

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5846**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 204a, 208, 303, 304, 306a, 307, 317, 319, 320e, 321a, and 328 (MCL 257.204a, 257.208, 257.303, 257.304, 257.306a, 257.307, 257.317, 257.319, 257.320e, 257.321a, and 257.328), section 204a as amended by 2016 PA 332, section 208 as amended by 2006 PA 565, section 303 as amended by 2012 PA 498, section 304 as amended by 2018 PA 48, section 306a as amended by 2020 PA 241, section 307 as amended by 2018 PA 604, section 317 as amended by 2018 PA 566, section 319 as amended by 2016 PA 358, section 320e as amended by 2003 PA 152, section 321a as amended by 2017 PA 236, and section 328 as amended by 2015 PA 135; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 204a. (1) The secretary of state shall create and
2 maintain a computerized central file that provides an individual
3 historical driving record for a natural person with respect to all
4 of the following:

5 (a) A license issued to the ~~person~~**individual** under chapter
6 III.

7 (b) A conviction, civil infraction determination, or other
8 licensing action that is entered against the ~~person~~**individual** for
9 a violation of this act or a local ordinance **that** substantially
10 ~~corresponding~~**corresponds** to a provision of this act, or that is
11 reported to the secretary of state by another jurisdiction.

12 (c) A failure of the ~~person,~~**individual,** including a
13 nonresident, to comply with a suspension issued ~~pursuant to~~**under**
14 section 321a.

15 (d) A cancellation, denial, revocation, suspension, or
16 restriction of the ~~person's~~**individual's** operating privilege, a
17 failure to pay a department of state driver responsibility fee, or
18 other licensing action regarding that ~~person,~~**individual,** under
19 this act or that is reported to the secretary of state by another
20 jurisdiction. This subdivision also applies to nonresidents.

21 (e) An accident in which the ~~person~~**individual** is involved.

22 (f) A conviction of the person for an offense described in
23 **former** section 319e.

24 (g) Any driving record requested and received by the secretary
25 of state under section 307.

26 (h) Any notice given by the secretary of state and the
27 information provided in that notice under section ~~317(3)~~**or**
28 ~~(4)~~**317(2) or (3).**

1 (i) Any other information received by the secretary of state
2 regarding the ~~person~~**individual** that is required to be maintained
3 as part of the ~~person's~~**individual's** driving record as provided by
4 law.

5 (2) A secretary of state certified computer-generated or paper
6 copy of an order, record, or paper maintained in the computerized
7 central file of the secretary of state is admissible in evidence in
8 the same manner as the original and is prima facie proof of the
9 contents of and the facts stated in the original.

10 (3) An order, record, or paper generated by the computerized
11 central file of the secretary of state may be certified
12 electronically by the generating computer. The certification ~~shall~~
13 **must** be a certification of the order, record, or paper as it
14 appeared on a specific date.

15 (4) A court or the office of the clerk of a court of this
16 state ~~which~~**that** is electronically connected by a terminal device
17 to the computerized central file of the secretary of state may
18 receive into and use as evidence in any case the computer-generated
19 certified information obtained by the terminal device from the
20 file. A duly authorized employee of a court of record of this state
21 may order a record for an individual from a secretary of state
22 computer terminal device located in, and under the control of, the
23 court, and certify in writing that the document was produced from
24 the terminal and that the document was not altered in any way.

25 (5) After receiving a request for information contained in
26 records maintained under this section, the secretary of state shall
27 provide the information, in a form prescribed by the secretary of
28 state, to any of the following:

29 (a) Another state.

1 (b) The United States ~~secretary of transportation.~~**Secretary of**
2 **Transportation.**

3 (c) The ~~person~~**individual** who is the subject of the record.

4 (d) A motor carrier employer or prospective motor carrier
5 employer, but only if the ~~person~~**individual** who is the subject of
6 the record is first notified of the request as prescribed by the
7 secretary of state.

8 (e) An authorized agent of a ~~person~~**an individual** or entity
9 listed in subdivisions (a) to (d).

10 Sec. 208. (1) Except as otherwise specified in this section,
11 the secretary of state may destroy any department records
12 maintained on file for 7 years, including the information contained
13 in the central file maintained under section 204a.

14 (2) Except as otherwise provided in this section, records of
15 convictions of any offense for which points are provided under
16 section 320a(1)(a), (b), (c), or (g) or section 320a(8) may be
17 destroyed after being maintained on file for 10 years. However, if
18 a ~~person~~**an individual** is convicted of violating section 625, the
19 record of that conviction ~~shall~~**must** be maintained for the life of
20 the ~~person~~**individual**.

21 (3) If a ~~person~~**an individual** who is a commercial license
22 holder or a noncommercial license holder who operates a commercial
23 motor vehicle is convicted under a law of this state, a local
24 ordinance **that** substantially ~~corresponding~~**corresponds** to a law of
25 this state, or a law of another state **that** substantially
26 ~~corresponding~~**corresponds** to a law of this state of any of the
27 following violations, the record of that conviction ~~shall~~**must** be
28 maintained for the life of the ~~person~~**individual** or until the
29 ~~person~~**individual** moves to another jurisdiction:

- 1 (a) Operating a vehicle in violation of section 625.
- 2 (b) Operating a commercial motor vehicle in violation of
3 section 625m.
- 4 (c) Leaving the scene of an accident.
- 5 (d) Using a vehicle to commit a felony.
- 6 (e) Refusing to take an alcohol or controlled substance test
7 required under this act.
- 8 (f) Operating a commercial motor vehicle when the ~~person's~~
9 **individual's** operator's or chauffeur's license or vehicle group
10 designation is suspended, revoked, or canceled as a result of prior
11 violations committed while operating a commercial motor vehicle.
- 12 (g) Operating a commercial motor vehicle when the ~~person~~
13 **individual** is disqualified from operating a commercial motor
14 vehicle.
- 15 (h) Causing any fatality through the negligent operation of a
16 commercial motor vehicle.
- 17 (4) Records of stolen vehicles reported in section 253 may be
18 destroyed after being maintained on file for the year of entry plus
19 4 years.
- 20 (5) Except as otherwise specified in this act, records the
21 secretary of state considers obsolete and of no further service in
22 carrying out the department's powers and duties may be destroyed
23 ~~upon~~**on** that determination.
- 24 (6) If a record of suspension under section 321a does not
25 contain a conviction for a violation of section 904 or a local
26 ordinance **that** substantially ~~corresponding~~**corresponds** to section
27 904 during the period of suspension, the secretary of state may
28 destroy the record 180 days after the suspension terminates or as
29 provided in subsections (1) to (5).

1 ~~(7) The secretary of state may destroy a record of receipt of~~
 2 ~~the notice provided for in section 321a(7) after the court involved~~
 3 ~~informs the secretary of state that all outstanding matters~~
 4 ~~regarding section 321a(7) have been resolved.~~

5 (7) ~~(8)~~The secretary of state may destroy a record maintained
 6 ~~pursuant to~~**under** section 204a 180 days after the nonresident
 7 driver against whom a civil infraction determination is entered
 8 complies with an order or judgment issued ~~pursuant to~~**under** section
 9 907.

10 Sec. 303. (1) The secretary of state shall not issue a license
 11 under this act to any of the following ~~persons:~~**individuals:**

12 (a) ~~A person,~~**An individual**, as an operator, who is less than
 13 18 years of age, except as otherwise provided in this act.

14 (b) ~~A person,~~**An individual**, as a chauffeur, who is less than
 15 18 years of age, except as otherwise provided in this act.

16 (c) ~~A person~~**An individual** whose license is suspended,
 17 revoked, denied, or canceled in any state. If the suspension,
 18 revocation, denial, or cancellation is not from the jurisdiction
 19 that issued the last license to the ~~person,~~**individual**, the
 20 secretary of state may issue a license after the expiration of 5
 21 years from the effective date of the most recent suspension,
 22 revocation, denial, or cancellation.

23 (d) ~~A person~~**An individual** who in the opinion of the secretary
 24 of state is afflicted with or suffering from a physical or mental
 25 disability or disease ~~preventing that person~~**prevents the**
 26 **individual** from exercising reasonable and ordinary control over a
 27 motor vehicle while operating the motor vehicle ~~upon~~**on** the
 28 highways.

29 (e) ~~A person~~**An individual** who is unable to understand highway

1 warning or direction signs in the English language.

2 (f) ~~A person~~ **An individual** who is unable to pass a knowledge,
3 skill, or ability test administered by the secretary of state in
4 connection with ~~the issuance of~~ **issuing** an original operator's or
5 chauffeur's license, original motorcycle indorsement, or an
6 original or renewal of a vehicle group designation or vehicle
7 indorsement.

8 (g) ~~A person~~ **An individual** who has been convicted of, has
9 received a juvenile disposition for, or has been determined
10 responsible for 2 or more moving violations under a law of this
11 state, a local ordinance substantially corresponding to a law of
12 this state, or a law of another state substantially corresponding
13 to a law of this state within the preceding 3 years, if the
14 violations occurred before issuance of an original license to the
15 person in this state, another state, or another country.

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

18 (i) ~~A person~~ **An individual** who has failed to answer a citation
19 or notice to appear in court or for any matter pending or fails to
20 comply with an order or judgment of the court, including, but not
21 limited to, paying all fines, costs, fees, and assessments, in
22 violation of section 321a, until that ~~person~~ **individual** answers the
23 citation or notice to appear in court or for any matter pending or
24 complies with an order or judgment of the court, including, but not
25 limited to, paying all fines, costs, fees, and assessments, as
26 provided under section 321a.

27 (j) ~~A person~~ **An individual** not licensed under this act who has
28 been convicted of, has received a juvenile disposition for, or has
29 been determined responsible for a crime or civil infraction

1 described in section 319, 324, or 904. ~~A person~~ **An individual** shall
 2 be denied a license under this subdivision for the length of time
 3 corresponding to the period of the licensing sanction that would
 4 have been imposed under section 319, 324, or 904 if the ~~person~~
 5 **individual** had been licensed at the time of the violation.

6 ~~(k) A person not licensed under this act who has been~~
 7 ~~convicted of or received a juvenile disposition for committing a~~
 8 ~~crime described in section 319e. A person shall be denied a license~~
 9 ~~under this subdivision for the length of time that corresponds to~~
 10 ~~the period of the licensing sanction that would have been imposed~~
 11 ~~under section 319e if the person had been licensed at the time of~~
 12 ~~the violation.~~

13 ~~(k) (l) A person~~ **An individual** not licensed under this act who
 14 is determined to have violated ~~section 33b(1) of former 1933 (Ex~~
 15 ~~Sess) PA 8, section 703(1) of the Michigan liquor control code of~~
 16 ~~1998, 1998 PA 58, MCL 436.1703, or section 624a or 624b. The person~~
 17 **individual** shall be denied a license under this subdivision for a
 18 period of time that corresponds to the period of the licensing
 19 sanction that would have been imposed under those sections had the
 20 ~~person~~ **individual** been licensed at the time of the violation.

21 ~~(l) (m) A person~~ **An individual** whose commercial driver license
 22 application is canceled under section 324(2).

23 ~~(m) (n) Unless otherwise eligible under section 307(1), a~~
 24 ~~person~~ **an individual** who is not a citizen of the United States.

