or by a nonprofit youth organization or nonprofit
15 rehabilitation facility; or a motor vehicle owned and operated by
16 a senior citizen center, \$10.00, if the bus, station wagon,
17 carryall, or similarly constructed vehicle or motor vehicle is
18 designated by proper signs showing the organization operating the
19 vehicle.

20 (h) For a vehicle owned by a nonprofit organization and used
21 to transport equipment for providing dialysis treatment to
22 children at camp; for a vehicle owned by the civil air patrol, as
23 organized under 36 USC 40301 to 40307, \$10.00 per plate, if the
24 vehicle is designated by a proper sign showing the civil air
25 patrol's name; for a vehicle owned and operated by a nonprofit
26 veterans center; for a vehicle owned and operated by a nonprofit
27 recycling center or a federally recognized nonprofit conservation

1 organization; for a motor vehicle having a truck chassis and a
2 locomotive or ship's body that is owned by a nonprofit veterans
3 organization and used exclusively in parades and civic events; or
4 for an emergency support vehicle used exclusively for emergencies
5 and owned and operated by a federally recognized nonprofit
6 charitable organization, \$10.00 per plate.

7 (i) For each truck owned and operated free of charge by a
8 bona fide ecclesiastical or charitable corporation, or red cross,
9 girl scout, or boy scout organization, 65 cents per 100 pounds of
10 the empty weight of the truck.

11 (j) For each truck, weighing 8,000 pounds or less, and not
12 used to tow a vehicle, for each privately owned truck used to tow
13 a trailer for recreational purposes only and not involved in a
14 profit making venture, and for each vehicle designed and used to
15 tow a mobile home or a trailer coach, except as provided in
16 subdivision (b), \$38.00 or an amount computed according to the
17 following schedule of empty weights, whichever is greater:

18	Empty weights	Per 100 pounds
19	0 to 2,500 pounds.....	\$ 1.40
20	2,501 to 4,000 pounds.....	1.76
21	4,001 to 6,000 pounds.....	2.20
22	6,001 to 8,000 pounds.....	2.72
23	8,001 to 10,000 pounds.....	3.25
24	10,001 to 15,000 pounds.....	3.77
25	15,001 pounds and over.....	4.39

26 If the tax required under subdivision (p) for a vehicle of

1 the same model year with the same list price as the vehicle for
 2 which registration is sought under this subdivision is more than
 3 the tax provided under the preceding provisions of this
 4 subdivision for an identical vehicle, the tax required under this
 5 subdivision is not less than the tax required under subdivision
 6 (p) for a vehicle of the same model year with the same list
 7 price.

8 (k) For each truck weighing 8,000 pounds or less towing a
 9 trailer or any other combination of vehicles and for each truck
 10 weighing 8,001 pounds or more, road tractor or truck tractor,
 11 except as provided in subdivision (j) according to the following
 12 schedule of elected gross weights:

13	Elected gross weight		Tax
14	0 to 24,000 pounds.....	\$	491.00
15	24,001 to 26,000 pounds.....		558.00
16	26,001 to 28,000 pounds.....		558.00
17	28,001 to 32,000 pounds.....		649.00
18	32,001 to 36,000 pounds.....		744.00
19	36,001 to 42,000 pounds.....		874.00
20	42,001 to 48,000 pounds.....		1,005.00
21	48,001 to 54,000 pounds.....		1,135.00
22	54,001 to 60,000 pounds.....		1,268.00
23	60,001 to 66,000 pounds.....		1,398.00
24	66,001 to 72,000 pounds.....		1,529.00
25	72,001 to 80,000 pounds.....		1,660.00
26	80,001 to 90,000 pounds.....		1,793.00
27	90,001 to 100,000 pounds.....		2,002.00
28	100,001 to 115,000 pounds.....		2,223.00
29	115,001 to 130,000 pounds.....		2,448.00

1	130,001 to 145,000 pounds.....	2,670.00
2	145,001 to 160,000 pounds.....	2,894.00
3	over 160,000 pounds.....	3,117.00

4 For each commercial vehicle registered under this
5 subdivision, \$15.00 shall be deposited in a truck safety fund to
6 be expended for the purposes prescribed in section 25 of 1951 PA
7 51, MCL 247.675.

8 If a truck or road tractor without trailer is leased from an
9 individual owner-operator, the lessee, whether a person, firm, or
10 corporation, shall pay to the owner-operator 60% of the tax
11 prescribed in this subdivision for the truck tractor or road
12 tractor at the rate of 1/12 for each month of the lease or
13 arrangement in addition to the compensation the owner-operator is
14 entitled to for the rental of his or her equipment.

15 (l) For each pole trailer, semitrailer, trailer coach, or
16 trailer, the tax shall be assessed according to the following
17 schedule of empty weights:

18	Empty weights	Tax
19	0 to 2,499 pounds.....	\$ 75.00
20	2,500 to 9,999 pounds.....	200.00
21	10,000 pounds and over.....	300.00

22 The registration plate issued under this subdivision expires
23 only when the secretary of state reissues a new registration
24 plate for all trailers. Beginning October 1, 2005, if the
25 secretary of state reissues a new registration plate for all
26 trailers, a person who has once paid the tax as increased by 2003

1 PA 152 for a vehicle under this subdivision is not required to
2 pay the tax for that vehicle a second time, but is required to
3 pay only the cost of the reissued plate at the rate provided in
4 section 804(2) for a standard plate. A registration plate issued
5 under this subdivision is nontransferable.

