

HOUSE BILL No. 4466

March 30, 2017, Introduced by Reps. Howrylak, Liberati, LaGrand, Lucido, Webber and Ellison and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 320a, 602b, 602c, and 732 (MCL 257.320a, 257.602b, 257.602c, and 257.732), section 320a as amended by 2016 PA 448, section 602b as amended by 2016 PA 332, section 602c as added by 2012 PA 592, and section 732 as amended by 2015 PA 11.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 320a. (1) Within 5 days after receipt of a properly
2 prepared abstract from a court of this state or another state,
3 the secretary of state shall record the date of conviction, civil
4 infraction determination, or probate court disposition, and the
5 number of points for each, based on the following formula, except
6 as otherwise provided in this section and section 629c:

- 1 (a) Manslaughter, negligent homicide, or a
- 2 felony resulting from the operation of a motor
- 3 vehicle, ORV, or snowmobile.....6 points
- 4 (b) A violation of section 601b(2) or (3),
- 5 601c(1) or (2), or 653a(3) or (4) or, beginning
- 6 October 31, 2010, a violation of section 601d.....6 points
- 7 (c) A violation of section 625(1), (4), (5),
- 8 (7), or (8), section 81134 or 82127(1) of the
- 9 natural resources and environmental protection act,
- 10 1994 PA 451, MCL 324.81134 and 324.82127, or a law
- 11 or ordinance substantially corresponding to section
- 12 625(1), (4), (5), (7), or (8), or section 81134
- 13 or 82127(1) of the natural resources and
- 14 environmental protection act, 1994 PA 451,
- 15 MCL 324.81134 and 324.82127.....6 points
- 16 (d) Failing to stop and disclose identity
- 17 at the scene of an accident when required by law.....6 points
- 18 (e) Operating a motor vehicle in violation
- 19 of section 626.....6 points
- 20 (f) Fleeing or eluding an officer.....6 points
- 21 (g) A violation of section 627(6) pertaining
- 22 to speed in a work zone described in that section
- 23 by exceeding the lawful maximum by more than
- 24 15 miles per hour.....5 points
- 25 (h) A violation of any law or ordinance
- 26 pertaining to speed by exceeding the lawful
- 27 maximum by more than 15 miles per hour.....4 points
- 28 (i) A violation of section 625(3) or (6),
- 29 section 81135 or 82127(3) of the natural

- 1 resources and environmental protection act,
- 2 1994 PA 451, MCL 324.81135 and 324.82127,
- 3 or a law or ordinance substantially corresponding
- 4 to section 625(3) or (6) or section 81135
- 5 or 82127(3) of the natural resources and
- 6 environmental protection act, 1994 PA 451,
- 7 MCL 324.81135 and 324.82127.....4 points
- 8 (j) A violation of section 626a or a law
- 9 or ordinance substantially corresponding to
- 10 section 626a.....4 points
- 11 (k) A violation of section 653a(2).....4 points
- 12 (l) A violation of section 627(6) pertaining
- 13 to speed in a work zone described in that section
- 14 by exceeding the lawful maximum by more than 10
- 15 but not more than 15 miles per hour.....4 points
- 16 (m) Beginning October 31, 2010, a moving
- 17 violation resulting in an at-fault collision with
- 18 another vehicle, a person, or any other object.....4 points
- 19 (n) Careless driving in violation of section
- 20 626b or a law or ordinance substantially
- 21 corresponding to section 626b.....3 points
- 22 (o) A violation of any law or ordinance
- 23 pertaining to speed by exceeding the lawful
- 24 maximum by more than 10 miles per hour but not
- 25 more than 15 miles per hour.....3 points
- 26 (p) A violation of any law or ordinance
- 27 pertaining to speed by exceeding the lawful
- 28 maximum by more than 5 miles per hour but not
- 29 more than 10 miles per hour2 points

1 (q) A violation of any law or ordinance
2 pertaining to speed by exceeding the lawful
3 maximum by more than 1 mile per hour but not
4 more than 5 miles per hour.....1 point