25 ~~(2) Upon~~ **On** receiving the appropriate records of conviction,
 26 the secretary of state shall revoke the operator's or chauffeur's
 27 license of a ~~person~~ **an individual** and deny issuance of an
 28 operator's or chauffeur's license to a ~~person having~~ **an individual**
 29 **who has** any of the following, whether under a law of this state, a

1 local ordinance **that** substantially ~~corresponding~~**corresponds** to a
2 law of this state, a law of another state **that** substantially
3 ~~corresponding~~**corresponds** to a law of this state, or, beginning
4 October 31, 2010, a law of the United States **that** substantially
5 ~~corresponding~~**corresponds** to a law of this state:

6 (a) Any combination of 2 convictions within 7 years for
7 reckless driving in violation of section 626 before October 31,
8 2010 or, beginning October 31, 2010, 626(2).

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

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

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

15 (iii) Negligent homicide, manslaughter, or murder ~~resulting that~~
16 **results** from the operation of a vehicle or an attempt to commit any
17 of those crimes.

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

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

24 (i) A violation or attempted violation of section 625, except a
25 violation of section 625(2), or a violation of any prior enactment
26 of section 625 in which the defendant operated a vehicle while
27 under the influence of intoxicating or alcoholic liquor or a
28 controlled substance, or a combination of intoxicating or alcoholic
29 liquor and a controlled substance, or while visibly impaired, or

1 with an unlawful bodily alcohol content.

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

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

4 (d) One conviction for a violation or attempted violation of
5 section 315(5), section 601b(3), section 601c(2), section 602a(4)
6 or (5), section 617, section 625(4) or (5), section 653a(4),
7 section 904(4) or (5), or, beginning October 31, 2010, section
8 626(3) or (4).

9 (e) One conviction of negligent homicide, manslaughter, or
10 murder ~~resulting~~ **that results** from the operation of a vehicle or an
11 attempt to commit any of those crimes.

12 (f) One conviction for a violation or attempted violation of
13 section 479a(4) or (5) of the Michigan penal code, 1931 PA 328, MCL
14 750.479a.

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

20 (i) A violation or attempted violation of section 625, except a
21 violation of section 625(2), or a violation of any prior enactment
22 of section 625 in which the defendant operated a vehicle while
23 under the influence of intoxicating or alcoholic liquor or a
24 controlled substance, or a combination of intoxicating or alcoholic
25 liquor and a controlled substance, or while visibly impaired, or
26 with an unlawful bodily alcohol content.

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

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

29 (3) The secretary of state shall revoke a license under

1 subsection (2) notwithstanding a court order unless the court order
2 complies with section 323.

3 (4) Except as otherwise provided under section 304, the
4 secretary of state shall not issue a license under this act to a
5 ~~person~~**an individual** whose license has been revoked under this act
6 or revoked and denied under subsection (2) until all of the
7 following occur, as applicable:

8 (a) The later of the following:

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

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

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

20 (c) The ~~person~~**individual** meets the requirements of the
21 department.

22 ~~(5) The secretary of state may deny issuance of an operator's~~
23 ~~license as follows:~~

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

1 ~~training until he or she attains 16 years of age.~~

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

12 ~~(5) (6)~~The secretary of state shall deny ~~issuance of~~**issuing**
 13 a vehicle group designation to ~~a person~~**an individual** under either
 14 of the following circumstances:

15 (a) The ~~person~~**individual** has been disqualified by the United
 16 States ~~secretary of transportation~~**Secretary of Transportation** from
 17 operating a commercial motor vehicle.

18 (b) Beginning on and after January 30, 2012, the ~~person~~
 19 **individual** does not meet the requirements of the federal
 20 regulations under **49 CFR** parts 383 and 391 by refusing to certify
 21 the type of commercial motor vehicle operation the ~~person~~
 22 **individual** intends to perform and, if required, fails to present to
 23 the secretary of state a valid medical certification.

24 ~~(6) (7)~~Multiple convictions or civil infraction
 25 determinations ~~resulting~~**that result** from the same incident ~~shall~~
 26 **must** be treated as a single violation for purposes of denial or
 27 revocation of a license under this section.

28 ~~(7) (8)~~As used in this section, "felony in which a motor
 29 vehicle was used" means a felony during the commission of which the

1 ~~person~~**individual** operated a motor vehicle and while operating the
 2 vehicle presented real or potential harm to ~~persons~~**individuals** or
 3 property and 1 or more of the following circumstances existed:

- 4 (a) The vehicle was used as an instrument of the felony.
 5 (b) The vehicle was used to transport a victim of the felony.
 6 (c) The vehicle was used to flee the scene of the felony.
 7 (d) The vehicle was necessary for the commission of the
 8 felony.

9 Sec. 304. (1) Except as provided in subsection (3), the
 10 secretary of state shall issue a restricted license to ~~a person~~**an**
 11 **individual** whose license was suspended or restricted under section
 12 319 or revoked or denied under section 303 based on either of the
 13 following:

14 (a) Two or more convictions for violating section 625(1) or
 15 (3) or a local ordinance of this state **that** substantially
 16 ~~corresponding~~**corresponds** to section 625(1) or (3).

17 (b) One conviction for violating section 625(1) or (3) or a
 18 local ordinance of this state **that** substantially ~~corresponding~~
 19 **corresponds** to section 625(1) or (3), preceded by 1 or more
 20 convictions for violating a local ordinance or law of another state
 21 **that** substantially ~~corresponding~~**corresponds** to section 625(1),
 22 (3), or (6), or a law of the United States **that** substantially
 23 ~~corresponding~~**corresponds** to section 625(1), (3), or (6).

24 (2) A restricted license issued under subsection (1) must not
 25 be issued until after the ~~person's~~**individual's** operator's or
 26 chauffeur's license has been suspended or revoked for 45 days and
 27 the judge assigned to a DWI/sobriety court certifies to the
 28 secretary of state that both of the following conditions have been
 29 met:

1 (a) The ~~person~~**individual** has been admitted into a
2 DWI/sobriety court program.

3 (b) An ignition interlock device approved, certified, and
4 installed as required under sections 625k and 625l has been
5 installed on each motor vehicle owned or operated, or both, by the
6 individual.

7 (3) A restricted license must not be issued under subsection
8 (1) if the ~~person~~**individual** is otherwise ineligible for an
9 operator's or chauffeur's license under this act, unless the
10 ~~person's~~**individual's** ineligibility is based on 1 or more of the
11 following:

12 (a) Section 303(1)(i) or ~~(l)~~**(k)**.

13 (b) Section 303(2)(c) *(i)* or *(iii)*.

14 (c) Section 303(2)(g) *(i)* or *(iii)*.

15 (d) Section 319(4), (5), (6), (7), (8)(a) to (e), or (9).

16 ~~(e) Section 319e(2)(a) or (b).~~

17 ~~(e) (f)~~Section 320(1)(d).

18 ~~(f) (g)~~Section 321a(1), (2), or (3).**321a(1) or (2)**.

19 ~~(g) (h)~~Section 323c.

20 ~~(h) (i)~~Section 625f.

21 ~~(i) (j)~~Section 732a(5).

22 ~~(j) (k)~~Section 904(10).

23 ~~(k) (l)~~Section 82105a(2) of the natural resources and
24 environmental protection act, 1994 PA 451, MCL 324.82105a.

25 ~~(l) (m)~~Section 3177 of the insurance code of 1956, 1956 PA
26 218, MCL 500.3177.

27 ~~(m) (n)~~Section 10 of the motor vehicle **accident** claims act,
28 1965 PA 198, MCL 257.1110.

29 (4) A restricted license issued under subsection (1) permits

1 the ~~person~~-**individual** to whom it is issued to operate only the
2 vehicle equipped with an ignition interlock device described in
3 subsection (2) (b), to take any driving skills test required by the
4 secretary of state, and to drive to and from any combination of the
5 following locations or events:

6 (a) In the course of the ~~person's~~-**individual's** employment or
7 occupation if the employment or occupation does not require a
8 commercial driver license.

9 (b) To and from any combination of the following:

10 (i) The ~~person's~~-**individual's** residence.

11 (ii) The ~~person's~~-**individual's** work location.

12 (iii) An alcohol, drug, or mental health education and treatment
13 as ordered by the court.

14 (iv) Alcoholics Anonymous, Narcotics Anonymous, or other court-
15 ordered self-help programs.

16 (v) Court hearings and probation appointments.

17 (vi) Court-ordered community service.

18 (vii) An educational institution at which the ~~person~~-**individual**
19 is enrolled as a student.

20 (viii) A place of regularly occurring medical treatment for a
21 serious condition or medical emergency for the ~~person~~-**individual** or
22 a member of the ~~person's~~-**individual's** household or immediate
23 family.

24 (ix) Alcohol or drug testing as ordered by the court.

25 (x) An ignition interlock service provider as required.

26 (xi) At the discretion of the judge, the custodian of a minor
27 child may drive to and from the facilities of a provider of day
28 care services at which the custodian's minor child is enrolled, or

1 an educational institution at which the custodian's minor child is
2 enrolled as a student for the purposes of classes, academic
3 meetings or conferences, and athletic or other extracurricular
4 activities sanctioned by the educational institution in which the
5 minor child is a participant. As used in this subparagraph, "minor
6 child" means an individual who is less than 18 years of age.

7 (5) While driving with a restricted license, the ~~person~~
8 **individual** shall carry proof of his or her destination and the
9 hours of any employment, class, or other reason for traveling and
10 shall display that proof ~~upon~~**on** a peace officer's request.

11 (6) Except as otherwise provided in this section, a restricted
12 license issued under subsection (1) is effective until a hearing
13 officer orders an unrestricted license under section 322. Subject
14 to subsection (7), the hearing officer shall not order an
15 unrestricted license until the later of the following events
16 occurs:

17 (a) The court notifies the secretary of state that the ~~person~~
18 **individual** has successfully completed the DWI/sobriety court
19 program.

20 (b) The minimum period of license sanction that would have
21 been imposed under section 303 or 319 but for this section has been
22 completed.

23 (c) The ~~person~~**individual** demonstrates that he or she has
24 operated with an ignition interlock device for not less than 1
25 year.

26 (d) The ~~person~~**individual** satisfies the requirements of
27 section 303 and R 257.313 of the Michigan Administrative Code.

28 (7) A hearing officer shall not issue an unrestricted license
29 for at least 1 year if either of the following applies:

1 (a) The hearing officer determines that the ~~person~~**individual**
2 consumed any alcohol during the period that his or her license was
3 restricted under this section, as determined by breath, blood,
4 urine, or transdermal testing unless a second test, administered
5 within 5 minutes after administering the first test, showed an
6 absence of alcohol.

7 (b) The hearing officer determines that the ~~person~~**individual**
8 consumed or otherwise used any controlled substance during the
9 period that his or her license was restricted under this section,
10 except as lawfully prescribed.

11 (8) In determining whether to order an unrestricted license
12 under subsection (6), the successful completion of the DWI/sobriety
13 court program and a certificate from the DWI/sobriety court judge
14 must be considered positive evidence of the petitioner's abstinence
15 while the petitioner participated in the DWI/sobriety court
16 program. This subsection does not apply to a determination made
17 under subsection (7). As used in this subsection, "certificate"
18 includes, but is not limited to, a statement that the participant
19 has maintained a period of abstinence from alcohol for not less
20 than 6 months at the time the participant completed the
21 DWI/sobriety court program.