6 (m) For each commercial vehicle used for the transportation
7 of passengers for hire except for a vehicle for which a payment
8 is made under 1960 PA 2, MCL 257.971 to 257.972, according to the
9 following schedule of empty weights:

10	Empty weights	Per 100 pounds
11	0 to 4,000 pounds.....	\$ 1.76
12	4,001 to 6,000 pounds.....	2.20
13	6,001 to 10,000 pounds.....	2.72
14	10,001 pounds and over.....	3.25
15	(n) For each motorcycle.....	\$ 23.00

16 On October 1, 1983, and October 1, 1984, the tax assessed
17 under this subdivision shall be annually revised for the
18 registrations expiring on the appropriate October 1 or after that
19 date by multiplying the tax assessed in the preceding fiscal year
20 times the personal income of Michigan for the preceding calendar
21 year divided by the personal income of Michigan for the calendar
22 year that preceded that calendar year. In performing the
23 calculations under this subdivision, the secretary of state shall
24 use the spring preliminary report of the United States department
25 of commerce or its successor agency.

26 Beginning January 1, 1984, the registration tax for each

1 motorcycle is increased by \$3.00. The \$3.00 increase is not part
2 of the tax assessed under this subdivision for the purpose of the
3 annual October 1 revisions but is in addition to the tax assessed
4 as a result of the annual October 1 revisions. Beginning January
5 1, 1984, \$3.00 of each motorcycle fee shall be placed in a
6 motorcycle safety fund in the state treasury and shall be used
7 only for funding the motorcycle safety education program as
8 provided for under sections 312b and 811a.

9 (o) For each truck weighing 8,001 pounds or more, road
10 tractor, or truck tractor used exclusively as a moving van or
11 part of a moving van in transporting household furniture and
12 household effects or the equipment or those engaged in conducting
13 carnivals, at the rate of 80% of the schedule of elected gross
14 weights in subdivision (k) as modified by the operation of that
15 subdivision.

16 (p) After September 30, 1983, each motor vehicle of the 1984
17 or a subsequent model year as shown on the application required
18 under section 217 that has not been previously subject to the tax
19 rates of this section and that is of the motor vehicle category
20 otherwise subject to the tax schedule described in subdivision
21 (a), and each low-speed vehicle according to the following
22 schedule based upon registration periods of 12 months:

23 (i) Except as otherwise provided in this subdivision, for the
24 first registration that is not a transfer registration under
25 section 809 and for the first registration after a transfer
26 registration under section 809, according to the following
27 schedule based on the vehicle's list price:

1	List Price	Tax
2	\$ 0 - \$ 6,000.00.....	\$ 30.00
3	More than \$ 6,000.00 - \$ 7,000.00.....	\$ 33.00
4	More than \$ 7,000.00 - \$ 8,000.00.....	\$ 38.00
5	More than \$ 8,000.00 - \$ 9,000.00.....	\$ 43.00
6	More than \$ 9,000.00 - \$ 10,000.00.....	\$ 48.00
7	More than \$ 10,000.00 - \$ 11,000.00.....	\$ 53.00
8	More than \$ 11,000.00 - \$ 12,000.00.....	\$ 58.00
9	More than \$ 12,000.00 - \$ 13,000.00.....	\$ 63.00
10	More than \$ 13,000.00 - \$ 14,000.00.....	\$ 68.00
11	More than \$ 14,000.00 - \$ 15,000.00.....	\$ 73.00
12	More than \$ 15,000.00 - \$ 16,000.00.....	\$ 78.00
13	More than \$ 16,000.00 - \$ 17,000.00.....	\$ 83.00
14	More than \$ 17,000.00 - \$ 18,000.00.....	\$ 88.00
15	More than \$ 18,000.00 - \$ 19,000.00.....	\$ 93.00
16	More than \$ 19,000.00 - \$ 20,000.00.....	\$ 98.00
17	More than \$ 20,000.00 - \$ 21,000.00.....	\$ 103.00
18	More than \$ 21,000.00 - \$ 22,000.00.....	\$ 108.00
19	More than \$ 22,000.00 - \$ 23,000.00.....	\$ 113.00
20	More than \$ 23,000.00 - \$ 24,000.00.....	\$ 118.00
21	More than \$ 24,000.00 - \$ 25,000.00.....	\$ 123.00
22	More than \$ 25,000.00 - \$ 26,000.00.....	\$ 128.00
23	More than \$ 26,000.00 - \$ 27,000.00.....	\$ 133.00
24	More than \$ 27,000.00 - \$ 28,000.00.....	\$ 138.00
25	More than \$ 28,000.00 - \$ 29,000.00.....	\$ 143.00
26	More than \$ 29,000.00 - \$ 30,000.00.....	\$ 148.00

27 More than \$30,000.00, the tax of \$148.00 is increased by
28 \$5.00 for each \$1,000.00 increment or fraction of a \$1,000.00
29 increment over \$30,000.00. If a current tax increases or

1 decreases as a result of 1998 PA 384, only a vehicle purchased or
2 transferred after January 1, 1999 shall be assessed the increased
3 or decreased tax.

4 (ii) For the second registration, 90% of the tax assessed
5 under subparagraph (i).

6 (iii) For the third registration, 90% of the tax assessed
7 under subparagraph (ii).

8 (iv) For the fourth and subsequent registrations, 90% of the
9 tax assessed under subparagraph (iii).

10 For a vehicle of the 1984 or a subsequent model year that
11 has been previously registered by a person other than the person
12 applying for registration or for a vehicle of the 1984 or a
13 subsequent model year that has been previously registered in
14 another state or country and is registered for the first time in
15 this state, the tax under this subdivision shall be determined by
16 subtracting the model year of the vehicle from the calendar year
17 for which the registration is sought. If the result is zero or a
18 negative figure, the first registration tax shall be paid. If the
19 result is 1, 2, or 3 or more, then, respectively, the second,
20 third, or subsequent registration tax shall be paid. A van that
21 is owned by an individual who uses a wheelchair or by an
22 individual who transports a member of his or her household who
23 uses a wheelchair and for which registration plates are issued
24 under section 803d shall be assessed at the rate of 50% of the
25 tax provided for in this subdivision.