5 (r) Disobeying a traffic signal or stop sign,
6 or improper passing.....3 points

7 (s) A violation of section 624a, 624b, or
8 a law or ordinance substantially corresponding to
9 section 624a or 624b.....2 points

10 (t) A violation of section 310e(4) or (6) or
11 a law or ordinance substantially corresponding
12 to section 310e(4) or (6).....2 points

13 (u) All other moving violations pertaining to
14 the operation of motor vehicles reported under
15 this section.....2 points

16 (v) A refusal by a person less than 21 years
17 of age to submit to a preliminary breath test
18 required by a peace officer under section 625a.....2 points

19 (w) A violation of section 627(6) pertaining
20 to speed in a work zone described in that
21 section by exceeding the lawful maximum by
22 10 miles per hour or less.....3 points

23 **(X) A THIRD OR SUBSEQUENT VIOLATION OF**
24 **SECTION 602B(1).....2 POINTS**

25 **(Y) A SECOND VIOLATION OF SECTION 602B(1).....1 POINT**

26 (2) Points shall not be entered for a violation of section
27 310e(14), 311, ~~602b(1)~~, 602c, 625m, 658, 710d, 717, 719, 719a, or
28 723.

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

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

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

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

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

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

24 (9) If a Michigan driver commits a violation in another
25 state that would be a civil infraction if committed in Michigan,
26 and a conviction results solely because of the failure of the
27 Michigan driver to appear in that state to contest the violation,

1 upon receipt of the abstract of conviction by the secretary of
2 state, the violation shall be noted on the driver's record, but
3 no points shall be assessed against his or her ~~driver's~~ **DRIVER**
4 license.

5 Sec. 602b. (1) Except as otherwise provided in this section,
6 a person shall not ~~read, manually type, or send a text message on~~
7 ~~a wireless 2-way communication~~ **HOLD OR USE A PORTABLE ELECTRONIC**
8 ~~device that is located in the person's hand or in the person's~~
9 ~~lap, including a wireless telephone used in cellular telephone~~
10 ~~service or personal communication service, while operating a~~
11 ~~motor vehicle that is moving on a highway or street in this~~
12 ~~state, . As used in this subsection, a wireless 2-way~~
13 ~~communication device does not include a global positioning or~~
14 ~~navigation system that is affixed to the motor vehicle. This~~
15 ~~subsection does not apply to a person operating a commercial~~
16 ~~vehicle.~~ **INCLUDING OPERATION WHILE TEMPORARILY STATIONARY BECAUSE**
17 **OF TRAFFIC, A TRAFFIC LIGHT OR STOP SIGN, OR OTHERWISE, BUT NOT**
18 **INCLUDING OPERATION WHEN THE VEHICLE HAS BEEN PULLED OVER TO THE**
19 **SIDE OF OR OFF OF THE ROADWAY AND IS STOPPED IN A LOCATION WHERE**
20 **IT CAN SAFELY REMAIN STATIONARY. A PERSON MAY ACTIVATE OR**
21 **DEACTIVATE A PORTABLE ELECTRONIC DEVICE WHILE HE OR SHE IS**
22 **OPERATING A MOTOR VEHICLE IF THE PORTABLE ELECTRONIC DEVICE IS**
23 **MOUNTED ON THE WINDSHIELD, DASHBOARD, OR CENTER CONSOLE IN A**
24 **MANNER THAT DOES NOT HINDER THE PERSON'S VIEW OF THE ROAD AND IF**
25 **THE PERSON'S HAND IS USED TO ACTIVATE OR DEACTIVATE A FEATURE OR**
26 **FUNCTION OF THE PORTABLE ELECTRONIC DEVICE WITH A SINGLE SWIPE OR**
27 **TAP OF THE PERSON'S FINGER. THIS SUBSECTION DOES NOT APPLY TO A**