22 (9) If the secretary of state receives a notification from the
23 DWI/sobriety court under section 1084(7) of the revised judicature
24 act of 1961, 1961 PA 236, MCL 600.1084, the secretary of state
25 shall summarily impose 1 of the following license sanctions, as
26 applicable:

27 (a) Suspension for the full length of time provided under
28 section 319(8). However, a restricted license must not be issued as
29 provided under section 319(8). This subdivision applies if the

1 underlying conviction or convictions would have subjected the
 2 ~~person~~**individual** to a license sanction under section 319(8) if
 3 this section did not apply.

4 (b) A license revocation and denial for the full length of
 5 time provided under section 303. The minimum period of license
 6 revocation and denial imposed must be the same as if this section
 7 did not apply. This subdivision applies if the underlying
 8 conviction or convictions would have caused a license revocation
 9 and denial under section 303 if this section did not apply.

10 (10) After the ~~person~~**individual** completes the DWI/sobriety
 11 court program, the following apply:

12 (a) The secretary of state shall postpone considering the
 13 issuance of an unrestricted license under section 322 for a period
 14 of 3 months for each act that would be a minor violation if the
 15 ~~person's~~**individual's** license had been issued under section 322(6).
 16 As used in this subdivision, "minor violation" means that term as
 17 defined in R 257.301a of the Michigan Administrative Code.

18 (b) The restricted license issued under this section must be
 19 suspended or revoked or denied as provided in subsection (9),
 20 unless set aside under section 322(5), if any of the following
 21 events occur:

22 (i) The ~~person~~**individual** operates a motor vehicle without an
 23 ignition interlock device that meets the criteria under subsection
 24 (2)(b).

25 (ii) The ~~person~~**individual** removes, or causes to be removed, an
 26 ignition interlock device from a vehicle he or she owns or operates
 27 unless the secretary of state has authorized its removal under
 28 section 322a.

29 (iii) The ~~person~~**individual** commits any other act that would be

1 a major violation if the ~~person's~~**individual's** license had been
2 issued under section 322(6). As used in this subparagraph, "major
3 violation" means that term as defined in R 257.301a of the Michigan
4 Administrative Code.

5 (iv) The ~~person~~**individual** is arrested for a violation of any
6 of the following:

7 (A) Section 625.

8 (B) A local ordinance of this state or another state **that**
9 substantially ~~corresponding~~**corresponds** to section 625.

10 (C) A law of the United States **that** substantially
11 ~~corresponding~~**corresponds** to section 625.

12 (c) If the ~~person~~**individual** is convicted of or found
13 responsible for any offense that requires the suspension,
14 revocation, denial, or cancellation of the ~~person's~~**individual's**
15 operator's or chauffeur's license, the restricted license issued
16 under this section must be suspended until the requisite period of
17 license suspension, revocation, denial, or cancellation, as
18 appropriate, has elapsed.

19 (d) If the ~~person~~**individual** has failed to pay any court-
20 ordered fines or costs that resulted from the operation of a
21 vehicle, the restricted license issued under this section must be
22 suspended pending payment of those fines and costs.

23 (11) All driver responsibility fees required to be assessed by
24 the secretary of state under section 732a for the conviction or
25 convictions that led to the restricted license under this section
26 must be held in abeyance as follows:

27 (a) The fees must be held in abeyance during the time the
28 ~~person~~**individual** has a restricted license under this section and
29 is participating in the DWI/sobriety court program.

1 (b) Except as otherwise provided in this subdivision, at the
 2 end of the ~~person's~~**individual's** participation in the DWI/sobriety
 3 court program, the driver responsibility fees must be assessed and
 4 paid under the payment schedule described in section 732a. If the
 5 ~~person's~~**individual's** participation in the DWI/sobriety court
 6 program is completed on or after October 1, 2018, the driver
 7 responsibility fees are waived and ~~shall~~**must** not be collected.

8 (12) The vehicle of an individual admitted to the DWI/sobriety
 9 court program whose vehicle would otherwise be subject to
 10 immobilization or forfeiture under this act is exempt from both
 11 immobilization and forfeiture under sections 625n and 904d if both
 12 of the following apply:

13 (a) The ~~person~~**individual** is a DWI/sobriety court program
 14 participant in good standing or the ~~person~~**individual** successfully
 15 satisfactorily completes the DWI/sobriety court program.

16 (b) The ~~person~~**individual** does not subsequently violate a law
 17 of this state for which vehicle immobilization or forfeiture is a
 18 sanction.

19 (13) This section only applies to individuals arrested for a
 20 violation of section 625 on or after January 1, 2011.

21 (14) As used in this section:

22 (a) "DWI/sobriety court" means that term as defined in section
 23 1084 of the revised judicature act of 1961, 1961 PA 236, MCL
 24 600.1084. Beginning January 1, 2018, DWI/sobriety court includes
 25 only a DWI/sobriety court that is certified by the state court
 26 administrative office as provided in section 1084(3) of the revised
 27 judicature act of 1961, 1961 PA 236, MCL 600.1084.

28 (b) "DWI/sobriety court program" means "program" as that term
 29 is defined in section 1084 of the revised judicature act of 1961,

1 1961 PA 236, MCL 600.1084.

2 Sec. 306a. (1) The secretary of state may issue a commercial
3 learner's permit that entitles an individual to drive a vehicle
4 requiring a vehicle group designation or indorsement under section
5 312e if all of the following apply:

6 (a) The individual submits a proper application and meets the
7 requirements of 49 CFR part 383.

8 (b) The individual is 18 years of age or older.

9 (c) The individual holds a valid operator's or chauffeur's
10 license that is not a restricted license.

11 (d) The individual passes the knowledge tests for an original
12 vehicle group designation or indorsement, as required by 49 CFR
13 part 383.

14 (e) If the individual is applying for a hazardous materials
15 ~~indorsement, endorsement~~, he or she has been approved for the
16 hazardous materials ~~indorsement endorsement~~ by the ~~federal~~
17 ~~transportation security administration.~~ **Federal Transportation**
18 **Security Administration.**

19 (2) An individual issued a commercial learner's permit under
20 subsection (1), or an equivalent commercial learner's permit issued
21 by another jurisdiction, may operate a vehicle requiring a vehicle
22 group designation or indorsement under section 312e, if all of the
23 following apply:

24 (a) The individual has the permit and a valid operator's or
25 chauffeur's license in his or her possession while operating the
26 vehicle.

27 (b) The individual is accompanied by an instructor certified
28 under the driver education provider and instructor act, 2006 PA
29 384, MCL 256.621 to 256.705, or an adult with a valid operator's or

1 chauffeur's license, and all of the following apply:

2 (i) The instructor or licensed adult has in his or her
3 possession a valid license with a vehicle group designation and any
4 indorsement necessary to operate the vehicle as provided in section
5 312e.

6 (ii) The instructor or licensed adult is at all times
7 physically present in the front seat of the vehicle next to the
8 operator or, in the case of a passenger vehicle, directly behind
9 the operator or in the first row behind the operator.

10 (iii) The instructor or licensed adult has the operator under
11 observation and direct supervision.

12 (c) The individual shall not operate a vehicle transporting
13 hazardous materials as defined in 49 CFR part 383.

14 (d) If the individual has a permit to operate a tank vehicle,
15 the individual may only operate an empty tank vehicle and shall not
16 operate any tank vehicle that previously contained hazardous
17 materials unless the tank has been purged of all hazardous material
18 residue.

19 (e) If the individual has a permit to operate a vehicle
20 designed to carry 16 or more passengers or a school bus, the
21 individual shall not operate a vehicle designed to carry 16 or more
22 passengers or a school bus with any passengers other than the
23 following individuals:

24 (i) The instructor or licensed adult described in this section.

25 (ii) Federal or state auditors or inspectors.

26 (iii) Test examiners.

27 (iv) Other trainees.

28 (3) A commercial learner's permit issued under this section is
29 valid for ~~180 days~~ **1 year** from the date of issuance. ~~An individual~~

1 ~~may apply 1 time to renew the permit for an additional 180 days~~
2 ~~without taking the knowledge tests described in subsection (1) if~~
3 ~~the individual applies for the renewal before the expiration of the~~
4 ~~original permit.~~

5 (4) Notwithstanding subsection (3), a commercial learner's
6 permit issued under this section that expires on or after March 1,
7 2020 is valid until ~~December 11, 2020.~~ **March 31, 2021.**

8 Sec. 307. (1) If an applicant for an operator's license or
9 chauffeur's license to operate a noncommercial motor vehicle is a
10 citizen of the United States, the applicant shall supply a
11 photographic identity document, a birth certificate, or other
12 sufficient documents as the secretary of state may require, to
13 verify the identity and citizenship of the applicant. If an
14 applicant for an operator's or chauffeur's license is not a citizen
15 of the United States, the applicant shall supply a photographic
16 identity document and other sufficient documents to verify the
17 identity of the applicant and the applicant's legal presence in the
18 United States under subdivision (b). The documents required under
19 this subsection must include the applicant's full legal name, date
20 of birth, and address and residency and demonstrate that the
21 applicant is a citizen of the United States or is legally present
22 in the United States. If the applicant's full legal name differs
23 from the name of the applicant that appears on a document presented
24 under this subsection, the applicant shall present documents to
25 verify his or her current full legal name. The secretary of state
26 shall accept as 1 of the required identification documents an
27 identification card issued by the department of corrections to
28 prisoners who are placed on parole or released from a correctional
29 facility, containing the prisoner's legal name, photograph, and

1 other information identifying the prisoner as provided in section
2 37(4) of the corrections code of 1953, 1953 PA 232, MCL 791.237. An
3 application for an operator's or chauffeur's license must be made
4 in a manner prescribed by the secretary of state and must contain
5 all of the following:

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

14 (b) If the applicant is not a citizen of the United States,
15 the applicant shall provide, and the department shall verify,
16 documents demonstrating his or her legal presence in the United
17 States. Nothing in this act ~~shall~~**must** obligate or be construed to
18 obligate this state to comply with title II of the real ID act of
19 2005, Public Law 109-13. The secretary of state may adopt rules
20 under the administrative procedures act of 1969, 1969 PA 306, MCL
21 24.201 to 24.328, as are necessary for the administration of this
22 subdivision. A determination by the secretary of state that an
23 applicant is not legally present in the United States may be
24 appealed under section 631 of the revised judicature act of 1961,
25 1961 PA 236, MCL 600.631. The secretary of state shall not issue an
26 operator's license or a chauffeur's license to an applicant
27 described in this subdivision for a term that exceeds the duration
28 of the applicant's legal presence in the United States.

29 (c) The following notice must be included to inform the

1 applicant that under sections 509o and 509r of the Michigan
2 election law, 1954 PA 116, MCL 168.509o and 168.509r, the secretary
3 of state is required to use the residence address provided on this
4 application as the applicant's residence address on the qualified
5 voter file for voter registration and voting:

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

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

24 (e) For an operator's or chauffeur's license with a vehicle
25 group designation or indorsement, the following certifications by
26 the applicant:

27 (i) The applicant meets the applicable federal driver
28 qualification requirements under 49 CFR parts 383 and 391 or meets
29 the applicable qualifications of the department of state police

1 under the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11
2 to 480.25.