26 (q) For a wrecker, \$200.00.

27 (r) When the secretary of state computes a tax under this

1 section, a computation that does not result in a whole dollar
2 figure shall be rounded to the next lower whole dollar when the
3 computation results in a figure ending in 50 cents or less and
4 shall be rounded to the next higher whole dollar when the
5 computation results in a figure ending in 51 cents or more,
6 unless specific taxes are specified, and the secretary of state
7 may accept the manufacturer's shipping weight of the vehicle
8 fully equipped for the use for which the registration application
9 is made. If the weight is not correctly stated or is not
10 satisfactory, the secretary of state shall determine the actual
11 weight. Each application for registration of a vehicle under
12 subdivisions (j) and (m) shall have attached to the application a
13 scale weight receipt of the vehicle fully equipped as of the time
14 the application is made. The scale weight receipt is not
15 necessary if there is presented with the application a
16 registration receipt of the previous year that shows on its face
17 the weight of the motor vehicle as registered with the secretary
18 of state and that is accompanied by a statement of the applicant
19 that there has not been a structural change in the motor vehicle
20 that has increased the weight and that the previous registered
21 weight is the true weight.

22 (2) A manufacturer is not exempted under this act from
23 paying ad valorem taxes on vehicles in stock or bond, except on
24 the specified number of motor vehicles registered. A dealer is
25 exempt from paying ad valorem taxes on vehicles in stock or bond.

26 (3) Until October 1, ~~2011~~, **2015**, the tax for a vehicle with
27 an empty weight over 10,000 pounds imposed under subsection

1 (1) (a) and the taxes imposed under subsection (1) (c), (d), (e),
2 (f), (i), (j), (m), (o), and (p) are each increased as follows:

3 (a) A regulatory fee of \$2.25 that shall be credited to the
4 traffic law enforcement and safety fund created in section 819a
5 and used to regulate highway safety.

6 (b) A fee of \$5.75 that shall be credited to the
7 transportation administration collection fund created in section
8 810b.

9 (4) If a tax required to be paid under this section is not
10 received by the secretary of state on or before the expiration
11 date of the registration plate, the secretary of state shall
12 collect a late fee of \$10.00 for each registration renewed after
13 the expiration date. An application for a renewal of a
14 registration using the regular mail and postmarked before the
15 expiration date of that registration shall not be assessed a late
16 fee. The late fee collected under this subsection shall be
17 deposited into the general fund.

18 (5) As used in this section:

19 (a) "Gross proceeds" means that term as defined in section 1
20 of the general sales tax act, 1933 PA 167, MCL 205.51, and
21 includes the value of the motor vehicle used as part payment of
22 the purchase price as that value is agreed to by the parties to
23 the sale, as evidenced by the signed agreement executed under
24 section 251.

25 (b) "List price" means the manufacturer's suggested base
26 list price as published by the secretary of state, or the
27 manufacturer's suggested retail price as shown on the label

1 required to be affixed to the vehicle under 15 USC 1232, if the
2 secretary of state has not at the time of the sale of the vehicle
3 published a manufacturer's suggested retail price for that
4 vehicle, or the purchase price of the vehicle if the
5 manufacturer's suggested base list price is unavailable from the
6 sources described in this subdivision.

7 (c) "Purchase price" means the gross proceeds received by
8 the seller in consideration of the sale of the motor vehicle
9 being registered.

10 Sec. 801g. (1) Notwithstanding section 801(1)(j) or
11 801(1)(k), for a truck, truck tractor, or road tractor engaged in
12 interstate commerce, for which a registration fee otherwise would
13 be provided in section 801(1)(j) or 801(1)(k), the fee may be
14 apportioned under the international registration plan according
15 to the miles traveled in this state in relation to the total
16 miles traveled by the vehicle, if the apportionment is permitted
17 by a reciprocal compact, agreement, or other arrangement entered
18 into by the Michigan highway reciprocity board.

19 (2) For the purposes of this section, "international
20 registration plan" means a method of licensing trucks and bus
21 fleets proportionally among 2 or more member jurisdictions and
22 includes an apportioned fee that is determined according to the
23 fleet's percentage of miles generated in the various
24 jurisdictions. Upon payment of the apportioned fee there shall be
25 issued 1 registration plate and 1 cab card for each vehicle with
26 the cab card indicating the jurisdictions in which the unit is
27 registered and the registered weight for each jurisdiction.

1 (3) If the apportionment is permitted, and if at the time of
2 purchase a person elects to have the fees apportioned and the
3 registration is valid for at least 12 months, the annual
4 international registration plan plates may be purchased by paying
5 any out of state portion and 1/2 the amount apportioned for
6 Michigan fees and an extra \$10.00 service fee per vehicle upon
7 purchase and the balance within 180 days before the date of
8 expiration. The secretary of state shall notify a person who has
9 elected to use the installment option of this subsection
10 informing the person of the amount due and of the penalties that
11 shall be imposed if payment is not received within 180 days
12 before the date of expiration. If a person is **ONCE** late on paying
13 the balance, a penalty **OF 25% OF THE OUTSTANDING BALANCE** shall be
14 assessed and collected in addition to the fee. ~~and that person~~
15 ~~shall not be eligible~~ **IF A PERSON IS TWICE LATE IN PAYING THE**
16 **BALANCE WITHIN A 2-YEAR PERIOD, THEN A PENALTY OF 25% OF THE**
17 **OUTSTANDING BALANCE SHALL BE ASSESSED AND COLLECTED IN ADDITION**
18 **TO THE FEE, AND THE PERSON IS INELIGIBLE** to elect the
19 apportionment payment plan for the next 2 registration years
20 following the year of the delinquency. ~~The penalty shall be 25%~~
21 ~~of the outstanding balance.~~ The secretary of state shall suspend
22 the registration of any vehicle for which the registration fee is
23 not paid in full and transmit a statement of the delinquent
24 balance, including the penalty, to the department of treasury for
25 collection.

