

# SENATE BILL No. 495

June 16, 2011, Introduced by Senator PAPPAGEORGE and referred to the Committee on Transportation.

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, 811e, 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, and section 801g as amended by 1992 PA 29, 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

1 commercial look-up service of records maintained under this act.  
2 For each individual record looked up, the secretary of state  
3 shall charge a fee specified annually by the legislature, or if  
4 the legislature does not specify a fee, a market-based price  
5 established by the secretary of state. The secretary of state  
6 shall process a commercial look-up request only if the request is  
7 in a form or format prescribed by the secretary of state. Fees  
8 collected under this subsection on and after October 1, 2005  
9 through October 1, ~~2011~~**2015** shall be credited to the  
10 transportation administration collection fund created in section  
11 810b.

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

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

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

27 (5) A driver ~~training school operator~~**EDUCATION PROVIDER**

1 shall include in its contract with each client, as prescribed by  
2 the secretary of state, a notice that nonpersonal information  
3 related to the driving record of each individual instructor is  
4 available for review by the general public. A driver ~~training~~  
5 ~~school operator that~~ **EDUCATION PROVIDER WHO** fails to include the  
6 information required by this subsection is subject to a fine of  
7 not more than \$500.00.

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

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

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

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

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

27 (11) A limo carrier of passengers who fails to provide the

1 information required to be maintained by this section is subject  
2 to a fine of not more than \$500.00. Each failure to provide  
3 information constitutes a separate offense.

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

8 (13) As used in this section:

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

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

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

24 (2) The applicant shall prove to the satisfaction of the  
25 secretary of state that the applicant holds an unexpired amateur  
26 radio license. In addition to the regular registration fee, the  
27 applicant shall pay a service fee of \$2.00. The \$2.00 fee shall

1 be credited to the transportation administration collection fund  
2 created under section 810b through October 1, ~~2011.~~ **2015.** A  
3 **REGISTRATION** plate may be issued **UNDER THIS SECTION** for a motor  
4 vehicle ~~which~~ **THAT** bears a registration ~~issued pursuant to~~ **TAXED**  
5 **UNDER** section 801(1)(a) ~~and~~ **OR** (q).

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

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

20 Sec. 232. (1) Upon request, the secretary of state may  
21 furnish a list of information from the records of the department  
22 maintained under this act to a federal, state, or local  
23 governmental agency for use in carrying out the agency's  
24 functions, or to a private person or entity acting on behalf of a  
25 governmental agency for use in carrying out the agency's  
26 functions. The secretary of state may charge the requesting  
27 agency a preparation fee to cover the cost of preparing and

1 furnishing a list provided under this subsection if the cost of  
2 preparation exceeds \$25.00, and use the revenues received from  
3 the service to defray necessary expenses. If the secretary of  
4 state sells a list of information under this subsection to a  
5 member of the state legislature, the secretary of state shall  
6 charge the same fee as the fee for the sale of information under  
7 subsection (2) unless the list of information is requested by the  
8 member of the legislature to carry out a legislative function.  
9 The secretary of state may require the requesting agency to  
10 furnish 1 or more blank computer tapes, cartridges, or other  
11 electronic media and may require the agency to execute a written  
12 memorandum of agreement as a condition of obtaining a list of  
13 information under this subsection.

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

27 (3) The secretary of state or any other state agency shall

1 not sell or furnish any list of information under subsection (2)  
2 for the purpose of surveys, marketing, ~~and~~ ~~OR~~ solicitations. The  
3 secretary of state shall ensure that personal information  
4 disclosed in bulk will be used, rented, or sold solely for uses  
5 permitted under this act.

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

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

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

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

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

27 Sec. 301. (1) Except as provided in this act, a person shall



1 not drive a motor vehicle upon a highway in this state unless  
2 that person has a valid operator's or chauffeur's license with  
3 the appropriate group designation and indorsements for the type  
4 or class of vehicle being driven or towed. **A RESIDENT OF THIS  
5 STATE HOLDING A COMMERCIAL DRIVER'S LICENSE GROUP INDORSEMENT  
6 ISSUED BY ANOTHER STATE SHALL APPLY FOR A LICENSE TRANSFER WITHIN  
7 30 DAYS AFTER ESTABLISHING DOMICILE IN THIS STATE.**

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

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

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

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

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

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

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

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

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

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

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

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

1 this state, another state, or another country.

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

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

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

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

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

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

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

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

22           (a) Any combination of 2 convictions within 7 years for  
23 reckless driving in violation of section 626 before October 31,  
24 2010 or, beginning October 31, 2010, 626(2).

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

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

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

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

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

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

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

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

22           (iii) A violation or attempted violation of former section  
23 625b.

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

1 626(3) or (4).

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

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

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

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

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

22 (iii) A violation or attempted violation of former section  
23 625b.

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

27 (4) Except as otherwise provided under section 304, the

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

5 (a) The later of the following:

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

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

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

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

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

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

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

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

14 (A) **THE** person has been disqualified by the United States  
15 secretary of transportation from operating a commercial motor  
16 vehicle.

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

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

27 (8) As used in this section, "felony in which a motor



1 vehicle was used" means a felony during the commission of which  
2 the person operated a motor vehicle and while operating the  
3 vehicle presented real or potential harm to persons or property  
4 and 1 or more of the following circumstances existed:

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

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

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

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

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

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

25 (3) A student enrolled in a driver education course as that  
26 term is defined in section ~~1 of the driver education and training~~  
27 ~~schools act, 1974 PA 369, MCL 256.601-3~~ **OF THE DRIVER EDUCATION**

1 PROVIDER AND INSTRUCTOR ACT, 2006 PA 384, MCL 256.623, or a  
2 motorcycle safety course approved by the department of state may  
3 operate a motor vehicle without holding an operator's license or  
4 permit while under the direct supervision of the program  
5 instructor.

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

21 (5) The secretary of state, upon receiving proper  
22 application from a person 16 or 17 years of age who is enrolled  
23 in or has successfully completed an approved motorcycle safety  
24 course under section 811a, or a person who is 18 years of age or  
25 older and who holds a valid operator's or chauffeur's license,  
26 may issue a motorcycle temporary instruction permit entitling the  
27 applicant, while carrying the permit, to operate a motorcycle

1 upon the public streets and highways for a period of 180 days,  
2 but only when under the constant visual supervision of a licensed  
3 motorcycle operator at least 18 years of age. The applicant shall  
4 not operate the motorcycle at night or with a passenger.

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

1 256.705, or a local or intermediate school district, the  
2 permittee may drive a vehicle requiring a vehicle group  
3 designation or vehicle group indorsement on the streets and  
4 highways of this state for a period of 180 days when accompanied  
5 by an instructor licensed with the appropriate vehicle group  
6 designation and indorsement for the vehicle being driven who is  
7 either occupying the seat beside the driver or in direct visual  
8 and audio communication with the permittee. A person issued a  
9 temporary instruction permit under this section shall not operate  
10 a vehicle designed to carry 16 or more passengers that is  
11 transporting passengers except with an instructor licensed with  
12 the appropriate vehicle group designation and indorsement for the  
13 vehicle being driven or a driver skills test examiner.

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

1 States. If the applicant's full legal name differs from the name  
2 of the applicant that appears on a document presented under this  
3 subsection, the applicant shall present documents to verify his  
4 or her current full legal name. An application for an operator's  
5 or chauffeur's license shall be made in a manner prescribed by  
6 the secretary of state and shall contain all of the following:

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

15 (b) If the applicant is not a citizen of the United States,  
16 the applicant shall provide documents demonstrating ~~his or her~~  
17 ~~legal presence~~ **THAT HE OR SHE IS AUTHORIZED UNDER FEDERAL LAW TO**  
18 **BE PRESENT** in the United States. ~~A person legally present in the~~  
19 ~~United States includes, but is not limited to, a person~~  
20 ~~authorized by the United States government for employment in the~~  
21 ~~United States, a person with nonimmigrant status authorized under~~  
22 ~~federal law, and a person who is the beneficiary of an approved~~  
23 ~~immigrant visa petition or an approved labor certification.~~ The  
24 secretary of state 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.