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

6 (iii) The applicant is not subject to disqualification by the
7 United States Secretary of Transportation, or a suspension,
8 revocation, or cancellation under any state law for conviction of
9 an offense described in section 312f or 319b.

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

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

16 (g) For automatic voter registration purposes under section
17 493a of the Michigan election law, 1954 PA 116, MCL 168.493a, a
18 space for the applicant to indicate on the application or change of
19 address application whether he or she is a citizen of the United
20 States.

21 (h) A space to allow the applicant to indicate that the
22 applicant declines to use the application as a voter registration
23 application.

24 (i) **Beginning 180 days after the effective date of the**
25 **amendatory act that added this subdivision, an applicant for an**
26 **operator's or chauffeur's license who is a program participant in**
27 **the address confidentiality program under the address**
28 **confidentiality program act shall present to the secretary of state**
29 **his or her participation card issued under the address**

1 **confidentiality program act.**

2 (2) An applicant for an operator's or chauffeur's license may
3 have his or her image and signature captured or reproduced when the
4 application for the license is made. The secretary of state shall
5 acquire equipment purchased or leased under this section under
6 standard purchasing procedures of the department of technology,
7 management, and budget based on standards and specifications
8 established by the secretary of state. The secretary of state shall
9 not purchase or lease equipment until an appropriation for the
10 equipment has been made by the legislature. A digital photographic
11 image and signature captured under this section must appear on the
12 applicant's operator's license or chauffeur's license. ~~A person's~~
13 **An individual's** digital photographic image and signature shall be
14 used as follows:

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

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

19 (c) By the secretary of state for forwarding to the department
20 of state police the images of persons required to be registered
21 under the sex offenders registration act, 1994 PA 295, MCL 28.721
22 to 28.736, upon the department of state police providing the
23 secretary of state an updated list of the names of those persons.

24 (d) By the secretary of state for forwarding to the department
25 of state police as provided in section 5c of 1927 PA 372, MCL
26 28.425c.

27 (e) By the secretary of state for forwarding to the department
28 of licensing and regulatory affairs the images of applicants for an
29 official state registry identification card issued under section 6

1 of the Michigan ~~medical marihuana act,~~ **Medical Marihuana Act**, 2008
2 IL 1, MCL 333.26426, if the department of licensing and regulatory
3 affairs promulgates rules requiring a photograph as a design
4 element for an official state registry identification card.

5 (f) As necessary to comply with a law of this state or of the
6 United States.

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

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

19 (a) If the applicant is not a participant in the anatomical
20 gift donor registry program, specifically inquire, either orally or
21 in writing, whether the applicant wishes to participate in the
22 anatomical gift donor registry program under part 101 of the public
23 health code, 1978 PA 368, MCL 333.10101 to 333.10123. If the
24 secretary of state or an employee of the secretary of state fails
25 to inquire whether an applicant wishes to participate in the
26 anatomical gift donor registry program as required by this
27 subdivision, neither the secretary of state nor the employee is
28 civilly or criminally liable for the failure to make the inquiry.

29 (b) Provide the applicant with all of the following:

1 (i) Information explaining the applicant's right to make an
2 anatomical gift in the event of death in accordance with section
3 310.

4 (ii) Information describing the anatomical gift donor registry
5 program under part 101 of the public health code, 1978 PA 368, MCL
6 333.10101 to 333.10123. The information required under this
7 subparagraph includes the address and telephone number of
8 Michigan's federally designated organ procurement organization as
9 that term is defined in section 10102 of the public health code,
10 1978 PA 368, MCL 333.10102, or its successor organization.

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

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

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

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

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

27 (b) Providing printed material to an applicant who personally
28 appears at a secretary of state branch office, or inquiring orally.

29 (c) Through electronic information transmittals for operator's

1 and chauffeur's licenses processed by electronic means.

2 (6) The secretary of state shall maintain a record of an
3 individual who indicates a willingness to have his or her name
4 placed on the donor registry described in subsection (4) (b) (ii).
5 Information about an applicant's indication of a willingness to
6 have his or her name placed on the donor registry that is obtained
7 by the secretary of state under subsection (4) and forwarded under
8 subsection (14) is exempt from disclosure under section 13(1) (d) of
9 the freedom of information act, 1976 PA 442, MCL 15.243. The
10 secretary of state is not required to maintain a record of an
11 individual who does not indicate a willingness to have his or her
12 name placed on the donor registry described in subsection (4) (b) (ii)
13 or an individual who does not respond to an inquiry under
14 subsection (4) (a).

15 (7) If an application is received from ~~a person~~**an individual**
16 previously licensed in another jurisdiction, the secretary of state
17 shall request a copy of the applicant's driving record and other
18 available information from the National Driver Register. When
19 received, the driving record and other available information become
20 a part of the driver's record in this state.

21 (8) If ~~a person~~**an individual** applies for a commercial
22 learner's permit for an original vehicle group designation or
23 indorsement to operate a commercial motor vehicle, the secretary of
24 state may verify the ~~person's~~**individual's** identity, may require
25 proof of Michigan domicile under 49 CFR 383.5, and may verify the
26 ~~person's~~**individual's** proof of United States citizenship or proof
27 of lawful permanent residency as required under 49 CFR 383.71 and
28 383.73, if that information is not on the ~~person's~~**individual's**
29 Michigan driving record. If ~~a person~~**an individual** applies for a

1 renewal of an operator's or chauffeur's license to operate a
2 commercial motor vehicle, the secretary of state may verify the
3 ~~person's~~**individual's** identity, may require proof of Michigan
4 domicile under 49 CFR 383.5, and may verify the ~~person's~~
5 **individual's** proof of citizenship or lawful permanent residency
6 under 49 CFR 383.71 and 383.73, if that information is not on the
7 ~~person's~~**individual's** Michigan driving record. If a ~~person~~**an**
8 **individual** applies for an upgrade of a vehicle group designation or
9 indorsement, the secretary of state may verify the ~~person's~~
10 **individual's** identity, may require proof of Michigan domicile under
11 49 CFR 383.5, and may verify the ~~person's~~**individual's** proof of
12 citizenship or lawful permanent residency under 49 CFR 383.71 and
13 383.73, if that information is not on the ~~person's~~**individual's**
14 Michigan driving record. The secretary of state shall request the
15 ~~person's~~**individual's** complete driving record from all states where
16 the applicant was previously licensed to drive any type of motor
17 vehicle over the last 10 years before issuing a vehicle group
18 designation or indorsement to the applicant. If the applicant does
19 not hold a valid commercial motor vehicle driver license from a
20 state where he or she was licensed in the last 10 years, this
21 complete driving record request must be made not earlier than 24
22 hours before the secretary of state issues the applicant a vehicle
23 group designation or indorsement. For all other drivers, this
24 request must be made not earlier than 10 days before the secretary
25 of state issues the applicant a vehicle group designation or
26 indorsement. If the application is for the renewal of a vehicle
27 group designation or indorsement, and if the secretary of state
28 enters on the ~~person's~~**individual's** driving record maintained under
29 section 204a a notation that the request was made and the date of

1 the request, the secretary of state is required to request the
 2 applicant's complete driving record from other states only once
 3 under this section. The secretary of state shall also check the
 4 applicant's driving record with the National Driver Register and
 5 the federal Commercial Driver's License Information System before
 6 issuing that group designation or indorsement.

7 (9) ~~Except for a vehicle group designation or indorsement or~~
 8 ~~as provided in this subsection or section 314(5), the~~ **The** secretary
 9 of state may issue a renewal operator's or chauffeur's license for
 10 1 additional 4-year period **or beginning on July 1, 2021, for 2**
 11 **additional 4-year periods**, or until the ~~person~~ **individual** is no
 12 longer determined to be legally present under this section by mail
 13 or by other methods prescribed by the secretary of state. The
 14 secretary of state may check the applicant's driving record through
 15 the National Driver Register and the Commercial Driver's License
 16 Information System before issuing a license under this section. The
 17 secretary of state shall issue a renewal license only in person if
 18 the ~~person~~ **individual** is a ~~person~~ **an individual** required under
 19 section 5a of the sex offenders registration act, 1994 PA 295, MCL
 20 28.725a, to maintain a valid operator's or chauffeur's license or
 21 official state personal identification card. If a license is
 22 renewed by mail or by other method, the secretary of state shall
 23 issue evidence of renewal to indicate the date the license expires
 24 in the future. The department of state police shall provide to the
 25 secretary of state updated lists of ~~persons~~ **individuals** required
 26 under section 5a of the sex offenders registration act, 1994 PA
 27 295, MCL 28.725a, to maintain a valid operator's or chauffeur's
 28 license or official state personal identification card.

29 (10) Upon request, the secretary of state shall provide an

1 information manual to an applicant explaining how to obtain a
2 vehicle group designation or indorsement. The manual must contain
3 the information required under 49 CFR part 383.

4 (11) The secretary of state shall not disclose a Social
5 Security number obtained under subsection (1) to another person
6 except for use for 1 or more of the following purposes:

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

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

12 (c) To check an applicant's driving record through the
13 National Driver Register and the Commercial Driver's License
14 Information System when issuing a license under this act.

15 (d) With the department of health and human services, for
16 comparison with vital records maintained by the department of
17 health and human services under part 28 of the public health code,
18 1978 PA 368, MCL 333.2801 to 333.2899.

19 (e) As otherwise required by law.

20 (12) The secretary of state shall not display ~~a person's~~ **an**
21 **individual's** Social Security number on the ~~person's~~ **individual's**
22 operator's or chauffeur's license.

23 (13) A requirement under this section to include a Social
24 Security number on an application does not apply to an applicant
25 who demonstrates that he or she is exempt under law from obtaining
26 a Social Security number.

27 (14) As required in section 10120 of the public health code,
28 1978 PA 368, MCL 333.10120, the secretary of state shall maintain
29 the donor registry in a manner that provides electronic access,

1 including, but not limited to, the transfer of data to this state's
2 federally designated organ procurement organization or its
3 successor organization, tissue banks, and eye banks, in a manner
4 that complies with that section.

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

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

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

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

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

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

4 (18) The secretary of state shall have electronic access to
 5 prisoner information maintained by the department of corrections
 6 for the purpose of verifying the identity of a prisoner who applies
 7 for an operator's or chauffeur's license under subsection (1).

8 Sec. 317. (1) The secretary of state may suspend, deny, or
 9 revoke the right of a nonresident to operate a motor vehicle in
 10 this state for a cause for which the license of a resident driver
 11 may be suspended, denied, or revoked. A nonresident who drives a
 12 motor vehicle ~~upon~~**on** a highway when the privilege to drive has
 13 been suspended, revoked, or denied by the secretary of state is
 14 guilty of a misdemeanor punishable as provided in section 904.