26 (4) If a person surrenders a registration plate purchased
27 under section 801(1)(j) or 801(1)(k) for a registration under

1 this section for the same vehicle, the apportioned fee for the
2 exchange registration shall bear the same relationship to the fee
3 required under this section for a 12-month registration as the
4 length of time the exchange registration bears to 12 months.
5 Partial months shall be considered as whole months in the
6 calculation of the required fee and in the determination of the
7 length of time between the application for a registration and the
8 last day of the month of expiration. The calculation shall
9 include any refund as a credit provided for in section 801b(8).
10 The fee required for the registration shall be rounded off to
11 whole dollars as provided in section 801.

12 (5) If a person does not surrender a registration plate
13 purchased under section 801(1)(j) or 801(1)(k) for a registration
14 under this section, the apportioned fee shall be determined as
15 provided for in this section except the apportioned fee for a
16 registration purchased shall bear the same relationship to the
17 fee required under this section for a 12-month registration as
18 the length of time the registration bears to 12 months. Partial
19 months shall be considered as whole months in the calculation of
20 the required fee and in the determination of the length of time
21 between the application for a registration and the last day of
22 the month of expiration. The fee required for this registration
23 shall be rounded off to whole dollars as provided in section 801.
24 Fees under this subsection shall not be prorated for less than 6
25 months.

26 (6) Upon proper application for registration of a vehicle
27 under this section, the secretary of state may issue a temporary

1 registration which shall be valid for not more than 45 days from
2 the date of issuance.

3 (7) The secretary of state may designate an owner or
4 registrant having a fleet of motor vehicles currently registered
5 under this section to act as an agent for the secretary of state
6 for the purpose of issuing to himself or herself a temporary
7 registration. Upon issuance of a temporary registration an agent
8 shall make proper application for an international registration
9 plan registration to the secretary of state within 5 days after
10 issuance of the temporary registration.

11 (8) An owner issued a temporary registration under this
12 section ~~shall be~~ **IS** liable for the fees provided in this section.

13 (9) If the owner of a vehicle for which a temporary
14 registration is issued ~~pursuant to~~ **UNDER** this ~~subsection~~ **SECTION**
15 fails to pay the registration fee as required in this section,
16 the secretary of state shall suspend the registrations of all
17 vehicles registered by that owner under this section. The
18 registrations shall remain suspended until ~~payment of the fee is~~
19 ~~made~~ **PAID**.

20 Sec. 802. (1) For a special registration issued as provided
21 for in section 226(8), there shall be paid 1/2 the tax imposed
22 under section 801 and in addition a service fee of \$10.00.

23 (2) For all commercial vehicles registered after August 31
24 for the period expiring the last day of February, a tax of 1/2
25 the rate otherwise imposed ~~by~~ **UNDER** this act shall be collected.
26 This subsection does not apply to vehicles registered by
27 manufacturers or dealers under sections 244 to 247.

1 (3) For each special registration as provided for in section
2 226(9), a service fee of \$10.00 shall be collected.

3 (4) For temporary registration plates or markers as provided
4 for in section 226a(1), a service fee of \$5.00 for each group of
5 5 of those temporary registration plates or markers shall be
6 collected.

7 (5) For a temporary registration as provided in section
8 226b, the fee shall be either of the following:

9 (a) For a 30-day temporary registration, 1/10 of the ~~fee-TAX~~
10 prescribed under section 801 or \$20.00, whichever is greater, and
11 an additional \$10.00 service fee.

12 (b) For a 60-day temporary registration, 1/5 of the ~~fee-TAX~~
13 prescribed under section 801 or \$40.00, whichever is greater, and
14 an additional \$10.00 service fee.

15 (6) For registration plates as provided for in section
16 226a(5), (6), and (7), a service fee of \$40.00 for 2 registration
17 plates and \$20.00 for each additional registration plate shall be
18 collected.

19 (7) For special registrations issued for special mobile
20 equipment as provided in section 216(d), a service fee of \$15.00
21 each for the first 3 special registrations, and \$5.00 for each
22 special registration issued in excess of the first 3 shall be
23 collected.

24 (8) The secretary of state, upon request, may issue a
25 registration valid for 3 months for use on a vehicle with an
26 elected gross weight of 24,000 pounds or greater on the payment
27 of 1/4 the ~~full registration fee-TAX~~ provided in section

1 801(1)(k) and in addition a service fee of \$10.00.

2 (9) Upon application to the secretary of state, an owner of
3 a truck, truck tractor, or road tractor that is used exclusively
4 for the purpose of gratuitously transporting farm crops or
5 livestock bedding between the field where produced and the place
6 of storage, feed from on-farm storage to an on-farm feeding site,
7 or fertilizer, seed, or spray material from the farm location to
8 the field may obtain a special registration. The service fee for
9 each special registration **ISSUED UNDER THIS SUBSECTION** shall be
10 \$20.00. The special registration shall be valid for a period of
11 up to 12 months and shall expire on December 31. As used in this
12 subsection:

13 (a) "Feed" means hay or silage.