28 (e) For an operator's or chauffeur's license with a vehicle

1 group designation or indorsement, the following certifications by  
2 the applicant:

3 (i) The applicant meets the applicable federal driver  
4 qualification requirements under 49 CFR ~~part~~**PARTS 383 AND** 391 if  
5 the applicant operates or intends to operate in interstate  
6 commerce or meets the applicable qualifications of the department  
7 of state police under the motor carrier safety act of 1963, 1963  
8 PA 181, MCL 480.11 to 480.25, if the applicant operates or  
9 intends to operate in intrastate commerce.

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

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

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

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

23 (2) An applicant for an operator's or chauffeur's license  
24 may have his or her image and signature captured or reproduced  
25 when the application for the license is made. The secretary of  
26 state shall acquire equipment purchased or leased under this  
27 section under standard purchasing procedures of the department of

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

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

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

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

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

21 (3) An application shall contain a signature or verification  
22 and certification by the applicant, as determined by the  
23 secretary of state, and shall be accompanied by the proper fee.  
24 The secretary of state shall collect the application fee with the  
25 application. The secretary of state shall refund the application  
26 fee to the applicant if the license applied for is denied, but  
27 shall not refund the fee to an applicant who fails to complete



1 the examination requirements of the secretary of state within 90  
2 days after the date of application for a license.

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

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

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

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

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

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

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

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

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

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

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

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

16 (6) The secretary of state shall maintain a record of an  
17 individual who indicates a willingness to have his or her name  
18 placed on the donor registry described in subsection (4)(a)(ii).  
19 Information about an applicant's indication of a willingness to  
20 have his or her name placed on the donor registry that is  
21 obtained by the secretary of state under subsection (4) and  
22 forwarded under subsection (14) is exempt from disclosure under  
23 section 13(1)(d) of the freedom of information act, 1976 PA 442,  
24 MCL 15.243.

25 (7) If an application is received from a person previously  
26 licensed in another jurisdiction, the secretary of state shall  
27 request a copy of the applicant's driving record and other

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

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

1           (9) Except for a vehicle group designation or indorsement or  
2 as provided in this subsection or section 314(5), the secretary  
3 of state may issue a renewal operator's or chauffeur's license  
4 for 1 additional 4-year period or until the person is no longer  
5 determined to be legally present under **THIS** section ~~307~~ by mail  
6 or by other methods prescribed by the secretary of state. The  
7 secretary of state may check the applicant's driving record  
8 through the national driver register and the commercial driver  
9 license information system before issuing a license under this  
10 section. The secretary of state shall issue a renewal license  
11 only in person if the person is a person required under section  
12 5a of the sex offenders registration act, 1994 PA 295, MCL  
13 28.725a, to maintain a valid operator's or chauffeur's license or  
14 official state personal identification card. If a license is  
15 renewed by mail or by other method, the secretary of state shall  
16 issue evidence of renewal to indicate the date the license  
17 expires in the future. The department of state police shall  
18 provide to the secretary of state updated lists of persons  
19 required under section 5a of the sex offenders registration act,  
20 1994 PA 295, MCL 28.725a, to maintain a valid operator's or  
21 chauffeur's license or official state personal identification  
22 card.

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

27           (11) The secretary of state shall not disclose a social

1 security number obtained under subsection (1) to another person  
2 except for use for 1 or more of the following purposes:

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

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

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

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

15 (e) As otherwise required by law.

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

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

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

1 its successor organization, tissue banks, and eye banks, in a  
2 manner that complies with that section.

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

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

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

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

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

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

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

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

9 (b) Date of birth.

10 (c) Height and sex.

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

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

16 (f) The name of this state.

17 (g) The expiration date of the license.

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

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

26 Unless an indorsement or the removal of restrictions is required,  
27 a person licensed to operate a group A vehicle may operate a

1 group B or C vehicle without taking another test.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 ~~—— (e) The applicant has not been convicted of any~~

1 ~~disqualifying offense listed in 49 CFR 383.51(b) while operating~~  
2 ~~a noncommercial motor vehicle that would be a disqualifying~~  
3 ~~offense under 49 CFR 383.51(b) if the applicant had committed the~~  
4 ~~offense while operating a commercial motor vehicle.~~

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

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

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

18 (6) ~~(7)~~—An applicant for an indorsement shall take the  
19 knowledge and driving skills tests described and required under  
20 49 CFR part 383.

21 (7) ~~(8)~~—The holder of an unexpired operator's or chauffeur's  
22 license may be issued a vehicle group designation and indorsement  
23 valid for the remainder of the license upon meeting the  
24 qualifications of section 312f and payment of the original  
25 vehicle group designation fee of ~~\$25.00~~ **\$35.00** and an indorsement  
26 fee of \$5.00 per indorsement, and a corrected license fee of  
27 \$18.00. A person required to procure an F vehicle indorsement

1 under subsection ~~(10)~~-(9) shall pay an indorsement fee of \$5.00.

2 (8) ~~(9)~~—Except as otherwise provided in subsections ~~(10)~~-(9)  
3 and ~~(11)~~-(10), this section does not apply to a driver or  
4 operator of a vehicle under all of the following conditions:

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

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

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

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

13 (9) ~~(10)~~—A person, before driving or operating a combination  
14 of vehicles having a gross vehicle weight rating of 26,001 pounds  
15 or more on the power unit that is used as described in subsection  
16 ~~(9)(a)~~-(8) (A) to (d), shall obtain an F vehicle indorsement. The  
17 F vehicle indorsement shall be issued upon successful completion  
18 of a knowledge test only.

19 (10) ~~(11)~~—A person, before driving or operating a single  
20 vehicle truck having a gross vehicle weight rating of 26,001  
21 pounds or more or a combination of vehicles having a gross  
22 vehicle weight rating of 26,001 pounds or more on the power unit  
23 that is used as described in subsection ~~(9)(a)~~-(8) (A) to (d) for  
24 carrying hazardous materials on which a placard is required under  
25 49 CFR parts 100 to 199, shall successfully complete both a  
26 knowledge test and a driving skills test. Upon successful  
27 completion of the knowledge test and driving skills test, the

1 person shall be issued the appropriate vehicle group designation  
2 and any vehicle indorsement necessary under this act.

3 (11) ~~(12)~~—This section does not apply to a police officer  
4 operating an authorized emergency vehicle or to a firefighter  
5 operating an authorized emergency vehicle who has met the driver  
6 training standards published under the ~~fire fighters~~ **FIREFIGHTERS**  
7 training council act of 1966, 1966 PA 291, MCL 29.361 to 29.377.

8 (12) ~~(13)~~—This section does not apply to a person operating  
9 a vehicle used exclusively to transport personal possessions or  
10 family members for nonbusiness purposes.

11 (13) ~~(14)~~—The money collected under subsection ~~(8)~~ **(7)** for a  
12 vehicle group designation or indorsement shall be deposited in  
13 the state treasury to the credit of the general fund. The  
14 secretary of state shall refund out of the fees collected to each  
15 county or municipality acting as an examining officer or  
16 examining bureau \$3.00 for each applicant examined for a first  
17 designation or indorsement to an operator's or chauffeur's  
18 license and \$1.50 for each renewal designation or indorsement to  
19 an operator's or chauffeur's license, whose application is not  
20 denied, on the condition that the money refunded shall be paid to  
21 the county or local treasurer and is appropriated to the county,  
22 municipality, or officer or bureau receiving that money for the  
23 purpose of carrying out this act.

24 (14) ~~(15)~~—Notwithstanding any other provision of this  
25 section, a person operating a vehicle described in subsections  
26 **(8) AND** (9) ~~and (10)~~ is subject to the provisions of sections 303  
27 and 319b.

1           (15) ~~(16)~~ This state shall comply with the requirements of  
2 the American association of motor vehicle administrators'  
3 AAMVAnet, incorporated's "Commercial Driver License Information  
4 System (CDLIS) State Procedures Manual" that the secretary of  
5 state determines are required for implementing and enforcing  
6 federal law.

