

# HOUSE BILL NO. 4181

February 13, 2019, Introduced by Rep. Manoogian and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 320a, 602b, 602c, and 732 (MCL 257.320a, 257.602b, 257.602c, and 257.732), section 320a as amended by 2018 PA 349, section 602b as amended by 2016 PA 332, section 602c as added by 2012 PA 592, and section 732 as amended by 2017 PA 160.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**1**           Sec. 320a. (1) Within 5 days after receipt of a properly  
**2** prepared abstract from a court of this state or another state, the

1 secretary of state shall record the date of conviction, civil  
2 infraction determination, or probate court disposition, and the  
3 number of points for each, based on the following formula, except  
4 as otherwise provided in this section and section 629c:

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

8 (b) A violation of section 601b(2) or (3),  
9 601c(1) or (2), or 653a(3) or (4) or, beginning  
10 October 31, 2010, a violation of section 601d.... 6 points

11 (c) A violation of section 625(1), (4), (5),  
12 (7), or (8), section 81134 or 82127(1) of the  
13 natural resources and environmental protection  
14 act, 1994 PA 451, MCL 324.81134 and 324.82127, or  
15 a law or ordinance substantially corresponding to  
16 section 625(1), (4), (5), (7), or (8), or section  
17 81134 or 82127(1) of the natural resources and  
18 environmental protection act, 1994 PA 451, MCL  
19 324.81134 and 324.82127..... 6 points

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

22 (e) Operating a motor vehicle in violation  
23 of section 626..... 6 points

24 (f) Fleeing or eluding an officer..... 6 points

25 (g) A violation of section 627(6) pertaining  
26 to speed in a work zone described in that section  
27 by exceeding the lawful maximum by more than 15  
28 miles per hour..... 5 points

1 (h) A violation of any law or ordinance  
2 pertaining to speed by exceeding the lawful  
3 maximum by more than 15 miles per hour..... 4 points

4 (i) A violation of section 625(3) or (6),  
5 section ~~81135 or~~ 82127(3) of the natural resources  
6 and environmental protection act, 1994 PA 451, MCL  
7 ~~324.81135 and~~ 324.82127, or a law or ordinance  
8 substantially corresponding to section 625(3) or  
9 (6) or section ~~81135 or~~ 82127(3) of the natural  
10 resources and environmental protection act, 1994  
11 PA 451, MCL ~~324.81135 and~~ 324.82127..... 4 points

12 (j) A violation of section 626a or a law or  
13 ordinance substantially corresponding to section  
14 626a..... 4 points

15 (k) A violation of section 627(6) pertaining  
16 to speed in a work zone described in that section  
17 by exceeding the lawful maximum by more than 10  
18 but not more than 15 miles per hour..... 4 points

19 (l) Beginning October 31, 2010, a moving  
20 violation resulting in an at-fault collision with  
21 another vehicle, a person, or any other object... 4 points

22 (m) Careless driving in violation of section  
23 626b or a law or ordinance substantially  
24 corresponding to section 626b..... 3 points

25 (n) A violation of any law or ordinance  
26 pertaining to speed by exceeding the lawful  
27 maximum by more than 10 miles per hour but not  
28 more than 15 miles per hour..... 3 points

29 (o) A violation of section 653a(2)..... 2 points

1	(p) A violation of any law or ordinance		
2	pertaining to speed by exceeding the lawful		
3	maximum by more than 5 miles per hour but not more		
4	than 10 miles per hour.....	2	points
5	(q) A violation of any law or ordinance		
6	pertaining to speed by exceeding the lawful		
7	maximum by more than 1 mile per hour but not more		
8	than 5 miles per hour.....	1	point
9	(r) Disobeying a traffic signal or stop		
10	sign, or improper passing.....	3	points
11	(s) A violation of section 624a, 624b, or a		
12	law or ordinance substantially corresponding to		
13	section 624a or 624b.....	2	points
14	(t) A violation of section 310e(4) or (6) or		
15	a law or ordinance substantially corresponding to		
16	section 310e(4) or (6).....	2	points
17	(u) All other moving violations pertaining		
18	to the operation of motor vehicles reported under		
19	this section.....	2	points
20	(v) A refusal by a person less than 21 years		
21	of age to submit to a preliminary breath test		
22	required by a peace officer under section 625a...	2	points
23	(w) A violation of section 627(6) pertaining		
24	to speed in a work zone described in that section		
25	by exceeding the lawful maximum by 10 miles per		
26	hour or less.....	3	points
27	<b>(x) A third or subsequent violation of</b>		
28	<b>section 602b(1).....</b>	<b>2</b>	<b>points</b>

1           **(y) A second violation of section**  
2   **602b(1).....1           point**

3           (2) Points shall not be entered for a violation of section  
4 310e(14), 311, ~~602b(1)~~, 602c, 625m, 658, 710d, 717, 719, 719a, or  
5 723.