15 ~~(2) The secretary of state, upon receiving a record of a~~
 16 ~~violation of section 321a(1) by a nonresident in this state, shall~~
 17 ~~notify the motor vehicle administration or other appropriate~~
 18 ~~officer of the state where the nonresident is licensed of that~~
 19 ~~violation. The notification required under this subsection shall be~~
 20 ~~given no later than 6 months after the date the citation was issued~~
 21 ~~to the nonresident. This subsection does not apply unless the~~
 22 ~~governor of this state has entered into an interstate compact~~
 23 ~~requiring the notification described in this subsection. The~~
 24 ~~secretary of state may only share the information described in this~~
 25 ~~subsection to verify driving privileges or licensure status, to~~
 26 ~~report a conviction or withdrawal, or to ensure compliance with 49~~
 27 ~~CFR 384.209.~~

28 (2) ~~(3)~~The secretary of state, ~~upon~~**on** receiving a record of
 29 the conviction, civil infraction determination, suspension,

1 revocation, or forfeiture of bail in this state of a nonresident of
 2 a violation the record of which is required to be maintained under
 3 section 204a, shall forward a certified copy of the record to the
 4 motor vehicle administrator or other appropriate officer in the
 5 state in which the ~~person~~**individual** is a resident.

6 (3) ~~(4)~~—Within 10 days after an appeal is completed or the
 7 appeal period has expired if an appeal is not made in a conviction,
 8 civil infraction determination, or bond forfeiture entered against
 9 a nonresident in this state for a violation committed while
 10 operating a commercial motor vehicle or any violation for a
 11 commercial driver license holder regardless of vehicle type, except
 12 a parking violation, the secretary of state shall notify the motor
 13 vehicle administration or other appropriate officer of the state
 14 where the nonresident is licensed of that conviction,
 15 determination, or forfeiture.

16 (4) ~~(5)~~—If the secretary of state suspends, revokes, cancels,
 17 or denies the driving privileges of a nonresident for 60 days or
 18 more and that nonresident is licensed by another state to operate a
 19 commercial motor vehicle, the secretary of state shall, within 10
 20 days after the effective date of the suspension, revocation,
 21 cancellation, or denial, forward a notification about that
 22 suspension, revocation, cancellation, or denial to the motor
 23 vehicle administrator or other appropriate officer of the state
 24 where the nonresident is licensed to operate a motor vehicle. A
 25 notice given under this subsection must include both the denial, if
 26 any, and the violation that caused the suspension, revocation,
 27 cancellation, or denial of the nonresident's driving privileges.

28 Sec. 319. (1) The secretary of state shall immediately suspend
 29 ~~a person's~~**an individual's** license as provided in this section on

1 receiving a record of the ~~person's~~**individual's** conviction for a
 2 crime described in this section, whether the conviction is under a
 3 law of this state, a local ordinance **that** substantially
 4 ~~corresponding~~**corresponds** to a law of this state, a law of another
 5 state **that** substantially ~~corresponding~~**corresponds** to a law of this
 6 state, or, beginning October 31, 2010, a law of the United States
 7 **that** substantially ~~corresponding~~**corresponds** to a law of this
 8 state.

9 (2) The secretary of state shall suspend the ~~person's~~
 10 **individual's** license for 1 year for any of the following crimes:

11 (a) Fraudulently altering or forging documents pertaining to
 12 motor vehicles in violation of section 257.

13 (b) A violation of section 413 of the Michigan penal code,
 14 1931 PA 328, MCL 750.413.

15 ~~(c) A violation of section 1 of former 1931 PA 214, MCL~~
 16 ~~752.191, or former section 626c.~~

17 **(c)** ~~(d)~~ A felony in which a motor vehicle was used. As used in
 18 this section, "felony in which a motor vehicle was used" means a
 19 felony during the commission of which the ~~person~~**individual**
 20 convicted operated a motor vehicle and while operating the vehicle
 21 presented real or potential harm to ~~persons~~**individuals** or property
 22 and 1 or more of the following circumstances existed:

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

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

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

26 (iv) The vehicle was necessary for the commission of the
 27 felony.

28 **(d)** ~~(e)~~ A violation of section 602a(2) or (3) ~~of this act or~~
 29 section 479a(2) or (3) of the Michigan penal code, 1931 PA 328, MCL

1 750.479a.

2 (e) ~~(f)~~ Beginning October 31, 2010, a violation of section
3 601d.

4 (3) The secretary of state shall suspend the ~~person's~~
5 **individual's** license for 90 days for any of the following crimes:

6 (a) Failing to stop and disclose identity at the scene of an
7 accident resulting in injury in violation of section 617a.

8 (b) A violation of section 601b(2), section 601c(1), section
9 653a(3), section 626 before October 31, 2010, or, beginning October
10 31, 2010, section 626(2).

11 (c) Malicious destruction resulting from the operation of a
12 vehicle under section 382(1)(b), (c), or (d) of the Michigan penal
13 code, 1931 PA 328, MCL 750.382.

14 ~~(d) A violation of section 703(2) of the Michigan liquor
15 control code of 1998, 1998 PA 58, MCL 436.1703.~~

16 (4) The secretary of state shall suspend the ~~person's~~
17 **individual's** license for 30 days for malicious destruction
18 resulting from the operation of a vehicle under section 382(1)(a)
19 of the Michigan penal code, 1931 PA 328, MCL 750.382.

20 (5) For perjury or making a false certification to the
21 secretary of state under any law requiring the registration of a
22 motor vehicle or regulating the operation of a vehicle on a
23 highway, or for conduct prohibited under section 324(1) or a local
24 ordinance **that** substantially ~~corresponding~~ **corresponds** to section
25 324(1), the secretary of state shall suspend the ~~person's~~
26 **individual's** license as follows:

27 (a) If the ~~person~~ **individual** has no prior conviction for an
28 offense described in this subsection within 7 years, for 90 days.

29 (b) If the ~~person~~ **individual** has 1 or more prior convictions

1 for an offense described in this subsection within 7 years, for 1
2 year.

3 (6) For a violation of section 414 of the Michigan penal code,
4 1931 PA 328, MCL 750.414, the secretary of state shall suspend the
5 ~~person's~~**individual's** license as follows:

6 (a) If the ~~person~~**individual** has no prior conviction for that
7 offense within 7 years, for 90 days.

8 (b) If the ~~person~~**individual** has 1 or more prior convictions
9 for that offense within 7 years, for 1 year.

10 (7) For a violation of section 624a or 624b, ~~of this act or~~
11 ~~section 703(1) of the Michigan liquor control code of 1998, 1998 PA~~
12 ~~58, MCL 436.1703,~~ the secretary of state shall suspend the ~~person's~~
13 **individual's** license as follows:

14 (a) ~~Subject to subsection (24), if~~ **If** the ~~person~~**individual**
15 has 1 prior conviction for an offense described in section 624a or
16 624b, ~~of this act or section 33b(1) of former 1933 (Ex Sess) PA 8,~~
17 for 90 days. The secretary of state may issue the ~~person~~**individual**
18 a restricted license after the first 30 days of suspension.

19 (b) ~~Subject to subsection (24), if~~ **If** the ~~person~~**individual**
20 has 2 or more prior convictions for an offense described in ~~this~~
21 ~~subsection or section 33b(1) of former 1933 (Ex Sess) PA 8,~~ **section**
22 **624a or 624b**, for 1 year. The secretary of state may issue the
23 ~~person~~**individual** a restricted license after the first 60 days of
24 suspension.

25 (8) The secretary of state shall suspend the ~~person's~~
26 **individual's** license for a violation of section 625 or 625m as
27 follows:

28 (a) For 180 days for a violation of section 625(1) or (8)
29 before October 31, 2010 or, beginning October 31, 2010, section

1 625(1) (a) or (b) or (8) if the ~~person~~**individual** has no prior
2 convictions within 7 years. The secretary of state may issue the
3 ~~person~~**individual** a restricted license during a specified portion
4 of the suspension, except that the secretary of state shall not
5 issue a restricted license during the first 30 days of suspension.

6 (b) For 90 days for a violation of section 625(3) if the
7 ~~person~~**individual** has no prior convictions within 7 years. However,
8 if the ~~person~~**individual** is convicted of a violation of section
9 625(3), for operating a vehicle when, due to the consumption of a
10 controlled substance or a combination of alcoholic liquor and a
11 controlled substance, the ~~person's~~**individual's** ability to operate
12 the vehicle was visibly impaired, the secretary of state shall
13 suspend the ~~person's~~**individual's** license under this subdivision
14 for 180 days. The secretary of state may issue the ~~person~~
15 **individual** a restricted license during all or a specified portion
16 of the suspension.

17 (c) For 30 days for a violation of section 625(6) if the
18 ~~person~~**individual** has no prior convictions within 7 years. The
19 secretary of state may issue the ~~person~~**individual** a restricted
20 license during all or a specified portion of the suspension.

21 (d) For 90 days for a violation of section 625(6) if the
22 ~~person~~**individual** has 1 or more prior convictions for that offense
23 within 7 years.

24 (e) For 180 days for a violation of section 625(7) if the
25 ~~person~~**individual** has no prior convictions within 7 years. The
26 secretary of state may issue the ~~person~~**individual** a restricted
27 license after the first 90 days of suspension.

28 (f) For 90 days for a violation of section 625m if the ~~person~~
29 **individual** has no prior convictions within 7 years. The secretary

1 of state may issue the ~~person~~-**individual** a restricted license
2 during all or a specified portion of the suspension.

3 (g) Beginning October 31, 2010, for 1 year for a violation of
4 section 625(1)(c) if the ~~person~~-**individual** has no prior convictions
5 within 7 years or not more than 2 convictions within 10 years. The
6 secretary of state may issue the ~~person~~-**individual** a restricted
7 license, except that the secretary of state shall not issue a
8 restricted license during the first 45 days of suspension.

9 (h) Beginning October 31, 2010, the department shall order a
10 ~~person~~-**an individual** convicted of violating section 625(1)(c) not
11 to operate a motor vehicle under a restricted license issued under
12 subdivision (g) unless the vehicle is equipped with an ignition
13 interlock device approved, certified, and installed as required
14 under sections 625k and 625l. The ignition interlock device may be
15 removed after the interlock device provider provides the department
16 with verification that the ~~person~~-**individual** has operated the
17 vehicle with no instances of reaching or exceeding a blood alcohol
18 level of 0.025 grams per 210 liters of breath. This subdivision
19 does not prohibit the removal of the ignition interlock device for
20 any of the following:

21 (i) A start-up test failure that occurs within the first 2
22 months after installation of the device. As used in this
23 subdivision, "start-up test failure" means that the ignition
24 interlock device has prevented the motor vehicle from being
25 started. Multiple unsuccessful attempts at 1 time to start the
26 vehicle are treated as 1 start-up test failure only under this
27 subparagraph.

28 (ii) A start-up test failure occurring more than 2 months after
29 installation of the device, if not more than 15 minutes after

1 detecting the start-up test failure the ~~person~~**individual** delivers
2 a breath sample that the ignition interlock device analyzes as
3 having an alcohol level of less than 0.025 grams per 210 liters of
4 breath.

5 (iii) A retest prompted by the device, if not more than 5
6 minutes after detecting the retest failure the ~~person~~**individual**
7 delivers a breath sample that the ignition interlock device
8 analyzes as having an alcohol level of less than 0.025 grams per
9 210 liters of breath.