7           Sec. 312f. (1) Except as otherwise provided in this section,  
8 a person shall be not less than 18 years of age before he or she  
9 is issued a vehicle group designation or indorsement, other than  
10 a motorcycle indorsement, or not less than 21 years of age **AND**  
11 **HAS BEEN APPROVED BY THE TRANSPORTATION SECURITY ADMINISTRATION**  
12 **FOR A HAZARDOUS MATERIAL ENDORSEMENT** before he or she is issued a  
13 hazardous material indorsement on an operator's or chauffeur's  
14 license and, as provided in this section, the person shall pass  
15 knowledge and driving skills tests that comply with minimum  
16 federal standards prescribed in 49 CFR part 383. A person who is  
17 18 years of age or older operating a vehicle to be used for  
18 farming purposes only may obtain an A or B vehicle group  
19 designation or an F vehicle indorsement. Each written examination  
20 given an applicant for a vehicle group designation or indorsement  
21 shall include subjects designed to cover the type or general  
22 class of vehicle to be operated. A person shall pass an  
23 examination that includes a driving skills test designed to test  
24 competency of the applicant for an original vehicle group  
25 designation and passenger indorsement on an operator's or  
26 chauffeur's license to drive that type or general class of  
27 vehicle upon the highways of this state with safety to persons

1 and property. The secretary of state shall waive the driving  
2 skills test for a person operating a vehicle that is used under  
3 the conditions described in section ~~312e(9)(a)~~ **312E(8)(A)** to (d)  
4 unless the vehicle has a gross vehicle weight rating of 26,001  
5 pounds or more on the power unit and is to be used to carry  
6 hazardous materials on which a placard is required under 49 CFR  
7 parts 100 to 199. The driving skills test may be waived if the  
8 applicant has a valid license with the appropriate vehicle group  
9 designation, passenger vehicle indorsement, or school bus  
10 indorsement in another state issued in compliance with 49 USC  
11 31301 to 31317.

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

19 (a) The applicant meets the requirements of 49 CFR 383.77.

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

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



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

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

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

9           (B) Liquid fertilizers in quantities of 3,000 gallons or  
10 less.

11           (C) Solid fertilizers that are not transported with any  
12 organic substance.

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

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

18           (4) The secretary of state may enter into an agreement with  
19 another public or private corporation or agency to conduct a  
20 driving skills test required under this section, section 312e, or  
21 49 CFR part 383. Before the secretary of state authorizes a  
22 person to administer a corporation's or agency's driver skills  
23 testing operations or authorizes an examiner to conduct a driving  
24 skills test, that person or examiner must complete both a state  
25 and federal bureau of investigation fingerprint based criminal  
26 history check through the department of state police.

27           (5) The secretary of state shall not issue a vehicle group

1 designation or a vehicle indorsement to an applicant for an  
2 original vehicle group designation or vehicle indorsement under  
3 section 312e **OR MAY CANCEL ALL VEHICLE GROUP DESIGNATIONS OR**  
4 **ENDORSEMENTS ON A PERSON'S OPERATOR'S OR CHAUFFEUR'S LICENSE** to  
5 whom 1 or more of the following apply:

6 (a) The applicant has had his or her license suspended or  
7 revoked for a reason other than as provided in section 321a, 515,  
8 **732A**, or 801c **OR SECTION 30 OF THE SUPPORT AND PARENTING TIME**  
9 **ENFORCEMENT ACT, 1982 PA 295, MCL 552.630**, in the 36 months  
10 immediately preceding application. ~~—except that—~~**HOWEVER**, a  
11 vehicle group designation may be issued if the suspension or  
12 revocation was due to a temporary medical condition or failure to  
13 appear at a reexamination as provided in section 320.

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

23 (c) The applicant is listed on the national driver register,  
24 the commercial driver license information system, or the driving  
25 records of the state in which the applicant was previously  
26 licensed as being disqualified from operating a commercial motor  
27 vehicle or as having a license or driving privilege suspended,

1 revoked, canceled, or denied.

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

14 (e) The applicant is subject to a suspension or revocation  
15 under section 319b or would have been subject to a suspension or  
16 revocation under section 319b if the applicant had been issued a  
17 vehicle group designation or vehicle indorsement.

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

23 (g) The United States secretary of transportation has  
24 disqualified the applicant from operating a commercial motor  
25 vehicle.

26 **(H) THE APPLICANT FAILS TO SATISFY THE FEDERAL REGULATIONS**  
27 **PROMULGATED UNDER 49 CFR PARTS 383 AND 391 BY REFUSING TO CERTIFY**

1 THE TYPE OF COMMERCIAL MOTOR VEHICLE OPERATION THE APPLICANT  
2 INTENDS TO PERFORM AND FAILS TO PRESENT VALID MEDICAL  
3 CERTIFICATION REQUIRED UNDER 49 CFR 383.71 AND 391.45 AND SECTION  
4 2D OF THE MOTOR CARRIER SAFETY ACT OF 1963, 1963 PA 181, MCL  
5 480.12D, TO THE SECRETARY OF STATE IF REQUIRED TO DO SO.

6 (I) THE APPLICANT HAS BEEN DISQUALIFIED FROM OPERATING A  
7 COMMERCIAL MOTOR VEHICLE DUE TO FRAUDULENT TESTING.

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

11 (A) THE United States secretary of transportation has  
12 disqualified the applicant from operating a commercial motor  
13 vehicle. ~~For the~~

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

19 (C) ON OR AFTER JANUARY 30, 2012, THE APPLICANT FAILS TO  
20 MEET THE REQUIREMENTS OF 49 CFR PARTS 383 AND 391 BY REFUSING TO  
21 CERTIFY THE TYPE OF COMMERCIAL MOTOR VEHICLE OPERATION THE  
22 APPLICANT INTENDS TO PERFORM AND FAILS TO PRESENT MEDICAL  
23 CERTIFICATION REQUIRED UNDER 49 CFR 383.71 AND 391.45 AND SECTION  
24 2D OF THE MOTOR CARRIER SAFETY ACT OF 1963, 1963 PA 181, MCL  
25 480.12D, 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 HAS NOT COMPLIED WITH 49 CFR 383.71 AND**  
16 **391.45 OR SECTION 2D OF THE MOTOR CARRIER SAFETY ACT OF 1963,**  
17 **1963 PA 181, MCL 480.12D, WITH REGARD TO MEDICAL CERTIFICATION**  
18 **DOCUMENTATION REQUIREMENTS.**

19 ~~(5) Except for an operator's or chauffeur's license with a~~  
20 ~~hazardous material indorsement, the~~ **THE** secretary of state may  
21 issue a renewal operator's or chauffeur's license to a person who  
22 will be out of state for more than 180 days beyond the expiration  
23 date of his or her operator's or chauffeur's license, if the  
24 secretary of state has a digital image of the person on file. The  
25 applicant for this renewal shall submit a statement evidencing a  
26 vision examination in accordance with the rules promulgated by  
27 the secretary of state under section 309 and any other statement



1 required by this act or federal law. A person is not eligible for  
2 consecutive renewals of a license under this subsection. **THIS**  
3 **SUBSECTION DOES NOT APPLY TO A PERSON WHO HAS NOT COMPLIED WITH**  
4 **49 CFR 383.71 AND 391.45 OR SECTION 2D OF THE MOTOR CARRIER**  
5 **SAFETY ACT OF 1963, 1963 PA 181, MCL 480.12D, WITH REGARD TO**  
6 **MEDICAL CERTIFICATION DOCUMENTATION REQUIREMENTS, OR A PERSON**  
7 **WITH A HAZARDOUS MATERIAL INDORSEMENT ON HIS OR HER OPERATOR'S OR**  
8 **CHAUFFEUR'S LICENSE.**

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

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

1 as required by a law or local ordinance of this or another state.

2 The period of suspension or revocation is as follows:

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

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

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

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

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

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

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

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

25 (i) Three serious traffic violations.

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

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

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

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

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

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

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

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

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

1 operating a commercial motor vehicle.

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

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

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

16 (i) Section 625(1), (3), (4), (5), (6), (7), or (8), section  
17 625m, or former section 625(1) or (2), or former section 625b,  
18 while operating a commercial or noncommercial motor vehicle.