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

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

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

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

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

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

28           (9) If a Michigan driver commits a violation in another state  
29 that would be a civil infraction if committed in Michigan, and a

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

6 Sec. 602b. (1) Except as otherwise provided in this section, a  
7 person shall not ~~read, manually type, or send a text message on a~~  
8 ~~wireless 2-way communication~~ **use a mobile electronic** device that ~~is~~  
9 ~~located in the person's hand or in the person's lap, including a~~  
10 ~~wireless telephone used in cellular telephone service or personal~~  
11 ~~communication service,~~ while operating a motor vehicle **or a school**  
12 **bus.** ~~that is moving on a highway or street in this state. As used~~  
13 ~~in this subsection, a wireless 2-way communication device does not~~  
14 ~~include a global positioning or navigation system that is affixed~~  
15 ~~to the motor vehicle. This subsection does not apply to a person~~  
16 ~~operating a commercial vehicle.~~

17 (2) **Subsection (1) does not apply to any of the following**  
18 **situations:**

19 (a) **A law enforcement officer, firefighter, emergency medical**  
20 **technician, paramedic, operator of an authorized emergency vehicle,**  
21 **or similarly engaged paid or volunteer public safety first**  
22 **responder during the performance of that person's official duties,**  
23 **and a public utility employee or contractor acting within the scope**  
24 **of that person's employment when responding to a public utility**  
25 **emergency.**

26 (b) **The use of a mobile electronic device for emergency**  
27 **purposes, including a text messaging device to contact a 9-1-1**  
28 **system, or an emergency call to a law enforcement agency, health**  
29 **care provider, fire department, or other emergency services agency**

1 or entity to report to appropriate authorities a fire, traffic  
2 accident, serious road hazard, or medical or hazardous materials  
3 emergency; to report the operator of another motor vehicle who is  
4 driving in a reckless or otherwise unsafe manner or who appears to  
5 be driving under the influence of alcohol or drugs; or to report a  
6 crime.

7 (c) The use of a global positioning or navigation system  
8 feature of a mobile electronic device if information is not entered  
9 by hand into the global positioning or navigation system feature of  
10 the mobile electronic device.

11 (d) Reading, selecting, or entering a telephone number or name  
12 in a mobile electronic device for the purpose of making or  
13 receiving a telephone call or if a person otherwise activates or  
14 deactivates a feature or function of a mobile electronic device.

15 (e) The use of a mobile electronic device in a voice-operated  
16 or hands-free mode if the operator of the motor vehicle does not  
17 use his or her hands to operate the device, except to activate or  
18 deactivate a feature or function of the mobile electronic device or  
19 the use of a mobile electronic device that is integrated into a  
20 motor vehicle and utilizes the user interfaces that are permanently  
21 installed into the motor vehicle.

22 (3) A person shall not operate a motor vehicle or school bus  
23 while wearing headphones or earphones in both ears simultaneously  
24 for the purposes of listening to music, video, or other sound  
25 broadcasts.

26 (4) A person shall not operate a motor vehicle or school bus  
27 while accessing, reading, or posting to a social networking site.

28 (5) A person shall not operate a motor vehicle or school bus  
29 while viewing, recording, or transmitting a video on a mobile

1 **electronic device.**

2 (6) ~~(2)~~ Except as otherwise provided in this section, a person  
3 shall not read, manually type, or send a text message on a wireless  
4 2-way communication device that is located in the person's hand or  
5 in the person's lap, including a wireless telephone used in  
6 cellular telephone service or personal communication service, while  
7 operating a commercial motor vehicle ~~or a school bus~~ on a highway  
8 or street in this state. As used in this subsection, ~~a wireless~~  
9 **"wireless 2-way communication device" means a mobile telephone as**  
10 **that term is defined in 49 CFR 390.5. Wireless** 2-way communication  
11 device does not include a global positioning or navigation system  
12 that is affixed to the commercial motor vehicle. ~~or school bus.~~