1 PERSON WHO USES A PORTABLE ELECTRONIC DEVICE WHILE OPERATING A
2 MOTOR VEHICLE IF THE PORTABLE ELECTRONIC DEVICE IS SPECIFICALLY
3 DESIGNED AND CONFIGURED TO ALLOW VOICE-OPERATED AND HANDS-FREE
4 OPERATION AND IS BEING USED IN THAT MANNER BY THE PERSON WHILE
5 OPERATING THE MOTOR VEHICLE. THIS SUBSECTION DOES NOT APPLY TO A
6 PERSON WHO HOLDS OR USES A PORTABLE ELECTRONIC DEVICE WHILE
7 OPERATING A MOTOR VEHICLE IF THE VEHICLE IS STOPPED AT THE SIDE
8 OF OR OFF OF A PUBLIC HIGHWAY IN A LOCATION WHERE THE VEHICLE IS
9 NOT OTHERWISE PROHIBITED FROM STOPPING BY LAW, RULE, REGULATION,
10 OR A LAWFUL ORDER OR DIRECTION OF A POLICE OFFICER.

11 (2) Except as otherwise provided in this section, a person
12 shall not read, manually type, or send a text message on a
13 wireless 2-way communication device that is located in the
14 person's hand or in the person's lap, including a wireless
15 telephone used in cellular telephone service or personal
16 communication service, while operating a commercial motor vehicle
17 or a school bus on a highway or street in this state. As used in
18 this subsection, ~~a wireless~~ **"WIRELESS 2-WAY COMMUNICATION DEVICE"**
19 **MEANS A MOBILE TELEPHONE AS THAT TERM IS DEFINED IN 49 CFR 390.5.**
20 **WIRELESS** 2-way communication device does not include a global
21 positioning or navigation system that is affixed to the
22 commercial motor vehicle or school bus.

23 (3) Except as otherwise provided in this section, a person
24 shall not use a hand-held mobile telephone to conduct a voice
25 communication while operating a commercial motor vehicle or a
26 school bus on a highway, including while temporarily stationary
27 due to traffic, a traffic control device, or other momentary

1 delays. This subsection does not apply if the operator of the
2 commercial vehicle or school bus has moved the vehicle to the
3 side of, or off, a highway and has stopped in a location where
4 the vehicle can safely remain stationary. As used in this
5 subsection, "mobile telephone" **MEANS THAT TERM AS DEFINED IN 49**
6 **CFR 390.5. MOBILE TELEPHONE** does not include a 2-way radio
7 service or citizens band radio service. As used in this
8 subsection, "use a hand-held mobile telephone" means 1 or more of
9 the following:

10 (a) Using at least 1 hand to hold a mobile telephone to
11 conduct a voice communication.

12 (b) Dialing or answering a mobile telephone by pressing more
13 than a single button.

14 (c) Reaching for a mobile telephone in a manner that
15 requires a driver to maneuver so that he or she is no longer in a
16 seated driving position, restrained by a seat belt that is
17 installed as required by 49 CFR 393.93 and adjusted in accordance
18 with the vehicle manufacturer's instructions.

19 (4) Subsections (1), (2), and (3) do not apply to an
20 individual who is using a device described in subsection (1) or
21 (3) to do any of the following:

22 (a) Report a traffic accident, medical emergency, or serious
23 road hazard.

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

26 (c) Report or avert the perpetration or potential
27 perpetration of a criminal act against the individual or another

1 person.

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

5 (e) Operate or program the operation of an automated motor
6 vehicle while testing or operating the automated motor vehicle
7 without a human operator **WHILE THE AUTOMATED DRIVING SYSTEM IS**
8 **ENGAGED.**

9 (5) Subsection (1) does not apply to a person using an on-
10 demand automated motor vehicle network.

11 (6) An individual who violates this section is responsible
12 for a civil infraction and shall be ordered to pay a civil fine
13 as follows:

14 (a) For a first violation, ~~\$100.00.~~ **\$250.00.**

15 (b) For a second or subsequent violation, ~~\$200.00.~~ **\$500.00.**

16 (7) This section supersedes all local ordinances regulating
17 the use of a communications device while operating a motor
18 vehicle in motion on a highway or street, except that a unit of
19 local government may adopt an ordinance or enforce an existing
20 ordinance substantially corresponding to this section.