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

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

24 (iv) A refusal of a request of a police officer to submit to  
25 a chemical test of his or her blood, breath, or urine for the  
26 purpose of determining the amount of alcohol or presence of a  
27 controlled substance or both in his or her blood while he or she

1 was operating a commercial or noncommercial motor vehicle in this  
2 state or another state.

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

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

12 ~~(vii) Six-point violations as provided in section 320a while~~  
13 operating a commercial motor vehicle.

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

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

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

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

25 (2) The secretary of state shall immediately deny, cancel,  
26 or revoke a hazardous material indorsement on the operator's or  
27 chauffeur's license of a person with a vehicle group designation

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

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

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

27 (b) Suspension for 180 days if the person is convicted of or

1 found responsible for a violation of section 319d(4) or 319f  
2 while operating a commercial motor vehicle that is either  
3 carrying hazardous material required to have a placard under 49  
4 CFR parts 100 to 199 or designed to carry 16 or more passengers,  
5 including the driver.

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

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

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

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

26 (5) For the purpose of this section only, a bond forfeiture  
27 or a determination by a court of original jurisdiction or an

1 authorized administrative tribunal that a person has violated the  
2 law is considered a conviction.

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

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

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

26 (b) Refusing to submit to a chemical test of his or her  
27 blood, breath, or urine for the purpose of determining the amount



1 of alcohol or the presence of a controlled substance or both in  
2 the person's blood, breath, or urine as required by a law or  
3 local ordinance of this or another state.

4 (c) Leaving the scene of an accident.

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

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

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

12 (10) As used in this section:

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

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

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

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

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

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

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

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

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

3           (iv) Improper lane use.

4           (v) Following too closely.

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

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

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

21           (ix) **BEGINNING OCTOBER 28, 2013, A VIOLATION OF SECTION**  
22 **602B(2).**

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

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

1 blood, per 210 liters of breath, or per 67 milliliters of urine.

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

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

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

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

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

27 (7) A person who violates subsection (4) is guilty of a

1 misdemeanor punishable by imprisonment for not more than 90 days  
2 or a fine of not more than \$100.00, or both.

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

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

10       ~~—— (a) If the violation occurred while the person was~~  
11 ~~transporting nonhazardous material, the vehicle group~~  
12 ~~designations shall be suspended as follows:~~

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

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

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

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

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

1 ~~—— (ii) For a second or subsequent violation within a 10 year~~  
 2 ~~period, suspension for not less than 3 years or more than 5 years~~  
 3 **REQUIRED UNDER 49 CFR 383.51.**

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

7 (4) As used in this section, +

8 ~~—— (a) "Out of service order" means a declaration by an~~  
 9 ~~authorized enforcement officer that a driver of a commercial~~  
 10 ~~motor vehicle as defined in subdivision (b), or a motor carrier~~  
 11 ~~operation, is out of service pursuant to 49 CFR 386.72, 392.5,~~  
 12 ~~395.13, or 396.9, or the North American uniform out of service~~  
 13 ~~criteria, or a law or local ordinance of a state, the United~~  
 14 ~~States, Canada, Mexico, or a local jurisdiction thereof,~~  
 15 ~~substantially corresponding to 49 CFR 386.72, 392.5, 395.13, or~~  
 16 ~~396.9, or the North American uniform out of service criteria.~~

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

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

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

26 (b) Motor carrier safety regulations 49 CFR 392.10 or  
 27 392.11, as adopted by section 1a of the motor carrier safety act

1 of 1963, 1963 PA 181, MCL 480.11a.

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

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

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

10 (f) Transportation security regulations 49 CFR parts 1570  
11 and 1572 or motor carrier safety regulations 49 CFR parts 383 and  
12 384 that regulate who may operate a commercial motor vehicle that  
13 is used to transport hazardous material.

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

16 (2) Except as otherwise provided in ~~subdivisions (a) and (b)~~  
17 **SUBSECTION (1) (A) AND (G)**, a person who violates this section is  
18 responsible for a civil infraction **AND LIABLE TO PAY A CIVIL FINE**  
19 **UNDER SECTION 907. +**

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

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

26 ~~—— (3) As used in this section, "out of service order" means a~~  
27 ~~declaration by an authorized enforcement officer that a driver of~~

1 ~~a commercial motor vehicle or a motor carrier operation is out-~~  
2 ~~of service pursuant to 49 CFR 386.72, 392.5, 395.13, or 396.9, or~~  
3 ~~the North American uniform out of service criteria, or a law or~~  
4 ~~local ordinance of a state, the United States, Canada, Mexico, or~~  
5 ~~a local jurisdiction thereof substantially corresponding to 49~~  
6 ~~CFR 386.72, 392.5, 395.13, or 396.9, or the North American~~  
7 ~~uniform out of service criteria.~~

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

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

17       (b) A violation of section 601b(2) or (3),  
18 601c(1) or (2), or 653a(3) or (4) or, beginning  
19 October 31, 2010, a violation of section 601d.....6 points

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

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



- 1 moving violation resulting in an at-fault  
 2 collision with another vehicle, a person,  
 3 or any other object.....4 points
- 4 (n) A violation of any law other than the  
 5 law described in subdivision (l) or ordinance  
 6 pertaining to speed by exceeding the lawful  
 7 maximum by more than 10 but not more than 15  
 8 miles per hour or careless driving in violation  
 9 of section 626b or a law or ordinance substantially  
 10 corresponding to section 626b.....3 points
- 11 (o) A violation of section 627(9) pertaining  
 12 to speed in a work zone described in that section  
 13 by exceeding the lawful maximum by 10 miles per  
 14 hour or less.....3 points
- 15 (p) A violation of any law other than the law  
 16 described in subdivision (o) or ordinance  
 17 pertaining to speed by exceeding the lawful maximum  
 18 by 10 miles per hour or less.....2 points
- 19 (q) Disobeying a traffic signal or stop sign,  
 20 or improper passing.....3 points
- 21 (r) A violation of section 624a, 624b, or  
 22 a law or ordinance substantially corresponding to  
 23 section 624a or 624b.....2 points
- 24 (s) A violation of section 310e(4) or (6) or  
 25 a law or ordinance substantially corresponding to  
 26 section 310e(4) or (6).....2 points
- 27 (t) All other moving violations pertaining to  
 28 the operation of motor vehicles reported under  
 29 this section.....2 points
- 30 (u) A refusal by a person less than 21 years of  
 31 age to submit to a preliminary breath test required

1 by a peace officer under section 625a.....2 points

2 (2) Points shall not be entered for a violation of section  
3 310e(14), 311, ~~602b~~**602B(1)**, 625m, 658, **710D**, 717, 719, 719a, or  
4 723.

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

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

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

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

18 (7) If a person violates a speed restriction established by  
19 an executive order issued during a state of energy emergency as  
20 provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of  
21 state shall enter points for the violation pursuant to subsection  
22 (1).

23 (8) The secretary of state shall enter 6 points upon the  
24 record of a person whose license is suspended or denied pursuant  
25 to section 625f. However, if a conviction, civil infraction  
26 determination, or probate court disposition results from the same

1 incident, additional points for that offense shall not be  
2 entered.

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

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

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

1 A WIRELESS 2-WAY COMMUNICATION DEVICE DOES NOT INCLUDE A GLOBAL  
2 POSITIONING OR NAVIGATION SYSTEM THAT IS AFFIXED TO THE  
3 COMMERCIAL MOTOR VEHICLE. THIS SUBSECTION APPLIES BEGINNING  
4 OCTOBER 28, 2013.

5 (3) ~~(2) Subsection (1) does~~ SUBSECTIONS (1) AND (2) DO not  
6 apply to an individual who is using a device described in  
7 subsection (1) to do any of the following:

8 (a) Report a traffic accident, medical emergency, or serious  
9 road hazard.

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

12 (c) Report or avert the perpetration or potential  
13 perpetration of a criminal act against the individual or another  
14 person.