13 (7) ~~(3)~~ Except as otherwise provided in this section, a person  
14 shall not use a hand-held mobile telephone to conduct a voice  
15 communication while operating a commercial motor vehicle ~~or a~~  
16 ~~school bus~~ on a highway, including while temporarily stationary due  
17 to traffic, a traffic control device, or other momentary delays.  
18 This subsection does not apply if the operator of the commercial  
19 vehicle ~~or school bus~~ has moved the vehicle to the side of, or off,  
20 a highway and has stopped in a location where the vehicle can  
21 safely remain stationary. As used in this subsection, "mobile  
22 telephone" **means that term as defined in 49 CFR 390.5. Mobile**  
23 **telephone** does not include a 2-way radio service or citizens band  
24 radio service. As used in this subsection, "use a hand-held mobile  
25 telephone" means 1 or more of the following:

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

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



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

6 (8) ~~(4)~~ Subsections ~~(1)~~, ~~(2)~~, ~~(6)~~ and ~~(3)~~ ~~(7)~~ do not apply to  
7 an individual who is using a device described in subsection ~~(1)~~ ~~(6)~~  
8 or ~~(3)~~ ~~(7)~~ to do any of the following:

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

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

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

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

18 (e) Operate or program the operation of an automated motor  
19 vehicle while testing or operating the automated motor vehicle  
20 without a human operator **while the automated driving system is**  
21 **engaged.**

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

24 (9) ~~(6)~~ **Except as provided in subsection (10), an**  
25 individual who violates this section is responsible for a civil  
26 infraction and shall be ordered to pay a civil fine, **community**  
27 **service, or both,** as follows:

28 (a) For a first violation, \$100.00 **or 16 hours of community**  
29 **service.**

1 (b) For a second or subsequent violation, ~~\$200.00~~-\$250.00 or  
2 24 hours of community service, or both.

3 (10) If an individual is involved in an accident at the time  
4 the individual violates this section, the civil fine ordered must  
5 be double the amount under subsection (9) and a law enforcement  
6 officer investigating the accident shall indicate in a written  
7 accident report that the individual was using a mobile electronic  
8 device at the time of the accident.

9 (11) ~~(7)~~—This section supersedes all local ordinances  
10 regulating the use of a communications device while operating a  
11 motor vehicle in motion on a highway or street, except that a unit  
12 of local government may adopt an ordinance or enforce an existing  
13 ordinance substantially corresponding to this section.

14 (12) A court may suspend an individual's driver license for  
15 not more than 90 days if the individual is responsible for 3 or  
16 more civil infractions under this section within a 3-year period.

17 (13) A law enforcement officer enforcing this section may  
18 treat a violation of this section as the primary or sole reason for  
19 issuing a citation to a driver. A law enforcement officer shall not  
20 search a motor vehicle or the driver or passenger in the motor  
21 vehicle solely because of a violation of this section.

22 (14) Except as otherwise provided in this section, as used in  
23 this section:

24 (a) "Mobile electronic device" means any handheld or portable  
25 electronic device capable of providing wireless data or voice  
26 communication between 2 or more individuals or amusement, including  
27 a cellular telephone; broadband personal communication device; 2-  
28 way messaging device; text messaging device; pager; electronic  
29 device that can receive or transmit text or character-based images,

1 access or store data, or connect to the internet; personal digital  
2 assistant; laptop computer; computer tablet; stand-alone computer;  
3 portable computing device; mobile device with a touchscreen display  
4 that is designed to be worn; electronic game; equipment that is  
5 capable of playing a video, taking photographs, capturing images,  
6 or recording or transmitting video; and any similar device that is  
7 readily removable from a vehicle and is used to write, send, or  
8 read text or data or capture images or video through manual input.  
9 Mobile electronic device does not include a radio designed for the  
10 Citizens Band Service or the Amateur Radio Service of the Federal  
11 Communications Commission or a commercial 2-way radio  
12 communications device or equipment permanently installed in a motor  
13 vehicle.

14 (b) "Operate" means to drive or assume physical control of a  
15 motor vehicle on a public way, street, road, or highway, including  
16 operation while temporarily stationary because of traffic, road  
17 conditions, a traffic light, or a stop sign. Operate does not  
18 include a motor vehicle that is lawfully parked or an automated  
19 vehicle with an SAE level 4 or 5 automated driving system that  
20 performs dynamic driving tasks in automated mode as referenced in  
21 the Society of Automotive Engineers, Inc. International Standard  
22 J3016, 2014 edition.

23 (c) "Social networking site" means any web-based service that  
24 allows individuals to construct a profile within a founded system  
25 and communicate with other users of the site for social or  
26 amusement purposes.

27 Sec. 602c. (1) Except as provided in this section, **and in**  
28 **addition to the requirements of section 602b**, an individual issued  
29 a level 1 or level 2 graduated license under section 310e shall not

1 use a cellular telephone while operating a motor vehicle upon a  
2 highway or street. For purposes of this subsection, "use" means to  
3 initiate a call; answer a call; or listen to or engage in verbal  
4 communication through the cellular telephone.