21 **(8) THIS SECTION DOES NOT AUTHORIZE THE SEIZURE OR**
22 **FORFEITURE OF A PORTABLE ELECTRONIC DEVICE, UNLESS SEIZURE OR**
23 **FORFEITURE IS OTHERWISE REQUIRED BY LAW.**

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

25 **(A) "PORTABLE ELECTRONIC DEVICE" MEANS ANY OF THE FOLLOWING:**

26 **(i) A WIRELESS TELEPHONE.**

27 **(ii) AN ELECTRONIC WIRELESS COMMUNICATION DEVICE. AS USED IN**

1 THIS SUBDIVISION, "ELECTRONIC WIRELESS COMMUNICATION DEVICE" DOES
2 NOT INCLUDE A TRANSCEIVER OR A TRANSMITTER-RECEIVER RADIO.

3 (iii) A PERSONAL DIGITAL ASSISTANT.

4 (iv) A DEVICE THAT HAS MOBILE DATA ACCESS.

5 (v) A LAPTOP COMPUTER.

6 (vi) A PAGER.

7 (vii) A BROADBAND PERSONAL COMMUNICATION DEVICE.

8 (viii) A 2-WAY MESSAGING DEVICE.

9 (ix) AN ELECTRONIC GAME.

10 (x) A PORTABLE COMPUTING DEVICE.

11 (xi) EXCEPT AS PROVIDED IN SUBDIVISION (B), A NAVIGATION
12 DEVICE OR A GPS DEVICE.

13 (xii) ANY OTHER ELECTRONIC DEVICE THAT IS USED TO CONDUCT A
14 SEARCH OR TO INPUT, WRITE, SEND, RECEIVE, OR READ TEXT FOR
15 PRESENT OR FUTURE COMMUNICATION.

16 (B) PORTABLE ELECTRONIC DEVICE DOES NOT INCLUDE AMATEUR
17 RADIO SERVICE EQUIPMENT USED BY A LICENSEE OF THE FEDERAL
18 COMMUNICATIONS COMMISSION.

19 (C) "USE" MEANS TO HOLD A PORTABLE ELECTRONIC DEVICE WHILE
20 DOING ANY OF THE FOLLOWING:

21 (i) CONDUCTING A SEARCH.

22 (ii) VIEWING, TAKING, OR TRANSMITTING AN IMAGE OR VIDEO.

23 (iii) PLAYING GAMES.

24 (iv) FOR THE PURPOSE OF PRESENT OR FUTURE COMMUNICATION,
25 DOING 1 OR MORE OF THE FOLLOWING:

26 (A) PERFORMING A COMMAND OR REQUEST TO ACCESS AN INTERNET
27 PAGE.

1 **(B) COMPOSING, SENDING, READING, VIEWING, ACCESSING,**
2 **BROWSING, TRANSMITTING, SAVING, OR RETRIEVING AN EMAIL MESSAGE,**
3 **TEXT MESSAGE, INSTANT MESSAGE, OR OTHER ELECTRONIC DATA.**

4 Sec. 602c. (1) Except as provided in this section, **AND IN**
5 **ADDITION TO THE REQUIREMENTS OF SECTION 602B**, an individual
6 issued a level 1 or level 2 graduated license under section 310e
7 shall not use a cellular telephone while operating a motor
8 vehicle upon a highway or street. For purposes of this
9 subsection, "use" means to initiate a call; answer a call; or
10 listen to or engage in verbal communication through the cellular
11 telephone.

12 (2) Subsection (1) does not apply to an individual who is
13 using a cellular telephone to do any of the following:

14 (a) Report a traffic accident, medical emergency, or serious
15 road hazard.

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

18 (c) Report or avert the perpetration or potential
19 perpetration of a criminal act against the individual or another
20 person.

21 ~~(3) Subsection (1) does not apply to an individual using a~~
22 ~~voice-operated system that is integrated into the motor vehicle.~~

23 **(3) (4)**—An individual who violates this section is
24 responsible for a civil infraction.