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

18 (4) ~~(3)~~—An individual who violates this section is  
19 responsible for a civil infraction and shall be ordered to pay a  
20 civil fine as follows:

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

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

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

1           Sec. 605. (1) This chapter and chapter VIII apply uniformly  
2 throughout this state and in all political subdivisions and  
3 municipalities in the state. A local authority shall not adopt,  
4 enact, or enforce a local law that provides lesser penalties or  
5 that is otherwise in conflict with this chapter or chapter VIII.

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

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

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

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

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

1 result in the vehicle being placed out of service, the court  
2 shall dismiss the citation if the owner or operator of that  
3 commercial motor vehicle provides written proof to the court  
4 within 14 days after the citation is issued showing that the  
5 defective equipment indicated in the citation has been repaired.

6 (5) As used in this section, +

7 ~~\_\_\_\_\_~~ (a) ~~"Local"~~ **LOCAL** law" includes a local charter provision,  
8 ordinance, rule, or regulation.

9 ~~\_\_\_\_\_~~ (b) ~~"Out of service"~~ means that process established under  
10 the motor carrier safety act, 1963 PA 181, MCL 480.11 to 480.22.

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

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

27 (b) Immediately for each case charging a violation of

1 section 625(1), (3), (4), (5), (6), (7), or (8) or section 625m  
2 or a local ordinance substantially corresponding to section  
3 625(1), (3), (6), or (8) or section 625m in which the charge is  
4 dismissed or the defendant is acquitted.

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

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

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

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

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

- 1 (c) The date and nature of the violation.
- 2 (d) The type of vehicle driven at the time of the violation  
3 and, if the vehicle is a commercial motor vehicle, that vehicle's  
4 group designation.
- 5 (e) The date of the conviction, finding, forfeiture,  
6 judgment, or civil infraction determination.
- 7 (f) Whether bail was forfeited.
- 8 (g) Any license restriction, suspension, or denial ordered  
9 by the court as provided by law.
- 10 (h) The vehicle identification number and registration plate  
11 number of all vehicles that are ordered immobilized or forfeited.
- 12 (i) Other information considered necessary to the secretary  
13 of state.
- 14 (4) The clerk of the court also shall forward an abstract of  
15 the court record to the secretary of state upon a person's  
16 conviction involving any of the following:
- 17 (a) A violation of section 413, 414, or 479a of the Michigan  
18 penal code, 1931 PA 328, MCL 750.413, 750.414, and 750.479a.
- 19 (b) A violation of section 1 of former 1931 PA 214.
- 20 (c) Negligent homicide, manslaughter, or murder resulting  
21 from the operation of a vehicle.
- 22 (d) A violation of ~~section~~**SECTIONS 701(1) AND** 703 of the  
23 Michigan liquor control code of 1998, 1998 PA 58, MCL **436.1701**  
24 **AND** 436.1703, or a local ordinance substantially corresponding to  
25 ~~that section.~~**THOSE SECTIONS.**
- 26 (e) A violation of section 411a(2) of the Michigan penal  
27 code, 1931 PA 328, MCL 750.411a.



1 (f) A violation of motor carrier safety regulations 49 CFR  
2 392.10 or 392.11 as adopted by section 1a of the motor carrier  
3 safety act of 1963, 1963 PA 181, MCL 480.11a.

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

6 (h) A violation of motor carrier safety regulations 49 CFR  
7 392.10 or 392.11 as adopted by section 31 of the motor bus  
8 transportation act, 1982 PA 432, MCL 474.131.

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

16 (j) An attempt to commit an offense described in  
17 subdivisions (a) to (h).

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

20 (l) A violation of section 3101, 3102(1), or 3103 of the  
21 insurance code of 1956, 1956 PA 218, MCL 500.3101, 500.3102, and  
22 500.3103.

23 (m) A violation listed as a disqualifying offense under 49  
24 CFR 383.51.

25 (5) The clerk of the court shall also forward an abstract of  
26 the court record to the secretary of state if a person has pled  
27 guilty to, or offered a plea of admission in a juvenile

1 proceeding for, a violation of section 703 of the Michigan liquor  
2 control code of 1998, 1998 PA 58, MCL 436.1703, or a local  
3 ordinance substantially corresponding to that section, and has  
4 had further proceedings deferred under that section. If the  
5 person is sentenced to a term of probation and terms and  
6 conditions of probation are fulfilled and the court discharges  
7 the individual and dismisses the proceedings, the court shall  
8 also report the dismissal to the secretary of state.

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

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

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

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

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

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

25 "You are charged with the commission of a felony in which a  
26 motor vehicle was used. If you are convicted and the judge finds  
27 that the conviction is for a felony in which a motor vehicle was

1 used, as defined in section 319 of the Michigan vehicle code,  
2 1949 PA 300, MCL 257.319, your driver's license shall be  
3 suspended by the secretary of state."

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

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

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

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

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

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

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

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

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

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

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

27 (13) Every person required to forward abstracts to the

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

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

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

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

14 (d) The following statement:

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

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

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

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

26 (15) Except as provided in subsection (16), the secretary of  
27 state shall keep all abstracts received under this section at the

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

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

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

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

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

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

26 (f) A violation of section 328(1) if, before the appearance  
27 date on the citation, the person submits proof to the court that

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

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

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

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

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

25 (18) The secretary of state shall inform the courts of this  
26 state of the nonmoving violations and violations of chapter II  
27 that are used by the secretary of state as the basis for the

1 suspension, restriction, revocation, or denial of an operator's  
2 or chauffeur's license.

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

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

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



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

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

11 Sec. 801. (1) The secretary of state shall collect the  
12 following taxes at the time of registering a vehicle, which shall  
13 exempt the vehicle from all other state and local taxation,  
14 except the fees and taxes provided by law to be paid by certain  
15 carriers operating motor vehicles and trailers under the motor  
16 carrier act, 1933 PA 254, MCL 475.1 to 479.43; the taxes imposed  
17 by the motor carrier fuel tax act, 1980 PA 119, MCL 207.211 to  
18 207.234; and except as otherwise provided by this act:

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

23	Empty weights	Tax
24	0 to 3,000 pounds.....	\$ 29.00
25	3,001 to 3,500 pounds.....	32.00
26	3,501 to 4,000 pounds.....	37.00
27	4,001 to 4,500 pounds.....	43.00

1	4,501 to 5,000 pounds.....	47.00
2	5,001 to 5,500 pounds.....	52.00
3	5,501 to 6,000 pounds.....	57.00
4	6,001 to 6,500 pounds.....	62.00
5	6,501 to 7,000 pounds.....	67.00
6	7,001 to 7,500 pounds.....	71.00
7	7,501 to 8,000 pounds.....	77.00
8	8,001 to 8,500 pounds.....	81.00
9	8,501 to 9,000 pounds.....	86.00
10	9,001 to 9,500 pounds.....	91.00
11	9,501 to 10,000 pounds.....	95.00
12	over 10,000 pounds.....\$ 0.90 per 100 pounds	
13		of empty weight

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

1           (b) For a trailer coach attached to a motor vehicle, the tax  
2 shall be assessed as provided in subdivision (l). A trailer coach  
3 not under 1959 PA 243, MCL 125.1035 to 125.1043, and while  
4 located on land otherwise assessable as real property under the  
5 general property tax act, 1893 PA 206, MCL 211.1 to 211.155, if  
6 the trailer coach is used as a place of habitation, and whether  
7 or not permanently affixed to the soil, is not exempt from real  
8 property taxes.

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

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

1 regular expiration date of the registration. As used in this  
2 subdivision:

3 (i) "Wood harvester" includes the person or persons hauling  
4 and transporting raw materials in the form produced at the  
5 harvest site or hauling and transporting wood harvesting  
6 equipment. Wood harvester does not include a person or persons  
7 whose primary activity is tree-trimming or landscaping.

8 (ii) "Wood harvesting equipment" includes all of the  
9 following:

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

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

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

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

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

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

27 (e) For a hearse or ambulance used exclusively by a licensed

1 funeral director in the general conduct of the licensee's funeral  
2 business, including a hearse or ambulance whose owner is engaged  
3 in the business of leasing or renting the hearse or ambulance to  
4 others, \$1.17 per 100 pounds of the empty weight of the hearse or  
5 ambulance.