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

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

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

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

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

15 (3) ~~(4)~~—An individual who violates this section is responsible  
16 for a civil infraction.

17 (4) ~~(5)~~—This section supersedes all local ordinances  
18 regulating the use of a cellular telephone by an individual issued  
19 a level 1 or level 2 graduated license while operating a motor  
20 vehicle in motion on a highway or street, except that a unit of  
21 local government may adopt an ordinance or enforce an existing  
22 ordinance substantially corresponding to this section.

23 (5) ~~(6)~~—This section shall be known and may be cited as  
24 "Kelsey's Law".

25 Sec. 732. (1) Each municipal judge and each clerk of a court  
26 of record shall keep a full record of every case in which a person  
27 is charged with or cited for a violation of this act or a local  
28 ordinance substantially corresponding to this act regulating the  
29 operation of vehicles on highways and with those offenses

1 pertaining to the operation of ORVs or snowmobiles for which points  
2 are assessed under section 320a(1)(c) or (i). Except as provided in  
3 subsection (16), the municipal judge or clerk of the court of  
4 record shall prepare and forward to the secretary of state an  
5 abstract of the court record as follows:

6 (a) Not more than 5 days after a conviction, forfeiture of  
7 bail, or entry of a civil infraction determination or default  
8 judgment upon a charge of or citation for violating or attempting  
9 to violate this act or a local ordinance substantially  
10 corresponding to this act regulating the operation of vehicles on  
11 highways.

12 (b) Immediately for each case charging a violation of section  
13 625(1), (3), (4), (5), (6), (7), or (8) or section 625m or a local  
14 ordinance substantially corresponding to section 625(1), (3), (6),  
15 or (8) or section 625m in which the charge is dismissed or the  
16 defendant is acquitted.

17 (c) Immediately for each case charging a violation of section  
18 82127(1) or (3) or 81134 of the natural resources and environmental  
19 protection act, 1994 PA 451, MCL 324.82127 and 324.81134, or a  
20 local ordinance substantially corresponding to those sections.

21 (2) If a city or village department, bureau, or person is  
22 authorized to accept a payment of money as a settlement for a  
23 violation of a local ordinance substantially corresponding to this  
24 act, the city or village department, bureau, or person shall send a  
25 full report of each case in which a person pays any amount of money  
26 to the city or village department, bureau, or person to the  
27 secretary of state upon a form prescribed by the secretary of  
28 state.

29 (3) The abstract or report required under this section shall

1 be made upon a form furnished by the secretary of state. An  
2 abstract shall be certified by signature, stamp, or facsimile  
3 signature of the person required to prepare the abstract as  
4 correct. An abstract or report shall include all of the following:

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

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

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

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

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

15 (f) Whether bail was forfeited.

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

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

20 (i) Other information considered necessary to the secretary of  
21 state.

22 (4) The clerk of the court also shall forward an abstract of  
23 the court record to the secretary of state upon a person's  
24 conviction or, for the purposes of subdivision (d), a finding or  
25 admission of responsibility, involving any of the following:

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

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

29 (c) Negligent homicide, manslaughter, or murder resulting from

1 the operation of a vehicle.

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

5 (e) A violation of section 411a(2) of the Michigan penal code,  
6 1931 PA 328, MCL 750.411a.

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

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

12 (h) An attempt to violate, a conspiracy to violate, or a  
13 violation of part 74 of the public health code, 1978 PA 368, MCL  
14 333.7401 to 333.7461, or a local ordinance that prohibits conduct  
15 prohibited under part 74 of the public health code, 1978 PA 368,  
16 MCL 333.7401 to 333.7461, unless the convicted person is sentenced  
17 to life imprisonment or a minimum term of imprisonment that exceeds  
18 1 year for the offense.

19 (i) An attempt to commit an offense described in subdivisions  
20 (a) to (g).

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

23 (k) A violation of section 3101, 3102(1), or 3103 of the  
24 insurance code of 1956, 1956 PA 218, MCL 500.3101, 500.3102, and  
25 500.3103.

26 (l) A violation listed as a disqualifying offense under 49 CFR  
27 383.51.

28 (5) The clerk of the court shall also forward an abstract of  
29 the court record to the secretary of state if a person has pled

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

10 (6) As used in subsections (7) to (9), "felony in which a  
11 motor vehicle was used" means a felony during the commission of  
12 which the person operated a motor vehicle and while operating the  
13 vehicle presented real or potential harm to persons or property and  
14 1 or more of the following circumstances existed:

- 15 (a) The vehicle was used as an instrument of the felony.  
16 (b) The vehicle was used to transport a victim of the felony.  
17 (c) The vehicle was used to flee the scene of the felony.  
18 (d) The vehicle was necessary for the commission of the  
19 felony.