14 (b) "Livestock bedding" means straw, sawdust, or sand.

15 (10) The secretary of state, upon request, may issue a
16 special registration valid for 3 or more months for a road
17 tractor, truck, or truck tractor owned by a farmer, if the motor
18 vehicle is used exclusively in connection with the farmer's
19 farming operations or for the transportation of the farmer and
20 the farmer's family and not used for hire. The fee for the
21 registration shall be 1/10 of the ~~fee-TAX~~ provided in section
22 801(1)(c) times the number of months for which the special
23 registration is requested and, in addition, a service fee of
24 \$10.00. No special registration shall be issued for a motor
25 vehicle for which the ~~fee-TAX~~ under section 801(1)(c) would be
26 less than \$50.00.

27 (11) The secretary of state, upon request, may issue a

1 registration valid for 3 months or more for use on a vehicle with
2 an elected gross weight of 24,000 pounds or greater. The fee for
3 the registration shall be 1/12 of the ~~fee-TAX~~ provided in section
4 801(1)(k), times the number of months for which the special
5 registration is requested and, in addition, a service fee of
6 \$10.00.

7 (12) The service fees collected under subsections (1), (3),
8 (4), (5), (6), (7), (8), (9), (10), and (11) shall be deposited
9 in the transportation administration collection fund created in
10 section 810b through October 1, ~~2011-2015~~.

11 Sec. 803b. (1) The secretary of state may issue 1
12 personalized vehicle registration plate ~~which-THAT~~ shall be used
13 on the passenger motor vehicle, pick-up truck, motorcycle, van,
14 motor home, hearse, bus, trailer coach, or trailer for which the
15 plate is issued instead of a standard plate. Personalized plates
16 shall bear letters and numbers as the secretary of state
17 prescribes. The secretary of state shall not issue a letter
18 combination ~~which-THAT~~ might carry a connotation offensive to
19 good taste and decency. The personalized plates shall be made of
20 the same material as standard plates. Personalized plates shall
21 not be a duplication of another registration plate.

22 (2) An application for a personalized registration plate
23 shall be submitted to the secretary of state ~~pursuant to-UNDER~~
24 section 217. Application for an original personalized
25 registration plate shall be accompanied with payment of a service
26 fee of \$8.00 for the first month and of \$2.00 per month for each
27 additional month of the registration period in addition to the

1 regular vehicle registration fee. A second duplicate registration
2 plate may be obtained by requesting that option on the
3 application and paying an additional service fee of \$5.00. The
4 original and duplicate service fees shall be deposited in the
5 transportation administration collection fund created in section
6 810b through October 1, ~~2011~~—2015. Application for the renewal
7 of a personalized registration plate shall be accompanied with
8 payment of a service fee of \$15.00 in addition to the regular
9 vehicle registration fee. The service fee shall be credited to
10 the Michigan transportation fund **ESTABLISHED UNDER**, and shall be
11 allocated ~~pursuant to~~ **AS PRESCRIBED UNDER**, section 10 of 1951 PA
12 51, MCL 247.660. The amount allocated to the state trunk line
13 fund **ESTABLISHED UNDER SECTION 11 OF 1951 PA 51, MCL 247.661**,
14 shall be used by the state transportation department for litter
15 pickup and cleanup on state roads and rights of way.

16 (3) The expiration date for a personalized registration
17 plate shall be ~~pursuant to~~ **AS PRESCRIBED UNDER** section 226. Upon
18 the issuance or renewal of a personalized registration plate, the
19 secretary of state may issue a tab or tabs designating the month
20 and year of expiration. Upon the renewal of a personalized
21 registration plate, the secretary of state shall issue a new tab
22 or tabs for the rear plate designating the next expiration date
23 of the plate. Upon renewal, the secretary of state shall not
24 issue the owner a new exact duplicate of the expired plate unless
25 the plate is illegible and the owner pays the service fee and
26 registration fee for an original personalized registration plate.

27 (4) The sequence of letters or numbers or combination of

1 letters and numbers on a personalized plate shall not be given to
2 a different person in a subsequent year unless the person to whom
3 the plate was issued does not reapply before the expiration date
4 of the plate.

5 (5) An applicant who applies for a registration plate under
6 section 217d, 803e, 803f, 803j, 803k, 803l, 803n, or 803o is
7 eligible to request, and the secretary of state may issue, the
8 registration plate with a sequence of letters and numbers
9 otherwise authorized under this section.

10 (6) The secretary of state may issue a temporary permit to a
11 person who has submitted an application and the proper fees for a
12 personalized **REGISTRATION** plate if the applicant's vehicle
13 registration may expire prior to receipt of his or her
14 personalized **REGISTRATION** plate. The temporary registration shall
15 be valid for not more than 60 days after the date of issuance.
16 The temporary permit shall be issued without a fee.

17 Sec. 803r. The service fees collected under sections 803e,
18 803f, 803i, 803j, 803k, 803l, 803m, 803n, and 803o shall be
19 deposited into the transportation administration collection fund
20 created under section 810b through October 1, ~~2011~~-2015.

21 Sec. 804. (1) In addition to any other fees required under
22 this act, a \$5.00 service fee shall be paid with each application
23 for each distinctive or commemorative plate provided for in this
24 act to cover manufacturing and issuance costs unless these costs
25 are otherwise specifically provided for in this act.

26 (2) Each applicant for a duplicate or replacement license
27 plate provided for in this act shall pay the following service

1 fee to the secretary of state, in addition to any other fees
2 required under this act:

3 (a) Five dollars for a standard or graphic standard plate,
4 personalized registration plate, veterans special registration
5 plate, or other registration plate for which the duplicate or
6 replacement fee has not been specified in this act.