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

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

23 (h) For a vehicle owned by a nonprofit organization and used  
24 to transport equipment for providing dialysis treatment to  
25 children at camp; for a vehicle owned by the civil air patrol, as  
26 organized under 36 USC 40301 to 40307, \$10.00 per plate, if the  
27 vehicle is designated by a proper sign showing the civil air

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

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

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

21	Empty weights	Per 100 pounds
22	0 to 2,500 pounds.....	\$ 1.40
23	2,501 to 4,000 pounds.....	1.76
24	4,001 to 6,000 pounds.....	2.20
25	6,001 to 8,000 pounds.....	2.72
26	8,001 to 10,000 pounds.....	3.25
27	10,001 to 15,000 pounds.....	3.77

1           15,001 pounds and over..... 4.39

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

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

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

1	80,001 to 90,000 pounds.....	1,793.00
2	90,001 to 100,000 pounds.....	2,002.00
3	100,001 to 115,000 pounds.....	2,223.00
4	115,001 to 130,000 pounds.....	2,448.00
5	130,001 to 145,000 pounds.....	2,670.00
6	145,001 to 160,000 pounds.....	2,894.00
7	over 160,000 pounds.....	3,117.00

8 For each commercial vehicle registered under this  
9 subdivision, \$15.00 shall be deposited in a truck safety fund to  
10 be expended for the purposes prescribed in section 25 of 1951 PA  
11 51, MCL 247.675.

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

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

22	Empty weights	Tax
23	0 to 2,499 pounds.....	\$ 75.00
24	2,500 to 9,999 pounds.....	200.00
25	10,000 pounds and over.....	300.00

26 The registration plate issued under this subdivision expires



1 only when the secretary of state reissues a new registration  
2 plate for all trailers. Beginning October 1, 2005, if the  
3 secretary of state reissues a new registration plate for all  
4 trailers, a person who has once paid the tax as increased by 2003  
5 PA 152 for a vehicle under this subdivision is not required to  
6 pay the tax for that vehicle a second time, but is required to  
7 pay only the cost of the reissued plate at the rate provided in  
8 section 804(2) for a standard plate. A registration plate issued  
9 under this subdivision is nontransferable.

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

14	Empty weights	Per 100 pounds
15	0 to 4,000 pounds.....	\$ 1.76
16	4,001 to 6,000 pounds.....	2.20
17	6,001 to 10,000 pounds.....	2.72
18	10,001 pounds and over.....	3.25
19	(n) For each motorcycle.....	\$ 23.00

20 On October 1, 1983, and October 1, 1984, the tax assessed  
21 under this subdivision shall be annually revised for the  
22 registrations expiring on the appropriate October 1 or after that  
23 date by multiplying the tax assessed in the preceding fiscal year  
24 times the personal income of Michigan for the preceding calendar  
25 year divided by the personal income of Michigan for the calendar  
26 year that preceded that calendar year. In performing the

1 calculations under this subdivision, the secretary of state shall  
2 use the spring preliminary report of the United States department  
3 of commerce or its successor agency.

4 Beginning January 1, 1984, the registration tax for each  
5 motorcycle is increased by \$3.00. The \$3.00 increase is not part  
6 of the tax assessed under this subdivision for the purpose of the  
7 annual October 1 revisions but is in addition to the tax assessed  
8 as a result of the annual October 1 revisions. Beginning January  
9 1, 1984, \$3.00 of each motorcycle fee shall be placed in a  
10 motorcycle safety fund in the state treasury and shall be used  
11 only for funding the motorcycle safety education program as  
12 provided for under sections 312b and 811a.

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

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

27 (i) Except as otherwise provided in this subdivision, for the

1 first registration that is not a transfer registration under  
 2 section 809 and for the first registration after a transfer  
 3 registration under section 809, according to the following  
 4 schedule based on the vehicle's list price:

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

1 More than \$30,000.00, the tax of \$148.00 is increased by  
2 \$5.00 for each \$1,000.00 increment or fraction of a \$1,000.00  
3 increment over \$30,000.00. If a current tax increases or  
4 decreases as a result of 1998 PA 384, only a vehicle purchased or  
5 transferred after January 1, 1999 shall be assessed the increased  
6 or decreased tax.

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

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

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

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

1 under section 803d shall be assessed at the rate of 50% of the  
2 tax provided for in this subdivision.

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

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

26 (2) A manufacturer is not exempted under this act from  
27 paying ad valorem taxes on vehicles in stock or bond, except on

1 the specified number of motor vehicles registered. A dealer is  
2 exempt from paying ad valorem taxes on vehicles in stock or bond.

3 (3) Until October 1, ~~2011~~, **2015**, the tax for a vehicle with  
4 an empty weight over 10,000 pounds imposed under subsection  
5 (1)(a) and the taxes imposed under subsection (1)(c), (d), (e),  
6 (f), (i), (j), (m), (o), and (p) are each increased as follows:

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

10 (b) A fee of \$5.75 that shall be credited to the  
11 transportation administration collection fund created in section  
12 810b.

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

22 (5) As used in this section:

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

1 section 251.

2 (b) "List price" means the manufacturer's suggested base  
3 list price as published by the secretary of state, or the  
4 manufacturer's suggested retail price as shown on the label  
5 required to be affixed to the vehicle under 15 USC 1232, if the  
6 secretary of state has not at the time of the sale of the vehicle  
7 published a manufacturer's suggested retail price for that  
8 vehicle, or the purchase price of the vehicle if the  
9 manufacturer's suggested base list price is unavailable from the  
10 sources described in this subdivision.

11 (c) "Purchase price" means the gross proceeds received by  
12 the seller in consideration of the sale of the motor vehicle  
13 being registered.

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

23 (2) For the purposes of this section, "international  
24 registration plan" means a method of licensing trucks and bus  
25 fleets proportionally among 2 or more member jurisdictions and  
26 includes an apportioned fee that is determined according to the  
27 fleet's percentage of miles generated in the various

1 jurisdictions. Upon payment of the apportioned fee there shall be  
2 issued 1 registration plate and 1 cab card for each vehicle with  
3 the cab card indicating the jurisdictions in which the unit is  
4 registered and the registered weight for each jurisdiction.

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



1 balance, including the penalty, to the department of treasury for  
2 collection.

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

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

1 Fees under this subsection shall not be prorated for less than 6  
2 months.

3 (6) Upon proper application for registration of a vehicle  
4 under this section, the secretary of state may issue a temporary  
5 registration which shall be valid for not more than 45 days from  
6 the date of issuance.

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

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

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

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

27 (2) For all commercial vehicles registered after August 31

1 for the period expiring the last day of February, a tax of 1/2  
2 the rate otherwise imposed by ~~by~~**UNDER** this act shall be collected.  
3 This subsection does not apply to vehicles registered by  
4 manufacturers or dealers under sections 244 to 247.

5 (3) For each special registration as provided for in section  
6 226(9), a service fee of \$10.00 shall be collected.

7 (4) For temporary registration plates or markers as provided  
8 for in section 226a(1), a service fee of \$5.00 for each group of  
9 5 of those temporary registration plates or markers shall be  
10 collected.

11 (5) For a temporary registration as provided in section  
12 226b, the fee shall be either of the following:

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

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

19 (6) For registration plates as provided for in section  
20 226a(5), (6), and (7), a service fee of \$40.00 for 2 registration  
21 plates and \$20.00 for each additional registration plate shall be  
22 collected.

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

1 (8) The secretary of state, upon request, may issue a  
2 registration valid for 3 months for use on a vehicle with an  
3 elected gross weight of 24,000 pounds or greater on the payment  
4 of 1/4 the ~~full registration fee~~ **TAX** provided in section  
5 801(1)(k) and in addition a service fee of \$10.00.