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

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



1 the secretary of state."

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

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

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

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

- 25 (a) The vehicle was used as an instrument of the felony.  
26 (b) The vehicle was used to transport a victim of the felony.  
27 (c) The vehicle was used to flee the scene of the felony.  
28 (d) The vehicle was necessary for the commission of the  
29 felony.

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

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

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

21           (13) Every person required to forward abstracts to the  
22 secretary of state under this section shall certify for the period  
23 from January 1 through June 30 and for the period from July 1  
24 through December 31 that all abstracts required to be forwarded  
25 during the period have been forwarded. The certification shall be  
26 filed with the secretary of state not later than 28 days after the  
27 end of the period covered by the certification. The certification  
28 shall be made upon a form furnished by the secretary of state and  
29 shall include all of the following:

1 (a) The name and title of the person required to forward  
2 abstracts.

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

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

5 (d) The following statement:

6 "I certify that all abstracts required by section 732 of the  
7 Michigan vehicle code, MCL 257.732, ~~MSA 9.2432,~~ for the period  
8 \_\_\_\_\_ through \_\_\_\_\_ have been forwarded to the  
9 secretary of state."

10 (e) Other information the secretary of state considers  
11 necessary.

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

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

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

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

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

28 (b) A nonmoving violation that is not the basis for the  
29 secretary of state's suspension, revocation, or denial of an

1 operator's or chauffeur's license.

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

5 (d) A pedestrian, passenger, or bicycle violation, other than  
6 a violation of section 703(1) or (2) of the Michigan liquor control  
7 code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance  
8 substantially corresponding to section 703(1) or (2) of the  
9 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or  
10 section 624a or 624b or a local ordinance substantially  
11 corresponding to section 624a or 624b.

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

14 (f) A violation of section 328(1) if, before the appearance  
15 date on the citation, the person submits proof to the court that  
16 the motor vehicle had insurance meeting the requirements of  
17 sections 3101 and 3102 of the insurance code of 1956, 1956 PA 218,  
18 MCL 500.3101 and 500.3102, at the time the citation was issued.  
19 Insurance obtained subsequent to the time of the violation does not  
20 make the violation an exception under this subsection.

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

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

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

2       (17) Except as otherwise provided in this subsection, the  
3 secretary of state shall discard and not enter on the master  
4 driving record an abstract for a bond forfeiture that occurred  
5 outside this state. The secretary of state shall enter on the  
6 master driving record an abstract for a conviction as defined in  
7 section 8a(b) that occurred outside this state in connection with  
8 the operation of a commercial motor vehicle or for a conviction of  
9 a person licensed as a commercial motor vehicle driver.

10       (18) The secretary of state shall inform the courts of this  
11 state of the nonmoving violations and violations of chapter II that  
12 are used by the secretary of state as the basis for the suspension,  
13 restriction, revocation, or denial of an operator's or chauffeur's  
14 license.

15       (19) If a conviction or civil infraction determination is  
16 reversed upon appeal, the person whose conviction or determination  
17 has been reversed may serve on the secretary of state a certified  
18 copy of the order of reversal. The secretary of state shall enter  
19 the order in the proper book or index in connection with the record  
20 of the conviction or civil infraction determination.

21       (20) The secretary of state may permit a city or village  
22 department, bureau, person, or court to modify the requirement as  
23 to the time and manner of reporting a conviction, civil infraction  
24 determination, or settlement to the secretary of state if the  
25 modification will increase the economy and efficiency of collecting  
26 and utilizing the records. If the permitted abstract of court  
27 record reporting a conviction, civil infraction determination, or  
28 settlement originates as a part of the written notice to appear,  
29 authorized in section 728(1) or 742(1), the form of the written

1 notice and report shall be as prescribed by the secretary of state.

2 (21) Notwithstanding any other law of this state, a court  
3 shall not take under advisement an offense committed by a person  
4 while operating a motor vehicle for which this act requires a  
5 conviction or civil infraction determination to be reported to the  
6 secretary of state. A conviction or civil infraction determination  
7 that is the subject of this subsection shall not be masked,  
8 delayed, diverted, suspended, or suppressed by a court. Upon a  
9 conviction or civil infraction determination, the conviction or  
10 civil infraction determination shall immediately be reported to the  
11 secretary of state in accordance with this section.

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

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