10 (i) Beginning October 31, 2010, if an individual violates the
11 conditions of the restricted license issued under subdivision (g)
12 or operates or attempts to operate a motor vehicle with a blood
13 alcohol level of 0.025 grams per 210 liters of breath, the
14 secretary of state shall impose an additional like period of
15 suspension and restriction as prescribed under subdivision (g).
16 This subdivision does not require an additional like period of
17 suspension and restriction for any of the following:

18 (i) A start-up test failure within the first 2 months after
19 installation of the ignition interlock device. As used in this
20 subdivision, "start-up test failure" means that the ignition
21 interlock device has prevented the motor vehicle from being
22 started. Multiple unsuccessful attempts at 1 time to start the
23 vehicle are treated as 1 start-up test failure only under this
24 subparagraph.

25 (ii) A start-up test failure occurring more than 2 months after
26 installation of the device, if not more than 15 minutes after
27 detecting the start-up test failure the ~~person~~**individual** delivers
28 a breath sample that the ignition interlock device analyzes as
29 having an alcohol level of less than 0.025 grams per 210 liters of

1 breath.

2 (iii) Any retest prompted by the device, if not more than 5
3 minutes after detecting the retest failure the ~~person~~**individual**
4 delivers a breath sample that the ignition interlock device
5 analyzes as having an alcohol level of less than 0.025 grams per
6 210 liters of breath.

7 (9) For a violation of section 367c of the Michigan penal
8 code, 1931 PA 328, MCL 750.367c, the secretary of state shall
9 suspend the ~~person's~~**individual's** license as follows:

10 (a) If the ~~person~~**individual** has no prior conviction for an
11 offense described in this subsection within 7 years, for 6 months.

12 (b) If the ~~person~~**individual** has 1 or more convictions for an
13 offense described in this subsection within 7 years, for 1 year.

14 (10) For a violation of section 315(4), the secretary of state
15 may suspend the ~~person's~~**individual's** license for 6 months.

16 ~~(11) For a violation or attempted violation of section 411a(2)~~
17 ~~of the Michigan penal code, 1931 PA 328, MCL 750.411a, involving a~~
18 ~~school, the secretary of state shall suspend the license of a~~
19 ~~person 14 years of age or over but less than 21 years of age until~~
20 ~~3 years after the date of the conviction or juvenile disposition~~
21 ~~for the violation. The secretary of state may issue the person a~~
22 ~~restricted license after the first 365 days of suspension.~~

23 ~~(12) For a second or subsequent violation of section 701(1) of~~
24 ~~the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701,~~
25 ~~by an individual who is not a retail licensee or a retail~~
26 ~~licensee's clerk, agent, or employee, the secretary of state shall~~
27 ~~suspend the person's license for 180 days. The secretary of state~~
28 ~~may issue a person a restricted license during all or a specified~~
29 ~~portion of the suspension.~~

1 (11) ~~(13)~~—Except as provided in subsection ~~(15)~~, ~~(13)~~, a
2 suspension under this section ~~shall~~**must** be imposed notwithstanding
3 a court order unless the court order complies with section 323.

4 (12) ~~(14)~~—If the secretary of state receives records of more
5 than 1 conviction of ~~a person~~**an individual that results**
6 from the same incident, a suspension ~~shall~~**must** be imposed only for
7 the violation to which the longest period of suspension applies
8 under this section.

9 (13) ~~(15)~~—The secretary of state may waive a restriction,
10 suspension, or revocation of ~~a person's~~**an individual's** license
11 imposed under this act if the ~~person~~**individual** submits proof that
12 a court in another state revoked, suspended, or restricted his or
13 her license for a period equal to or greater than the period of a
14 restriction, suspension, or revocation prescribed under this act
15 for the violation and that the revocation, suspension, or
16 restriction was served for the violation, or may grant a restricted
17 license.

18 (14) ~~(16)~~—The secretary of state shall not issue a restricted
19 license to ~~a person~~**an individual** whose license is suspended under
20 this section unless a restricted license is authorized under this
21 section and the ~~person~~**individual** is otherwise eligible for a
22 license.

23 (15) ~~(17)~~—The secretary of state shall not issue a restricted
24 license to ~~a person~~**an individual** under subsection (8) that would
25 permit the ~~person~~**individual** to operate a commercial motor vehicle.

26 (16) ~~(18)~~—Except as provided in subsection ~~(17)~~, ~~(15)~~, a
27 restricted license issued under this section ~~shall~~**must** permit the
28 ~~person~~**individual** to whom it is issued to take any driving skills
29 test required by the secretary of state and to operate a vehicle

1 under 1 or more of the following circumstances:

2 (a) In the course of the ~~person's~~**individual's** employment or
3 occupation.

4 (b) To and from any combination of the following:

5 (i) The ~~person's~~**individual's** residence.

6 (ii) The ~~person's~~**individual's** work location.

7 (iii) An alcohol or drug education or treatment program as
8 ordered by the court.

9 (iv) The court probation department.

10 (v) A court-ordered community service program.

11 (vi) An educational institution at which the ~~person~~**individual**
12 is enrolled as a student.

13 (vii) A place of regularly occurring medical treatment for a
14 serious condition for the ~~person~~**individual** or a member of the
15 ~~person's~~**individual's** household or immediate family.

16 (viii) An ignition interlock service provider as required.

17 **(17)** ~~(19)~~ While driving with a restricted license, the ~~person~~
18 **individual** shall carry proof of his or her destination and the
19 hours of any employment, class, or other reason for traveling and
20 shall display that proof ~~upon~~**on** a peace officer's request.

21 **(18)** ~~(20)~~ Subject to subsection ~~(22)~~, **(20)**, as used in
22 subsection (8), "prior conviction" means a conviction for any of
23 the following, whether under a law of this state, a local ordinance
24 **that** substantially ~~corresponding~~**corresponds** to a law of this
25 state, or a law of another state **that** substantially ~~corresponding~~
26 **corresponds** to a law of this state:

27 (a) Except as provided in subsection ~~(21)~~, **(19)**, a violation
28 or attempted violation of any of the following:

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

8 (ii) Section 625m.

9 (iii) Former section 625b.

10 (b) Negligent homicide, manslaughter, or murder ~~resulting that~~
 11 **results** from the operation of a vehicle or an attempt to commit any
 12 of those crimes.

13 (c) Beginning October 31, 2010, a violation of section 601d or
 14 section 626(3) or (4).

15 **(19)** ~~(21)~~ Except for purposes of the suspensions described in
 16 subsection (8) (c) and (d), only 1 violation or attempted violation
 17 of section 625(6), a local ordinance **that** substantially
 18 ~~corresponding~~ **corresponds** to section 625(6), or a law of another
 19 state **that** substantially ~~corresponding~~ **corresponds** to section
 20 625(6) may be used as a prior conviction.

21 **(20)** ~~(22)~~ If 2 or more convictions described in subsection
 22 ~~(20)~~ **(18)** are convictions for violations arising out of the same
 23 transaction, only 1 conviction ~~shall~~ **must** be used to determine
 24 whether the ~~person~~ **individual** has a prior conviction.

25 **(21)** ~~(23)~~ Any period of suspension or restriction required
 26 under this section is not subject to appeal to the secretary of
 27 state.

28 ~~(24) For purposes of subsection (7), "prior conviction" means~~
 29 ~~either a misdemeanor conviction or a civil infraction determination~~

1 ~~for a violation of section 703(1) of the liquor control code of~~
 2 ~~1998, 1998 PA 58, MCL 436.1703.~~

3 Sec. 320e. (1) Except as otherwise provided in subsection (2)
 4 ~~, or (3), or (4), a person~~ **an individual** whose operator's or
 5 chauffeur's license is suspended, revoked, or restricted ~~pursuant~~
 6 ~~to~~ **under** section 303, 319, 320, 324, 625, 625b, 625f, 732a, or 904
 7 shall pay a license reinstatement fee of \$125.00 to the secretary
 8 of state before a license is issued or returned to the ~~person.~~
 9 **individual**. The increase in the reinstatement fee from \$60.00 to
 10 \$125.00 ~~shall~~ **must** be imposed for a license that is issued or
 11 returned on or after October 1, 1991 regardless of when the license
 12 was suspended, revoked, or restricted. Of the increase in the
 13 reinstatement fee from \$60.00 to \$125.00, \$25.00 ~~shall~~ **must** be
 14 allocated to the department of state, \$10.00 ~~shall~~ **must** be
 15 deposited by the department of treasury in the drunk driving
 16 prevention equipment and training fund created under section
 17 625h(1), and \$30.00 ~~shall~~ **must** be deposited by the department of
 18 treasury in the drunk driving caseflow assistance fund created
 19 under section 625h(5). The fee ~~shall~~ **must** be waived if the license
 20 was suspended or restricted because of the ~~person's~~ **individual's**
 21 mental or physical infirmity or disability.

22 (2) ~~A person~~ **An individual** whose operator's or chauffeur's
 23 license is suspended, revoked, or restricted ~~pursuant to~~ **under**
 24 section 319(7) shall pay a license reinstatement fee of \$125.00 to
 25 the secretary of state before a license is issued or returned to
 26 the ~~person.~~ **individual**. The fee ~~shall~~ **must** be waived if the license
 27 was suspended or restricted because of the ~~person's~~ **individual's**
 28 mental or physical infirmity or disability.

29 ~~(3) A person whose operator's or chauffeur's license is~~

1 ~~suspended, revoked, or restricted pursuant to section 319e shall~~
 2 ~~pay a license reinstatement fee of \$125.00 to the secretary of~~
 3 ~~state before a license is issued or returned to the person. Of the~~
 4 ~~\$125.00 fee, \$95.00 shall be allocated to the department of state~~
 5 ~~and \$30.00 shall be deposited by the department of treasury in the~~
 6 ~~drug case information management fund created under section 323d.~~

7 **(3) ~~(4)~~ A person ~~Except as provided in subsection (4)~~, an**
 8 **individual** whose operator's or chauffeur's license is suspended as
 9 provided in section 321c shall pay a license reinstatement fee of
 10 \$85.00 to the secretary of state before a license is issued or
 11 returned to the person. The fee shall be deposited in the state
 12 general fund and shall be used to defray the expenses of the
 13 secretary of state in processing the suspension and reinstatement
 14 of driver licenses under this section.

15 **(4) Beginning on the effective date of the 2020 amendatory act**
 16 **that added this subsection, the secretary of state shall waive the**
 17 **reinstatement fee for an individual whose operator's or chauffeur's**
 18 **license was suspended, revoked, or restricted for reasons that are**
 19 **no longer eligible for the suspension, revocation, or restriction**
 20 **of an operator's or chauffeur's license under this act. The**
 21 **secretary of state shall immediately reinstate an operator's or**
 22 **chauffeur's license that was suspended, revoked, or restricted for**
 23 **reasons that are no longer eligible under this act.**

24 (5) The secretary of state shall assess points and take
 25 licensing action, including suspending, revoking, or denying a
 26 license under this act, according to the law in effect at the time
 27 of the conspiracy to commit the offense or at the time the offense
 28 was committed or attempted or the civil infraction occurred. If 1
 29 or more of the convictions involved in a licensing sanction is a

1 violation or attempted violation of this act committed or attempted
 2 after January 1, 1992, the secretary of state shall apply the law
 3 in effect after January 1, 1992.