7 (b) Ten dollars for a set of plates provided for in section
8 803m.

9 (c) Ten dollars for each fund-raising registration plate
10 issued under section 811e or 811f, or collector plate described
11 in section 811g.

12 (3) The service fees collected under this section shall be
13 deposited in the transportation administration collection fund
14 created in section 810b through October 1, ~~2011~~-2015.

15 Sec. 806. (1) Until October 1, ~~2011~~-2015, a fee of \$10.00
16 shall accompany each application for a certificate of title
17 required by this act or for a duplicate of a certificate of
18 title. An additional fee of \$5.00 shall accompany an application
19 if the applicant requests that the application be given special
20 expeditious treatment. A \$3.00 service fee shall be collected, in
21 addition to the other fees collected under this subsection, for
22 each title issued and shall be deposited in the transportation
23 administration collection fund created under section 810b through
24 October 1, ~~2011~~-2015. The \$5.00 expeditious treatment fee
25 collected on and after October 1, 2004 through October 1, ~~2011~~
26 2015 shall be deposited into the transportation administration
27 collection fund created under section 810b.

1 (2) A fee of \$10.00 shall accompany an application for a
2 special identifying number as provided in section 230.

3 (3) In addition to paying the fees required by subsection
4 (1), until December 31, ~~2012~~, **2015**, each person who applies for a
5 certificate of title, a salvage vehicle certificate of title, or
6 a scrap certificate of title under this act shall pay a tire
7 disposal surcharge of \$1.50 for each certificate of title or
8 duplicate of a certificate of title that person receives. The
9 secretary of state shall deposit money received under this
10 subsection into the scrap tire regulatory fund created in section
11 16908 of the natural resources and environmental protection act,
12 1994 PA 451, MCL 324.16908.

13 Sec. 809. (1) An application for transfer of registration
14 from a vehicle subject to section 801(1)(a) to another vehicle
15 subject to that section shall be accompanied by a fee of \$8.00.
16 In addition to the fee of \$8.00, if the registration is
17 transferred from a passenger vehicle to a motor home and if the
18 registration fee for the motor home is greater than the fee paid
19 upon registration of the vehicle from which the registration was
20 removed, then the difference in fee shall be paid by the
21 applicant. If the fee is less than that paid for the registration
22 of the vehicle from which the plates were removed, the difference
23 shall not be refunded. The fees required by this subsection shall
24 be considered to include all fees or charges imposed by this act
25 for the transfer of registration, except those which may be
26 assessed under section 234.

27 (2) An application for a transfer of registration, other

1 than a transfer described in subsection (1), shall be accompanied
2 by a fee of \$8.00. In addition to the fee of \$8.00, if the
3 registration plates are transferred to another vehicle, as
4 provided in section 233, and if the **REGISTRATION** plate fee for a
5 12-month registration for the vehicle to which the registration
6 is transferred is greater than the **REGISTRATION** plate fee paid
7 upon registration of the vehicle from which the registration was
8 removed, then the difference shall be paid by the applicant for
9 the new registration. If the fee is less than that paid for
10 registration of the vehicle from which the registration was
11 removed, the difference shall not be refunded.

12 (3) A transfer of registration fee collected under this
13 section on and after October 1, 2004 through October 1, ~~2011~~**2015**
14 shall be deposited into the transportation administration
15 collection fund created under section 810b.

16 Sec. 811e. (1) The secretary of state may develop a fund-
17 raising plate as provided in this section.

18 (2) A start-up fee of \$15,000.00 shall be paid for any new
19 fund-raising plate authorized under this section. The fee shall
20 be deposited in the transportation administration collection fund
21 through October 1, 2015 to be used for the cost of creating,
22 producing, and issuing fund-raising plates. If the fee described
23 in this subsection is not paid within 18 months after the
24 effective date of the public act that authorizes the development
25 and issuance of a fund-raising plate, the related fund-raising
26 plate shall not be created, produced, or issued. A start-up fee
27 paid under this subsection is nonrefundable.

1 (3) Not less than 3 years after the secretary of state first
2 issues 1 of the fund-raising plates as described in subsection
3 (1) and upon payment of \$2,000.00, the Michigan university or
4 other person sponsoring that fund-raising plate may redesign it
5 as approved by the secretary of state. The payment required under
6 this subsection shall be deposited in the transportation
7 administration collection fund **CREATED UNDER SECTION 810B** through
8 October 1, 2015 to be used for the cost of creating, producing,
9 and issuing fund-raising plates. A payment under this subsection
10 is nonrefundable.

11 (4) The secretary of state may develop 1 or more limited
12 term registration plates to recognize a Michigan university or an
13 accomplishment or occasion of a Michigan university.

14 (5) The secretary of state may develop different state-
15 sponsored fund-raising plates as described in this section, and
16 matching state-sponsored collector plates as described in section
17 811g.

18 (6) The secretary of state shall not develop or issue a
19 fund-raising plate unless a public act authorizing the fund-
20 raising plate, at a minimum, does all of the following:

21 (a) Identifies the purpose of the fund-raising plate.

22 (b) Creates a nonprofit fund or designates an existing
23 nonprofit fund to receive the money raised through the sale of
24 fund-raising plates and matching collector plates.

25 (c) If a fund is created, names the person or entity
26 responsible for administering the fund.

27 Sec. 811h. (1) Each service fee collected under sections

1 811f and 811g shall be credited to the transportation
2 administration collection fund created under section 810b through
3 October 1, ~~2011-2015~~.