6 (9) Upon application to the secretary of state, an owner of  
7 a truck, truck tractor, or road tractor that is used exclusively  
8 for the purpose of gratuitously transporting farm crops or  
9 livestock bedding between the field where produced and the place  
10 of storage, feed from on-farm storage to an on-farm feeding site,  
11 or fertilizer, seed, or spray material from the farm location to  
12 the field may obtain a special registration. The service fee for  
13 each special registration **ISSUED UNDER THIS SUBSECTION** shall be  
14 \$20.00. The special registration shall be valid for a period of  
15 up to 12 months and shall expire on December 31. As used in this  
16 subsection:

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

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

19 (10) The secretary of state, upon request, may issue a  
20 special registration valid for 3 or more months for a road  
21 tractor, truck, or truck tractor owned by a farmer, if the motor  
22 vehicle is used exclusively in connection with the farmer's  
23 farming operations or for the transportation of the farmer and  
24 the farmer's family and not used for hire. The fee for the  
25 registration shall be 1/10 of the ~~fee~~ **TAX** provided in section  
26 801(1)(c) times the number of months for which the special  
27 registration is requested and, in addition, a service fee of

1 \$10.00. No special registration shall be issued for a motor  
2 vehicle for which the ~~fee-TAX~~ under section 801(1)(c) would be  
3 less than \$50.00.

4 (11) The secretary of state, upon request, may issue a  
5 registration valid for 3 months or more for use on a vehicle with  
6 an elected gross weight of 24,000 pounds or greater. The fee for  
7 the registration shall be 1/12 of the ~~fee-TAX~~ provided in section  
8 801(1)(k), times the number of months for which the special  
9 registration is requested and, in addition, a service fee of  
10 \$10.00.

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

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

26 (2) An application for a personalized registration plate  
27 shall be submitted to the secretary of state ~~pursuant to-UNDER~~

1 section 217. Application for an original personalized  
2 registration plate shall be accompanied with payment of a service  
3 fee of \$8.00 for the first month and of \$2.00 per month for each  
4 additional month of the registration period in addition to the  
5 regular vehicle registration fee. A second duplicate registration  
6 plate may be obtained by requesting that option on the  
7 application and paying an additional service fee of \$5.00. The  
8 original and duplicate service fees shall be deposited in the  
9 transportation administration collection fund created in section  
10 810b through October 1, ~~2011~~—2015. Application for the renewal  
11 of a personalized registration plate shall be accompanied with  
12 payment of a service fee of \$15.00 in addition to the regular  
13 vehicle registration fee. The service fee shall be credited to  
14 the Michigan transportation fund **ESTABLISHED UNDER**, and shall be  
15 allocated ~~pursuant to~~ **AS PRESCRIBED UNDER**, section 10 of 1951 PA  
16 51, MCL 247.660. The amount allocated to the state trunk line  
17 fund **ESTABLISHED UNDER SECTION 11 OF 1951 PA 51, MCL 247.661**,  
18 shall be used by the state transportation department for litter  
19 pickup and cleanup on state roads and rights of way.

20 (3) The expiration date for a personalized registration  
21 plate shall be ~~pursuant to~~ **AS PRESCRIBED UNDER** section 226. Upon  
22 the issuance or renewal of a personalized registration plate, the  
23 secretary of state may issue a tab or tabs designating the month  
24 and year of expiration. Upon the renewal of a personalized  
25 registration plate, the secretary of state shall issue a new tab  
26 or tabs for the rear plate designating the next expiration date  
27 of the plate. Upon renewal, the secretary of state shall not

1 issue the owner a new exact duplicate of the expired plate unless  
2 the plate is illegible and the owner pays the service fee and  
3 registration fee for an original personalized registration plate.

4 (4) The sequence of letters or numbers or combination of  
5 letters and numbers on a personalized plate shall not be given to  
6 a different person in a subsequent year unless the person to whom  
7 the plate was issued does not reapply before the expiration date  
8 of the plate.

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

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

21 Sec. 803r. The service fees collected under sections 803e,  
22 803f, 803i, 803j, 803k, 803l, 803m, 803n, and 803o shall be  
23 deposited into the transportation administration collection fund  
24 created under section 810b through October 1, ~~2011~~**2015**.

25 Sec. 804. (1) In addition to any other fees required under  
26 this act, a \$5.00 service fee shall be paid with each application  
27 for each distinctive or commemorative plate provided for in this

1 act to cover manufacturing and issuance costs unless these costs  
2 are otherwise specifically provided for in this act.

3 (2) Each applicant for a duplicate or replacement license  
4 plate provided for in this act shall pay the following service  
5 fee to the secretary of state, in addition to any other fees  
6 required under this act:

7 (a) Five dollars for a standard or graphic standard plate,  
8 personalized registration plate, veterans special registration  
9 plate, or other registration plate for which the duplicate or  
10 replacement fee has not been specified in this act.

11 (b) Ten dollars for a set of plates provided for in section  
12 803m.

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

16 (3) The service fees collected under this section shall be  
17 deposited in the transportation administration collection fund  
18 created in section 810b through October 1, ~~2011~~**2015**.

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



1 October 1, ~~2011~~—2015. The \$5.00 expeditious treatment fee  
2 collected on and after October 1, 2004 through October 1, ~~2011~~  
3 2015 shall be deposited into the transportation administration  
4 collection fund created under section 810b.

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

7 (3) In addition to paying the fees required by subsection  
8 (1), until December 31, 2012, each person who applies for a  
9 certificate of title, a salvage vehicle certificate of title, or  
10 a scrap certificate of title under this act shall pay a tire  
11 disposal surcharge of \$1.50 for each certificate of title or  
12 duplicate of a certificate of title that person receives. The  
13 secretary of state shall deposit money received under this  
14 subsection into the scrap tire regulatory fund created in section  
15 16908 of the natural resources and environmental protection act,  
16 1994 PA 451, MCL 324.16908.

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

1 be considered to include all fees or charges imposed by this act  
2 for the transfer of registration, except those which may be  
3 assessed under section 234.

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

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

20 Sec. 811e. (1) Beginning January 1, 2007, the secretary of  
21 state may develop a fund-raising plate as provided in this  
22 section.

23 (2) A start-up fee of \$15,000.00 shall be paid for any new  
24 fund-raising plate authorized under this section. The fee shall  
25 be deposited in the transportation administration collection fund  
26 through October 1, ~~2011~~**2015** to be used for the cost of creating,  
27 producing, and issuing fund-raising plates. If the fee described

1 in this subsection is not paid within 18 months of the effective  
2 date of the public act that authorizes the development and  
3 issuance of a fund-raising plate, then the related fund-raising  
4 plate shall not be created, produced, or issued. A start-up fee  
5 paid under this subsection is nonrefundable.

6 (3) Not less than 3 years after the secretary of state first  
7 issues 1 of the fund-raising plates as described in subsection  
8 (1) and upon payment of \$2,000.00, the Michigan university or  
9 other person sponsoring that fund-raising plate may redesign it  
10 as approved by the secretary of state. The payment required under  
11 this subsection shall be deposited in the transportation  
12 administration collection fund **CREATED UNDER SECTION 810B** through  
13 October 1, ~~2011~~—2015 to be used for the cost of creating,  
14 producing, and issuing fund-raising plates. A payment under this  
15 subsection is nonrefundable.

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

19 (5) The secretary of state may, at any 1 time, develop not  
20 more than 8 different state sponsored fund-raising registration  
21 plates as described in this section, and matching state-sponsored  
22 collector plates as described in section 811g.

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

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

27 (b) Creates a nonprofit fund or designates an existing

1 nonprofit fund to receive the money raised through the sale of  
2 fund-raising plates and matching collector plates.

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

5 Sec. 811h. (1) Each service fee collected under sections  
6 811f and 811g shall be credited to the transportation  
7 administration collection fund created under section 810b through  
8 October 1, ~~2011~~-2015.

9 (2) The secretary of state shall identify and segregate the  
10 fund-raising donations collected under sections 811f and 811g  
11 into separate accounts. The secretary of state shall create a  
12 separate account for each fund-raising plate and its collector  
13 plates issued or sold by the secretary of state.

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

22 (a) The treasurer of a Michigan university.