4 (6) Judicial review of an administrative licensing sanction
 5 under section 303 ~~shall~~**must** be governed by the law in effect at
 6 the time the offense was committed or attempted. If 1 or more of
 7 the convictions involved in an administrative licensing sanction is
 8 a violation or attempted violation of this act committed or
 9 attempted after January 1, 1992, judicial review of that sanction
 10 ~~shall~~**must** be governed by the law in effect after January 1, 1992.

11 Sec. 321a. ~~(1) A person who fails to answer a citation, or a~~
 12 ~~notice to appear in court for a violation reportable to the~~
 13 ~~secretary of state under section 732 or a local ordinance~~
 14 ~~substantially corresponding to a violation of a law of this state~~
 15 ~~reportable to the secretary of state under section 732, or for any~~
 16 ~~matter pending, or who fails to comply with an order or judgment of~~
 17 ~~the court, including, but not limited to, paying all fines, costs,~~
 18 ~~fees, and assessments, is guilty of a misdemeanor punishable by~~
 19 ~~imprisonment for not more than 93 days or a fine of not more than~~
 20 ~~\$100.00, or both. A violation of this subsection or failure to~~
 21 ~~answer a citation or notice to appear for a violation of section~~
 22 ~~33b(1) of former 1933 (Ex Sess) PA 8, section 703(1) of the~~
 23 ~~Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or~~
 24 ~~a local ordinance substantially corresponding to either of those~~
 25 ~~sections must not be considered a violation for any purpose under~~
 26 ~~section 320a.~~

27 **(1)** ~~(2)~~ Except as provided in subsection ~~(3)~~, **(2)**, 28 days or
 28 more after a ~~person~~**an individual** fails to answer a citation, or a
 29 notice to appear in court for a violation ~~reportable to the~~

1 ~~secretary of state under section 732~~ **for which license suspension**
 2 **is allowed under this act** or a local ordinance **that** substantially
 3 ~~corresponding~~ **corresponds** to a violation of a law of this state
 4 ~~reportable to the secretary of state under section 732, including~~
 5 ~~for a violation of section 703(1)(a) of the Michigan liquor control~~
 6 ~~code of 1998, 1998 PA 58, MCL 436.1703, or for any matter pending,~~
 7 **for which license suspension is allowed under this act**, or fails to
 8 comply with an order or judgment of the court ~~,~~ **for a violation for**
 9 **which license suspension is allowed under this act**, including, but
 10 not limited to, paying all fines, costs, fees, and assessments, the
 11 court shall give notice by mail at the last known address of the
 12 ~~person~~ **individual** that if the ~~person~~ **individual** fails to appear or
 13 fails to comply with the order or judgment within 14 days after the
 14 notice is issued, the secretary of state shall suspend the ~~person's~~
 15 **individual's** operator's or chauffeur's license. If the ~~person~~
 16 **individual** fails to appear or fails to comply with the order or
 17 judgment within the 14-day period, the court shall, within 14 days,
 18 inform the secretary of state, who shall immediately suspend the
 19 license of the ~~person~~ **individual**. The secretary of state shall
 20 immediately notify the ~~person~~ **individual** of the suspension by
 21 regular mail at the ~~person's~~ **individual's** last known address.

22 (2) ~~(3)~~ If the ~~person~~ **an individual** is charged with, or
 23 convicted of, a violation of section 625, **section 626, any driving**
 24 **violation under this act that causes injury, death, or serious**
 25 **impairment of a body function of another individual, a serious**
 26 **offense involving a motor vehicle**, or a local ordinance **that**
 27 substantially ~~corresponding~~ **corresponds** to section 625(1), (2),
 28 (3), (6), or (8) **or 626**, and the ~~person~~ **individual** fails to answer
 29 a citation or a notice to appear in court, or **a notice to appear**

1 for any matter pending, or fails to comply with an order or
 2 judgment of the court, including, but not limited to, paying all
 3 fines, costs, and crime victim rights assessments, the court shall
 4 immediately give notice by first-class mail sent to the ~~person's~~
 5 **individual's** last known address that if the ~~person-individual~~ fails
 6 to appear within 7 days after the notice is issued, or fails to
 7 comply with the order or judgment of the court, including, but not
 8 limited to, paying all fines, costs, and crime victim rights
 9 assessments, within 14 days after the notice is issued, the
 10 secretary of state shall suspend the ~~person's-individual's~~
 11 operator's or chauffeur's license. If the ~~person-individual~~ fails
 12 to appear within the 7-day period, or fails to comply with the
 13 order or judgment of the court, including, but not limited to,
 14 paying all fines, costs, and crime victim rights assessments,
 15 within the 14-day period, the court shall immediately inform the
 16 secretary of state who shall immediately suspend the ~~person's~~
 17 **individual's** operator's or chauffeur's license and notify the
 18 ~~person-individual~~ of the suspension by first-class mail sent to the
 19 ~~person's-individual's~~ last known address.

20 ~~(4) If the person is charged with, or convicted of, a~~
 21 ~~violation of section 33b(1) of former 1933 (Ex Sess) PA 8, section~~
 22 ~~703(1)(b) or (c) of the Michigan liquor control code of 1998, 1998~~
 23 ~~PA 58, MCL 436.1703, section 624a, section 624b, or a local~~
 24 ~~ordinance substantially corresponding to those sections and the~~
 25 ~~person fails to answer a citation or a notice to appear in court~~
 26 ~~issued under section 33b of former 1933 (Ex Sess) PA 8, section 703~~
 27 ~~of the Michigan liquor control code of 1998, 1998 PA 58, MCL~~
 28 ~~436.1703, section 624a, section 624b, or a local ordinance~~
 29 ~~substantially corresponding to those sections or fails to comply~~

1 ~~with an order or judgment of the court issued under section 33b of~~
 2 ~~former 1933 (Ex Sess) PA 8, section 703 of the Michigan liquor~~
 3 ~~control code of 1998, 1998 PA 58, MCL 436.1703, section 624a,~~
 4 ~~section 624b, or a local ordinance substantially corresponding to~~
 5 ~~those sections including, but not limited to, paying all fines and~~
 6 ~~costs, the court shall immediately give notice by first-class mail~~
 7 ~~sent to the person's last known address that if the person fails to~~
 8 ~~appear within 7 days after the notice is issued, or fails to comply~~
 9 ~~with the order or judgment of the court, including, but not limited~~
 10 ~~to, paying all fines and costs, within 14 days after the notice is~~
 11 ~~issued, the secretary of state shall suspend the person's~~
 12 ~~operator's or chauffeur's license. If the person fails to appear~~
 13 ~~within the 7-day period, or fails to comply with the order or~~
 14 ~~judgment of the court, including, but not limited to, paying all~~
 15 ~~fines and costs, within the 14 day period, the court shall~~
 16 ~~immediately inform the secretary of state who shall immediately~~
 17 ~~suspend the person's operator's or chauffeur's license and notify~~
 18 ~~the person of the suspension by first-class mail sent to the~~
 19 ~~person's last known address.~~

20 ~~(3) (5)~~A suspension imposed under subsection ~~(2) or (3)~~ **(1)**
 21 **or (2)** remains in effect until both of the following occur:

22 (a) The secretary of state is notified by each court in which
 23 the ~~person~~**individual** failed to answer a citation or notice to
 24 appear or failed to pay a fine or cost that the ~~person~~**individual**
 25 has answered that citation or notice to appear or paid that fine or
 26 cost.

27 (b) The ~~person~~**individual** has paid to the court a \$45.00
 28 driver license clearance fee for each failure to answer a citation
 29 or failure to pay a fine or cost.

1 ~~(6) The court shall not notify the secretary of state, and the~~
 2 ~~secretary of state shall not suspend the person's license, if the~~
 3 ~~person fails to appear in response to a citation issued for, or~~
 4 ~~fails to comply with an order or judgment involving 1 or more of~~
 5 ~~the following infractions:~~

6 ~~(a) The parking or standing of a vehicle.~~

7 ~~(b) A pedestrian, passenger, or bicycle violation, other than~~
 8 ~~a violation of section 33b(1) or (2) of former 1933 (Ex Sess) PA 8,~~
 9 ~~section 703(1) or (2) of the Michigan liquor control code of 1998,~~
 10 ~~1998 PA 58, MCL 436.1703, section 624a or 624b, or a local~~
 11 ~~ordinance substantially corresponding to section 33b(1) or (2) of~~
 12 ~~former 1933 (Ex Sess) PA 8, section 703(1) or (2) of the Michigan~~
 13 ~~liquor control code of 1998, 1998 PA 58, MCL 436.1703, or section~~
 14 ~~624a or 624b.~~

15 ~~(7) The court may notify a person who has done either of the~~
 16 ~~following, that if the person does not appear within 10 days after~~
 17 ~~the notice is issued, the court will inform the secretary of state~~
 18 ~~of the person's failure to appear:~~

19 ~~(a) Failed to answer 2 or more parking violation notices or~~
 20 ~~Citations for violating a provision of this act or an ordinance~~
 21 ~~substantially corresponding to a provision of this act pertaining~~
 22 ~~to parking for persons with disabilities.~~

23 ~~(b) Failed to answer 3 or more parking violation notices or~~
 24 ~~Citations regarding illegal parking.~~

25 ~~(8) The secretary of state, upon being informed of the failure~~
 26 ~~of a person to appear or comply as provided in subsection (7),~~
 27 ~~shall not issue a license to the person or renew a license for the~~
 28 ~~person until both of the following occur:~~

29 ~~(a) The court informs the secretary of state that the person~~

1 ~~has resolved all outstanding matters regarding the notices or~~
 2 ~~Citations.~~

3 ~~(b) The person has paid to the court a \$45.00 driver license~~
 4 ~~clearance fee. If the court determines that the person is~~
 5 ~~responsible for only 1 parking violation under subsection (7) (a) or~~
 6 ~~fewer than 3 parking violations under subsection (7) (b), for which~~
 7 ~~the person's license was not issued or renewed under this~~
 8 ~~subsection, the court may waive payment of the fee.~~

9 ~~(9) Not less than 28 days after a person fails to appear in~~
 10 ~~response to a citation issued for, or fails to comply with an order~~
 11 ~~or judgment involving, a state civil infraction described in~~
 12 ~~chapter 88 of the revised judicature act of 1961, 1961 PA 236, MCL~~
 13 ~~600.8801 to 600.8835, the court shall give notice by ordinary mail,~~
 14 ~~addressed to the person's last known address, that if the person~~
 15 ~~fails to appear or fails to comply with the order or judgment~~
 16 ~~described in this subsection within 14 days after the notice is~~
 17 ~~issued, the court will give to the secretary of state notice of~~
 18 ~~that failure. Upon receiving notice of that failure, the secretary~~
 19 ~~of state shall not issue or renew an operator's or chauffeur's~~
 20 ~~license for the person until both of the following occur:~~

21 ~~(a) The court informs the secretary of state that the person~~
 22 ~~has resolved all outstanding matters regarding each notice or~~
 23 ~~citation.~~

24 ~~(b) The person has paid to the court a \$45.00 driver license~~
 25 ~~clearance fee. If the court determines that the person is not~~
 26 ~~responsible for any violation for which the person's license was~~
 27 ~~not issued or renewed under this subsection, the court shall waive~~
 28 ~~the fee.~~

29 ~~(4) (10) For the purposes of subsections (5) (a), (8) (a), and~~

1 ~~(9) (a)~~, **subsection (3) (a)**, the court shall give to the ~~person~~
 2 **individual** a copy of the information being transmitted to the
 3 secretary of state. Upon showing that copy, the ~~person-individual~~
 4 must not be arrested or issued a citation for driving on a
 5 suspended license, on an expired license, or without a license on
 6 the basis of any matter resolved under subsection ~~(5) (a)~~, ~~(8) (a)~~,
 7 ~~or (9) (a)~~, **(3) (a)**, even if the information being sent to the
 8 secretary of state has not yet been received or recorded by the
 9 department.