25 **(4) (5)**—This section supersedes all local ordinances
26 regulating the use of a cellular telephone by an individual
27 issued a level 1 or level 2 graduated license while operating a

1 motor vehicle in motion on a highway or street, except that a
2 unit of local government may adopt an ordinance or enforce an
3 existing ordinance substantially corresponding to this section.

4 (5) ~~(6)~~—This section shall be known and may be cited as
5 "Kelsey's Law".

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

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

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

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

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

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

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

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

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

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

24 (d) The type of vehicle driven at the time of the violation
25 and, if the vehicle is a commercial motor vehicle, that vehicle's
26 group designation.

27 (e) The date of the conviction, finding, forfeiture,

1 judgment, or civil infraction determination.

2 (f) Whether bail was forfeited.

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

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

7 (i) Other information considered necessary to the secretary
8 of state.

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

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

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

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

17 (d) A violation of sections 701(1) and 703 of the Michigan
18 liquor control code of 1998, 1998 PA 58, MCL 436.1701 and
19 436.1703, or a local ordinance substantially corresponding to
20 those sections.

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

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

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

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

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

11 (j) An attempt to commit an offense described in
12 subdivisions (a) to (h).

13 (k) A violation of chapter LXXXIII-A of the Michigan penal
14 code, 1931 PA 328, MCL 750.543a to 750.543z.

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

18 (m) A violation listed as a disqualifying offense under 49
19 CFR 383.51.

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

1 conditions of probation are fulfilled and the court discharges
2 the individual and dismisses the proceedings, the court shall
3 also report the dismissal to the secretary of state.

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

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

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

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

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

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

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

26 (8) If a juvenile is accused of an act, the nature of which
27 constitutes a felony in which a motor vehicle was used, other

1 than a felony specified in subsection (4) or section 319, the
2 prosecuting attorney or family division of circuit court shall
3 include the following statement on the petition filed in the
4 court:

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

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

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

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

24 (b) The vehicle was used to transport a victim of the
25 felony.

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

27 (d) The vehicle was necessary for the commission of the

1 felony.

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

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

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

22 (13) Every person required to forward abstracts to the
23 secretary of state under this section shall certify for the
24 period from January 1 through June 30 and for the period from
25 July 1 through December 31 that all abstracts required to be
26 forwarded during the period have been forwarded. The
27 certification shall be filed with the secretary of state not

1 later than 28 days after the end of the period covered by the
2 certification. The certification shall be made upon a form
3 furnished by the secretary of state and shall include all of the
4 following:

5 (a) The name and title of the person required to forward
6 abstracts.

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

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

9 (d) The following statement:

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

14 (e) Other information the secretary of state considers
15 necessary.

16 (f) The signature of the person required to forward
17 abstracts.

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

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

27 (16) Except for controlled substance offenses described in

1 subsection (4), the court shall not submit, and the secretary of
2 state shall discard and not enter on the master driving record,
3 an abstract for a conviction or civil infraction determination
4 for any of the following violations:

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

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

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

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

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

21 (f) A violation of section 328(1) if, before the appearance
22 date on the citation, the person submits proof to the court that
23 the motor vehicle had insurance meeting the requirements of
24 sections 3101 and 3102 of the insurance code of 1956, 1956 PA
25 218, MCL 500.3101 and 500.3102, at the time the citation was
26 issued. Insurance obtained subsequent to the time of the
27 violation does not make the violation an exception under this

1 subsection.

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

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

11 ~~—— (i) A violation of section 602b(1) or 602c.~~

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

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

25 (19) If a conviction or civil infraction determination is
26 reversed upon appeal, the person whose conviction or
27 determination has been reversed may serve on the secretary of

1 state a certified copy of the order of reversal. The secretary of
2 state shall enter the order in the proper book or index in
3 connection with the record of the conviction or civil infraction
4 determination.

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

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

27 (22) Except as provided in this act and notwithstanding any

1 other provision of law, a court shall not order expunction of any
2 violation reportable to the secretary of state under this
3 section.

4 Enacting section 1. This amendatory act takes effect 90 days
5 after the date it is enacted into law.