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

26 (c) The sponsor of a fund-raising plate issued as prescribed  
27 under section 811e that was developed and issued after the

1 ~~effective date of the amendatory act that added this~~  
2 ~~subdivision.~~ **JANUARY 1, 2007.**

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

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

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

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

17 (6) The state of Michigan, through the secretary of state,  
18 shall own all right, title, and interest in all fund-raising  
19 plates and collector plates, including the right to use,  
20 reproduce, or distribute a fund-raising or collector plate or the  
21 image of a fund-raising or collector plate in any form. The  
22 secretary of state may authorize the commercial or other use of a  
23 fund-raising or collector plate design, logo, or image if written  
24 consent is obtained from the pertinent Michigan university or  
25 other person that sponsored a fund-raising plate. However, the  
26 secretary of state shall not authorize the commercial or other  
27 use of a fund-raising or collector plate under this section

1 unless the user first agrees in writing to the terms and  
2 conditions that the secretary of state considers necessary. Those  
3 terms and conditions may include the payment of royalty fees to 1  
4 or more of the following:

5 (a) This state.

6 (b) A Michigan university.

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

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

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

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

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

1 (4). However, beginning October 31, 2010, if the civil infraction  
2 was a moving violation that resulted in an at-fault collision  
3 with another vehicle, a person, or any other object, the civil  
4 fine ordered under this section shall be increased by \$25.00 but  
5 the total civil fine shall not exceed \$100.00. However, for a  
6 violation of section 602b, the person shall be ordered to pay  
7 costs as provided in subsection (4) and a civil fine of \$100.00  
8 for a first offense and \$200.00 for a second or subsequent  
9 offense. For a violation of section 674(1)(s) or a local  
10 ordinance substantially corresponding to section 674(1)(s), the  
11 person shall be ordered to pay costs as provided in subsection  
12 (4) and a civil fine of not less than \$100.00 or more than  
13 \$250.00. For a violation of section 328, the civil fine ordered  
14 under this subsection shall be not more than \$50.00. For a  
15 violation of section 710d, the civil fine ordered under this  
16 subsection shall not exceed \$10.00. For a violation of section  
17 710e, the civil fine and court costs ordered under this  
18 subsection shall be \$25.00. For a violation of section 682 or a  
19 local ordinance substantially corresponding to section 682, the  
20 person shall be ordered to pay costs as provided in subsection  
21 (4) and a civil fine of not less than \$100.00 or more than  
22 \$500.00. For a violation of section 240, the civil fine ordered  
23 under this subsection shall be \$15.00. For a violation of section  
24 252a(1), the civil fine ordered under this subsection shall be  
25 \$50.00. For a violation of section 676a(3), the civil fine  
26 ordered under this section shall be not more than \$10.00. For a  
27 ~~violation of~~ **FIRST CONVICTION OF VIOLATING** section 319f(1), the

1 civil fine ordered under this section shall be not less than  
2 ~~\$1,100.00~~ **\$2,500.00** or more than ~~\$2,750.00~~ **\$5,000.00**; **FOR A**  
3 **SECOND OR SUBSEQUENT CONVICTION, THE CIVIL FINE SHALL BE NOT LESS**  
4 **THAN \$5,000.00 OR MORE THAN \$10,000.00.** For a violation of  
5 section 319g(1) (a), the civil fine ordered under this section  
6 shall be not more than \$10,000.00. ~~For a violation of section~~  
7 ~~319g(1) (b), the civil fine ordered under this section shall be~~  
8 ~~not less than \$2,750.00 or more than \$11,000.00.~~ **FOR A VIOLATION**  
9 **OF SECTION 319G(1) (G), THE CIVIL FINE ORDERED UNDER THIS SECTION**  
10 **SHALL BE NOT LESS THAN \$2,750.00 OR MORE THAN \$25,000.00.**

11 Permission may be granted for payment of a civil fine and costs  
12 to be made within a specified period of time or in specified  
13 installments, but unless permission is included in the order or  
14 judgment, the civil fine and costs shall be payable immediately.

15 (3) Except as provided in this subsection, if a person is  
16 determined to be responsible or responsible "with explanation"  
17 for a civil infraction under this act or a local ordinance  
18 substantially corresponding to a provision of this act while  
19 driving a commercial motor vehicle, he or she shall be ordered to  
20 pay costs as provided in subsection (4) and a civil fine of not  
21 more than \$250.00. ~~If a person is determined to be responsible or~~  
22 ~~responsible "with explanation" for a civil infraction under~~  
23 ~~section 319g or a local ordinance substantially corresponding to~~  
24 ~~section 319g, that person shall be ordered to pay costs as~~  
25 ~~provided in subsection (4) and a civil fine of not more than~~  
26 ~~\$10,000.00.~~

27 (4) If a civil fine is ordered under subsection (2) or (3),



1 the judge or district court magistrate shall summarily tax and  
2 determine the costs of the action, which are not limited to the  
3 costs taxable in ordinary civil actions, and may include all  
4 expenses, direct and indirect, to which the plaintiff has been  
5 put in connection with the civil infraction, up to the entry of  
6 judgment. Costs shall not be ordered in excess of \$100.00. A  
7 civil fine ordered under subsection (2) or (3) shall not be  
8 waived unless costs ordered under this subsection are waived.  
9 Except as otherwise provided by law, costs are payable to the  
10 general fund of the plaintiff.

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

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

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

1 civil infractions or traffic offenses, or a combination of civil  
2 infractions and traffic offenses.

3 (8) The state court administrator shall annually publish and  
4 distribute to each district and court a recommended range of  
5 civil fines and costs for first-time civil infractions. This  
6 recommendation is not binding upon the courts having jurisdiction  
7 over civil infractions but is intended to act as a normative  
8 guide for judges and district court magistrates and a basis for  
9 public evaluation of disparities in the imposition of civil fines  
10 and costs throughout the state.

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

17 (10) A default in the payment of a civil fine or costs  
18 ordered under subsection (2), (3), or (4) or a justice system  
19 assessment ordered under subsection (14), or an installment of  
20 the fine, costs, or assessment, may be collected by a means  
21 authorized for the enforcement of a judgment under chapter 40 of  
22 the revised judicature act of 1961, 1961 PA 236, MCL 600.4001 to  
23 600.4065, or under chapter 60 of the revised judicature act of  
24 1961, 1961 PA 236, MCL 600.6001 to 600.6098.

25 (11) If a person fails to comply with an order or judgment  
26 issued pursuant to this section within the time prescribed by the  
27 court, the driver's license of that person shall be suspended

1 pursuant to section 321a until full compliance with that order or  
2 judgment occurs. In addition to this suspension, the court may  
3 also proceed under section 908.

4 (12) The court shall waive any civil fine, cost, or  
5 assessment against a person who received a civil infraction  
6 citation for a violation of section 710d if the person, before  
7 the appearance date on the citation, supplies the court with  
8 evidence of acquisition, purchase, or rental of a child seating  
9 system meeting the requirements of section 710d.

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

24 (14) Effective October 1, 2003, in addition to any civil  
25 fines or costs ordered to be paid under this section, the judge  
26 or district court magistrate shall order the defendant to pay a  
27 justice system assessment of \$40.00 for each civil infraction

1 determination, except for a parking violation or a violation for  
2 which the total fine and costs imposed are \$10.00 or less. Upon  
3 payment of the assessment, the clerk of the court shall transmit  
4 the assessment collected to the state treasury to be deposited  
5 into the justice system fund created in section 181 of the  
6 revised judicature act of 1961, 1961 PA 236, MCL 600.181. An  
7 assessment levied under this subsection is not a civil fine for  
8 purposes of section 909.

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

15 (16) If a person has received a citation for a violation of  
16 section 328(1) for failing to produce a certificate of insurance  
17 pursuant to section 328(2), the court may waive the fee described  
18 in section 328(3)(c) and shall waive any fine, costs, and any  
19 other fee or assessment otherwise authorized under this act upon  
20 receipt of verification by the court that the person, before the  
21 appearance date on the citation, produced valid proof of  
22 insurance that was in effect at the time the violation of section  
23 328(1) occurred. Insurance obtained subsequent to the time of the  
24 violation does not make the person eligible for a waiver under  
25 this subsection.

26 (17) As used in this section, "moving violation" means an  
27 act or omission prohibited under this act or a local ordinance

1 substantially corresponding to this act that involves the  
2 operation of a motor vehicle and for which a fine may be  
3 assessed.