10 **(5)** ~~(11)~~ For each fee received under subsection ~~(5) (b)~~,
 11 ~~(8) (b)~~, ~~or (9) (b)~~, **(3) (b)**, the court shall transmit the following
 12 amounts on a monthly basis:

13 (a) Fifteen dollars to the secretary of state. The ~~funds-money~~
 14 received by the secretary of state under this subdivision must be
 15 deposited in the state general fund and ~~shall-must~~ be used to
 16 defray the expenses of the secretary of state in processing the
 17 suspension and reinstatement of driver licenses under this section.

18 (b) Fifteen dollars to 1 of the following, as applicable:

19 (i) If the matter is before the circuit court, to the treasurer
 20 of the county for deposit in the general fund.

21 (ii) If the matter is before the district court, to the
 22 treasurer of the district funding unit for that court, for deposit
 23 in the general fund. As used in this section, "district funding
 24 unit" means that term as defined in section 8104 of the revised
 25 judicature act of 1961, 1961 PA 236, MCL 600.8104.

26 (iii) If the matter is before a municipal court, to the
 27 treasurer of the city in which the municipal court is located, for
 28 deposit in the general fund.

29 (c) Fifteen dollars to the juror compensation reimbursement

1 fund created in section 151d of the revised judicature act of 1961,
2 1961 PA 236, MCL 600.151d.

3 ~~(12) Section 819 does not apply to a reinstatement fee~~
4 ~~collected for an operator's or chauffeur's license that is not~~
5 ~~issued or renewed under section 8827 of the revised judicature act~~
6 ~~of 1961, 1961 PA 236, MCL 600.8827.~~

7 (6) ~~(13)~~The secretary of state shall immediately suspend the
8 operator's and chauffeur's license of ~~a person~~**an individual**
9 licensed to operate a commercial motor vehicle, or ~~a person~~**an**
10 **individual** who operates a commercial motor vehicle without a
11 license to operate that vehicle, if the ~~person~~**individual** fails to
12 answer an out-state citation, or a notice to appear in a court or
13 an authorized administrative tribunal for a violation reportable to
14 the secretary of state under section 732, or fails to comply with
15 an order or judgment of an out-state court or an authorized
16 administrative tribunal reportable to the secretary of state under
17 section 732, or fails to appear or fails to comply with the out-
18 state court or an authorized administrative tribunal order or
19 judgment reportable to the secretary of state under section 732,
20 including, but not limited to, paying all fines, costs, fees, and
21 assessments. For a suspension imposed under this subsection, the
22 secretary of state shall immediately notify the ~~person~~**individual**
23 of the suspension by regular mail at the ~~person's~~**individual's** last
24 known address.

25 (7) ~~(14)~~A suspension imposed under subsection ~~(13)~~**(6)**
26 remains in effect until the secretary of state is notified by the
27 court or authorized administrative tribunal of the other state in
28 which the ~~person~~**individual** failed to answer a citation, or notice
29 to appear, or failed to pay a fine or cost, that the ~~person~~

1 **individual** has answered that citation or notice to appear or has
2 paid the fine or cost.

3 (8) ~~(15)~~The secretary of state shall not suspend the ~~person's~~
4 **individual's** license under subsection ~~(13)~~**(6)** if the ~~person~~
5 **individual** fails to appear in response to a citation issued for, or
6 fails to comply with an order or judgment involving, the parking or
7 standing of a vehicle.

8 (9) ~~(16)~~The secretary of state, ~~upon~~**on** being informed of the
9 failure of ~~a person~~**an individual** to appear or comply as provided
10 in subsection ~~(13)~~**(6)**, shall not issue a license to the ~~person~~
11 **individual** or renew a license for the ~~person~~**individual** until the
12 court or authorized administrative tribunal of the other state
13 informs the secretary of state that the ~~person~~**individual** has
14 resolved all outstanding matters regarding the notices, orders, or
15 citations.

16 (10) As used in this section, "a serious offense involving a
17 motor vehicle" means a felony or misdemeanor punishable by at least
18 93 days in jail, during the commission of which the individual
19 operated a motor vehicle in a manner that presented real or
20 potential harm to a person or property and 1 or more of the
21 following circumstances apply to the offense:

22 (a) The motor vehicle was used as an instrument of the
23 offense.

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

26 (c) The motor vehicle was used to flee the scene of the
27 offense.

28 (d) The motor vehicle was necessary for the commission of the
29 offense.

1 Sec. 328. (1) The owner of a motor vehicle who operates or
2 permits the operation of the motor vehicle ~~upon-on~~ the highways of
3 this state or the operator of the motor vehicle shall produce,
4 under subsection (2), ~~upon-on~~ the request of a police officer,
5 evidence that the motor vehicle is insured under chapter 31 of the
6 insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179.
7 Subject to section ~~907(15)~~, **907(14)**, an owner or operator of a
8 motor vehicle who fails to produce evidence of insurance ~~upon-on~~
9 request under this subsection or who fails to have motor vehicle
10 insurance for the vehicle as required under chapter 31 of the
11 insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179, is
12 responsible for a civil infraction. If ~~a person-an individual~~
13 displays an electronic copy of his or her certificate of insurance
14 using an electronic device, the police officer shall only view the
15 electronic copy of the certificate of insurance and shall not
16 manipulate the electronic device to view any other information on
17 the electronic device. ~~A person-An individual~~ who displays an
18 electronic copy of his or her certificate of insurance using an
19 electronic device as provided in this subsection ~~shall-is~~ not ~~be~~
20 presumed to have consented to a search of the electronic device. A
21 police officer may require the ~~person-individual~~ to electronically
22 forward the electronic copy of the certificate of insurance to a
23 specified location provided by the police officer. The police
24 officer may then view the electronic copy of the certificate of
25 insurance in a setting in which it is safe for the officer to
26 verify that the information contained in the electronic copy of the
27 certificate of insurance is valid and accurate. This state, a law
28 enforcement agency, or an employee of this state or a law
29 enforcement agency is not liable for damage to or loss of an

1 electronic device that occurs as a result of a police officer's
2 viewing an electronic copy of a certificate of insurance in the
3 manner provided in this section, regardless of whether the police
4 officer or the owner or operator of the vehicle was in possession
5 of the electronic device at the time the damage or loss occurred.

6 (2) A certificate of insurance, in paper or electronic form
7 and issued by an insurance company, that certifies that the
8 security that meets the requirements of sections 3101 and 3102 of
9 the insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102,
10 is in force is prima facie evidence that insurance is in force for
11 the motor vehicle described in the certificate of insurance until
12 the expiration date shown on the certificate. The certificate, in
13 addition to describing the motor vehicles for which insurance is in
14 effect, must, if applicable, state the name of each ~~person~~
15 **individual** named on the policy, policy declaration, or a
16 declaration certificate whose operation of the vehicle would cause
17 the liability coverage of that insurance to become void.

18 (3) If, before the appearance date on a citation issued under
19 subsection (1), the defendant submits proof to the court that the
20 motor vehicle had insurance meeting the requirements of sections
21 3101 and 3102 of the insurance code of 1956, 1956 PA 218, MCL
22 500.3101 and 500.3102, at the time the violation of subsection (1)
23 occurred, all of the following apply:

24 (a) The court shall not assess a fine or costs.

25 (b) The court shall not forward an abstract of the court
26 record to the secretary of state.

27 (c) The court may assess a fee of not more than \$25.00 ~~, which~~
28 **that** shall be paid to the court funding unit.

29 (4) If an owner or operator of a motor vehicle is determined

1 to be responsible for a violation of subsection (1), the court in
 2 which the civil infraction determination is entered may require the
 3 ~~person~~**individual** to surrender his or her operator's or chauffeur's
 4 license unless proof that the vehicle has insurance ~~meeting that~~
 5 **meets** the requirements of sections 3101 and 3102 of the insurance
 6 code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102, is submitted
 7 to the court. If the court requires the license to be surrendered,
 8 the court shall order the secretary of state to suspend the
 9 ~~person's~~**individual's** license. The court shall immediately destroy
 10 the license and shall forward an abstract of the court record to
 11 the secretary of state as required by section 732. ~~Upon~~**On** receipt
 12 of the abstract, the secretary of state shall suspend the ~~person's~~
 13 **individual's** license beginning with the date on which the ~~person~~
 14 **individual** is determined to be responsible for the civil infraction
 15 for a period of 30 days or until proof of insurance ~~meeting that~~
 16 **meets** the requirements of sections 3101 and 3102 of the insurance
 17 code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102, is submitted
 18 to the secretary of state, whichever occurs later. ~~A person~~**An**
 19 **individual** who submits proof of insurance to the secretary of state
 20 under this subsection shall pay a service fee of \$25.00 to the
 21 secretary of state. The ~~person~~**individual** shall not be required to
 22 be examined under section 320c and shall not be required to pay a
 23 replacement license fee.

24 (5) If an owner or operator of a motor vehicle is determined
 25 to be responsible for a violation of subsection (1), the court in
 26 which the civil infraction determination is entered shall notify
 27 the secretary of state of the vehicle registration number and the
 28 year and make of the motor vehicle being operated at the time of
 29 the violation. A notification under this subsection ~~shall~~**must** be

1 made on the abstract or on a form approved by the supreme court
2 administrator. ~~Upon~~**On** receipt, the secretary of state shall
3 immediately enter this information in the records of the
4 department. The secretary of state shall not renew, transfer, or
5 replace the registration plate of the vehicle involved in the
6 violation or allow the purchase of a new registration plate for the
7 vehicle involved in the violation until the owner meets the
8 requirements of section 227a or unless the vehicle involved in the
9 violation is transferred or sold to a person other than the owner's
10 spouse, mother, father, sister, brother, or child.

11 (6) An owner or operator of a motor vehicle who knowingly
12 produces false evidence under this section is guilty of a
13 misdemeanor ~~—~~punishable by imprisonment for not more than 1 year ~~—~~
14 or a fine of not more than \$1,000.00, or both.

15 (7) Points ~~shall~~**must** not be entered on a driver's record
16 under section 320a for a violation of this section.

17 (8) This section does not apply to the owner or operator of a
18 motor vehicle that is registered in a state other than this state
19 or a foreign country or province.

20 Enacting section 1. Section 319e of the Michigan vehicle code,
21 1949 PA 300, MCL 257.319e, is repealed.

22 Enacting section 2. This amendatory act takes effect October
23 1, 2021.

24 Enacting section 3. This amendatory act does not take effect
25 unless House Bill No. 5853 of the 100th Legislature is enacted into
26 law.