4 (2) The secretary of state shall identify and segregate the
5 fund-raising donations collected under sections 811f and 811g
6 into separate accounts. The secretary of state shall create a
7 separate account for each fund-raising plate and its collector
8 plates issued or sold by the secretary of state.

9 (3) As determined necessary by the secretary of state but
10 not more than 45 days after the end of each calendar quarter, the
11 secretary of state shall not less than once each calendar quarter
12 authorize the disbursement of fund-raising donations segregated
13 under subsection (2) and, independent from any disbursement under
14 subsection (2), report the number of each type of fund-raising
15 and collector plates issued, sold, or renewed to the following,
16 as appropriate:

17 (a) The treasurer of a Michigan university.

18 (b) The person or entity identified in a public act pursuant
19 to section 811e to administer a state-sponsored fund-raising
20 registration plate fund.

21 (c) The sponsor of a fund-raising plate issued as prescribed
22 under section 811e that was developed and issued after ~~the~~
23 ~~effective date of the amendatory act that added this~~
24 ~~subdivision~~ **JANUARY 1, 2007**.

25 (4) A fund-raising plate created after ~~the effective date of~~
26 ~~the amendatory act that added this subsection~~ **JANUARY 1, 2007**
27 shall meet or exceed the following sales goals:

1 (a) In the first year, 2,000 plates.

2 (b) In the second and each subsequent year for 5 years, 500
3 original plates.

4 (5) The secretary of state may cease to issue a fund-raising
5 plate or to issue a duplicate replacement of a fund-raising plate
6 for use on a vehicle if that fund-raising plate fails to meet a
7 sales goal described in subsection (4). The secretary of state
8 may also cease to sell a collector plate that matches the
9 discontinued fund-raising plate. However, the secretary of state
10 may continue to renew fund-raising plates already issued and
11 collect the renewal fund-raising donation for those plates.

12 (6) The state of Michigan, through the secretary of state,
13 shall own all right, title, and interest in all fund-raising
14 plates and collector plates, including the right to use,
15 reproduce, or distribute a fund-raising or collector plate or the
16 image of a fund-raising or collector plate in any form. The
17 secretary of state may authorize the commercial or other use of a
18 fund-raising or collector plate design, logo, or image if written
19 consent is obtained from the pertinent Michigan university or
20 other person that sponsored a fund-raising plate. However, the
21 secretary of state shall not authorize the commercial or other
22 use of a fund-raising or collector plate under this section
23 unless the user first agrees in writing to the terms and
24 conditions that the secretary of state considers necessary. Those
25 terms and conditions may include the payment of royalty fees to 1
26 or more of the following:

27 (a) This state.

1 (b) A Michigan university.

2 (c) Another person that sponsored a fund-raising plate.

3 (7) A royalty fee paid to this state under a written
4 agreement described in subsection (6) shall be credited to the
5 transportation administration collection fund **CREATED UNDER**
6 **SECTION 810B** through October 1, ~~2011~~-2015.

7 (8) Beginning not later than February 1, 2007, and annually
8 after that, an organization receiving fund-raising donations
9 disbursed under this section shall report to the state treasurer.
10 A report under this subsection shall include a summary of
11 expenditures during the preceding year of the money received
12 under this section.

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, beginning October 31, 2010, if the civil infraction
24 was a moving violation that resulted in an at-fault collision
25 with another vehicle, a person, or any other object, the civil
26 fine ordered under this section shall be increased by \$25.00 but
27 the total civil fine shall not exceed \$100.00. However, for a

Senate Bill No. 495 (H-1) as amended September 28, 2011

1 violation of section 602b, the person shall be ordered to pay
 2 costs as provided in subsection (4) and a civil fine of \$100.00
 3 for a first offense and \$200.00 for a second or subsequent
 4 offense. For a violation of section 674(1)(s) or a local
 5 ordinance substantially corresponding to section 674(1)(s), the
 6 person shall be ordered to pay costs as provided in subsection
 7 (4) and a civil fine of not less than \$100.00 or more than
 8 \$250.00. For a violation of section 328, the civil fine ordered
 9 under this subsection shall be not more than \$50.00. For a
 10 violation of section 710d, the civil fine ordered under this
 11 subsection shall not exceed \$10.00. For a violation of section
 12 710e, the civil fine and court costs ordered under this
 13 subsection shall be \$25.00. For a violation of section 682 or a
 14 local ordinance substantially corresponding to section 682, the
 15 person shall be ordered to pay costs as provided in subsection
 16 (4) and a civil fine of not less than \$100.00 or more than
 17 \$500.00. For a violation of section 240, the civil fine ordered
 18 under this subsection shall be \$15.00. For a violation of section
 19 252a(1), the civil fine ordered under this subsection shall be
 20 \$50.00. For a violation of section 676a(3), the civil fine
 21 ordered under this section shall be not more than \$10.00. For a
 22 **FIRST** violation of section 319f(1), the civil fine ordered under
 23 this section shall be not less than ~~\$1,100.00~~ **\$2,500.00** or more
 24 than **[\$2,750.00]**; **FOR A SECOND OR SUBSEQUENT VIOLATION,**
 25 **THE CIVIL FINE SHALL BE NOT LESS THAN \$5,000.00 OR MORE THAN**
 26 **[\$5,500.00]**. For a violation of section 319g(1)(a), the civil fine
 27 ordered under this section shall be not more than \$10,000.00. ~~For~~

1 ~~a violation of section 319g(1)(b), the civil fine ordered under~~
2 ~~this section shall be not less than \$2,750.00 or more than~~
3 ~~\$11,000.00. FOR A VIOLATION OF SECTION 319G(1)(G), THE CIVIL FINE~~
4 ~~ORDERED UNDER THIS SECTION SHALL BE NOT LESS THAN \$2,750.00 OR~~
5 ~~MORE THAN \$25,000.00.~~ Permission may be granted for payment of a
6 civil fine and costs to be made within a specified period of time
7 or in specified installments, but unless permission is included
8 in the order or judgment, the civil fine and costs shall be
9 payable immediately.

10 (3) Except as provided in this subsection, if a person is
11 determined to be responsible or responsible "with explanation"
12 for a civil infraction under this act or a local ordinance
13 substantially corresponding to a provision of this act while
14 driving a commercial motor vehicle, he or she shall be ordered to
15 pay costs as provided in subsection (4) and a civil fine of not
16 more than \$250.00. ~~If a person is determined to be responsible or~~
17 ~~responsible "with explanation" for a civil infraction under~~
18 ~~section 319g or a local ordinance substantially corresponding to~~
19 ~~section 319g, that person shall be ordered to pay costs as~~
20 ~~provided in subsection (4) and a civil fine of not more than~~
21 ~~\$10,000.00.~~

22 (4) If a civil fine is ordered under subsection (2) or (3),
23 the judge or district court magistrate shall summarily tax and
24 determine the costs of the action, which are not limited to the
25 costs taxable in ordinary civil actions, and may include all
26 expenses, direct and indirect, to which the plaintiff has been
27 put in connection with the civil infraction, up to the entry of

1 judgment. Costs shall not be ordered in excess of \$100.00. A
2 civil fine ordered under subsection (2) or (3) shall not be
3 waived unless costs ordered under this subsection are waived.
4 Except as otherwise provided by law, costs are payable to the
5 general fund of the plaintiff.

6 (5) In addition to a civil fine and costs ordered under
7 subsection (2) or (3) and subsection (4) and the justice system
8 assessment ordered under subsection (14), the judge or district
9 court magistrate may order the person to attend and complete a
10 program of treatment, education, or rehabilitation.

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

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

25 (8) The state court administrator shall annually publish and
26 distribute to each district and court a recommended range of
27 civil fines and costs for first-time civil infractions. This

1 recommendation is not binding upon the courts having jurisdiction
2 over civil infractions but is intended to act as a normative
3 guide for judges and district court magistrates and a basis for
4 public evaluation of disparities in the imposition of civil fines
5 and costs throughout the state.

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

12 (10) A default in the payment of a civil fine or costs
13 ordered under subsection (2), (3), or (4) or a justice system
14 assessment ordered under subsection (14), or an installment of
15 the fine, costs, or assessment, may be collected by a means
16 authorized for the enforcement of a judgment under chapter 40 of
17 the revised judicature act of 1961, 1961 PA 236, MCL 600.4001 to
18 600.4065, or under chapter 60 of the revised judicature act of
19 1961, 1961 PA 236, MCL 600.6001 to 600.6098.

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

26 (12) The court shall waive any civil fine, cost, or
27 assessment against a person who received a civil infraction

1 citation for a violation of section 710d if the person, before
2 the appearance date on the citation, supplies the court with
3 evidence of acquisition, purchase, or rental of a child seating
4 system meeting the requirements of section 710d.

5 (13) Until October 1, 2003, in addition to any civil fines
6 and costs ordered to be paid under this section, the judge or
7 district court magistrate shall levy an assessment of \$5.00 for
8 each civil infraction determination, except for a parking
9 violation or a violation for which the total fine and costs
10 imposed are \$10.00 or less. An assessment paid before October 1,
11 2003 shall be transmitted by the clerk of the court to the state
12 treasurer to be deposited into the Michigan justice training
13 fund. An assessment ordered before October 1, 2003 but collected
14 on or after October 1, 2003 shall be transmitted by the clerk of
15 the court to the state treasurer for deposit in the justice
16 system fund created in section 181 of the revised judicature act
17 of 1961, 1961 PA 236, MCL 600.181. An assessment levied under
18 this subsection is not a civil fine for purposes of section 909.

19 (14) Effective October 1, 2003, in addition to any civil
20 fines or costs ordered to be paid under this section, the judge
21 or district court magistrate shall order the defendant to pay a
22 justice system assessment of \$40.00 for each civil infraction
23 determination, except for a parking violation or a violation for
24 which the total fine and costs imposed are \$10.00 or less. Upon
25 payment of the assessment, the clerk of the court shall transmit
26 the assessment collected to the state treasury to be deposited
27 into the justice system fund created in section 181 of the

1 revised judicature act of 1961, 1961 PA 236, MCL 600.181. An
2 assessment levied under this subsection is not a civil fine for
3 purposes of section 909.

4 (15) If a person has received a citation for a violation of
5 section 223, the court shall waive any civil fine, costs, and
6 assessment, upon receipt of certification by a law enforcement
7 agency that the person, before the appearance date on the
8 citation, produced a valid registration certificate that was
9 valid on the date the violation of section 223 occurred.

10 (16) If a person has received a citation for a violation of
11 section 328(1) for failing to produce a certificate of insurance
12 pursuant to section 328(2), the court may waive the fee described
13 in section 328(3)(c) and shall waive any fine, costs, and any
14 other fee or assessment otherwise authorized under this act upon
15 receipt of verification by the court that the person, before the
16 appearance date on the citation, produced valid proof of
17 insurance that was in effect at the time the violation of section
18 328(1) occurred. Insurance obtained subsequent to the time of the
19 violation does not make the person eligible for a waiver under
20 this subsection.

21 (17) As used in this section, "moving violation" means an
22 act or omission prohibited under this act or a local ordinance
23 substantially corresponding to this act that involves the
24 operation of a motor vehicle and for which a fine may be
25 assessed.