

HOUSE BILL NO. 5846

June 11, 2020, Introduced by Reps. Kahle, Yancey, Lasinski, Hope, Whitsett, Tyrone Carter, Hood, Sneller, Sabo, Warren, Sowerby, Cambensy, Clemente, Cherry, Manoogian, Kuppa, Hoadley, Gay-Dagnogo, Guerra, Brann, O'Malley, Wozniak, Brixie, Peterson, Bolden, Meerman, Hammoud, Wittenberg, Ellison, Kennedy and Cynthia Johnson and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 204a, 208, 303, 304, 315, 317, 319, 320d,
320e, 321a, 323d, 328, 732a, 732b, 904, and 907 (MCL 257.204a,
257.208, 257.303, 257.304, 257.315, 257.317, 257.319, 257.320d,
257.320e, 257.321a, 257.323d, 257.328, 257.732a, 257.732b, 257.904,
and 257.907), section 204a as amended by 2016 PA 332, section 208
as amended by 2006 PA 565, sections 303 and 320d as amended by 2012
PA 498, section 304 as amended by 2018 PA 48, section 315 as



amended by 2008 PA 7, 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, section 323d as added by 1993 PA 359, section 328 as amended by 2015 PA 135, sections 732a and 732b as amended by 2018 PA 50, section 904 as amended by 2018 PA 212, and section 907 as amended by 2015 PA 126; 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 under chapter III.

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

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

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

19 (e) An accident in which the person is involved.

20 ~~(f) A conviction of the person for an offense described in~~
21 ~~section 319e.~~



1 (f) ~~(g)~~ Any driving record requested and received by the
2 secretary of state under section 307.

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

5 (h) ~~(i)~~ Any other information received by the secretary of
6 state regarding the person that is required to be maintained as
7 part of the person's driving record as provided by law.

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

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

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

28 (5) After receiving a request for information contained in
29 records maintained under this section, the secretary of state shall



1 provide the information, in a form prescribed by the secretary of
2 state, to any of the following:

3 (a) Another state.

4 (b) The United States ~~secretary of transportation.~~**Secretary of**
5 **Transportation.**

6 (c) The person who is the subject of the record.

7 (d) A motor carrier employer or prospective motor carrier
8 employer, but only if the person who is the subject of the record
9 is first notified of the request as prescribed by the secretary of
10 state.

11 (e) An authorized agent of a person or entity listed in
12 subdivisions (a) to (d).

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

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

24 (3) If ~~a person~~**an individual** who is a commercial license
25 holder or a noncommercial license holder who operates a commercial
26 motor vehicle is convicted under a law of this state, a local
27 ordinance **that** substantially ~~corresponding~~**corresponds** to a law of
28 this state, or a law of another state **that** substantially
29 ~~corresponding~~**corresponds** to a law of this state of any of the



1 following violations, the record of that conviction ~~shall~~**must** be
2 maintained for the life of the ~~person~~**individual** or until the
3 ~~person~~**individual** moves to another jurisdiction:

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

5 (b) Operating a commercial motor vehicle in violation of
6 section 625m.

7 (c) Leaving the scene of an accident.

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

9 (e) Refusing to take an alcohol or controlled substance test
10 required under this act.

11 (f) Operating a commercial motor vehicle when the ~~person's~~
12 **individual's** operator's or chauffeur's license or vehicle group
13 designation is suspended, revoked, or canceled as a result of prior
14 violations committed while operating a commercial motor vehicle.

15 (g) Operating a commercial motor vehicle when the ~~person~~
16 **individual** is disqualified from operating a commercial motor
17 vehicle.

18 (h) Causing any fatality through the negligent operation of a
19 commercial motor vehicle.

20 (4) Records of stolen vehicles reported in section 253 may be
21 destroyed after being maintained on file for the year of entry plus
22 4 years.

23 (5) Except as otherwise specified in this act, records the
24 secretary of state considers obsolete and of no further service in
25 carrying out the department's powers and duties may be destroyed
26 ~~upon~~**on** that determination.

27 (6) If a record of suspension under section 321a does not
28 contain a conviction for a violation of section 904 or a local
29 ordinance **that** substantially ~~corresponding~~**corresponds** to section



1 904 during the period of suspension, the secretary of state may
2 destroy the record 180 days after the suspension terminates or as
3 provided in subsections (1) to (5).

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

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

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

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

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

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

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

29 (e) A person who is unable to understand highway warning or



1 direction signs in the English language.

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

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

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

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

26 (h) ~~(j)~~ A person not licensed under this act who has been
27 convicted of, has received a juvenile disposition for, or has been
28 determined responsible for a crime or civil infraction described in
29 section 319, 324, or 904. A person shall be denied a license under



1 this subdivision for the length of time corresponding to the period
 2 of the licensing sanction that would have been imposed under
 3 section 319, 324, or 904 if the person had been licensed at the
 4 time of the violation.

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

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

20 (j) ~~(m)~~ A person whose commercial driver license application
 21 is canceled under section 324(2).

22 (k) ~~(n)~~ Unless otherwise eligible under section 307(1), a
 23 person who is not a citizen of the United States.

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



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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

28 (3) The secretary of state shall revoke a license under
 29 subsection (2) notwithstanding a court order unless the court order



1 complies with section 323.

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

7 (a) The later of the following:

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

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

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

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

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

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

29 ~~(b) To a person less than 21 years of age not licensed under~~



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

10 (5) ~~(6)~~ The secretary of state shall deny issuance of a
 11 vehicle group designation to a person under either of the following
 12 circumstances:

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

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

22 (6) ~~(7)~~ Multiple convictions or civil infraction
 23 determinations ~~resulting~~ **that result** from the same incident ~~shall~~
 24 **must** be treated as a single violation for purposes of denial or
 25 revocation of a license under this section.

26 (7) ~~(8)~~ As used in this section, "felony in which a motor
 27 vehicle was used" means a felony during the commission of which the
 28 person operated a motor vehicle and while operating the vehicle
 29 presented real or potential harm to persons or property and 1 or



1 more of the following circumstances existed:

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

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

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

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

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

27 (a) The person has been admitted into a DWI/sobriety court
 28 program.

29 (b) An ignition interlock device approved, certified, and



1 installed as required under sections 625k and 625l has been
 2 installed on each motor vehicle owned or operated, or both, by the
 3 individual.

4 (3) A restricted license must not be issued under subsection
 5 (1) if the person is otherwise ineligible for an operator's or
 6 chauffeur's license under this act, unless the person's
 7 ineligibility is based on 1 or more of the following:

8 (a) Section 303(1) (i). ~~or (l).~~

9 (b) Section 303(2) (c) (i) or (iii).

10 (c) Section 303(2) (g) (i) or (iii).

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

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

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

15 ~~(g) Section 321a(1), (2), or (3).~~

16 (f) ~~(h)~~ Section 323c.

17 (g) ~~(i)~~ Section 625f.

18 ~~(j) Section 732a(5).~~

19 (h) ~~(k)~~ Section 904(10).

20 (i) ~~(l)~~ Section 82105a(2) of the natural resources and
 21 environmental protection act, 1994 PA 451, MCL 324.82105a.

22 (j) ~~(m)~~ Section 3177 of the insurance code of 1956, 1956 PA
 23 218, MCL 500.3177.

24 (k) ~~(n)~~ Section 10 of the motor vehicle **accident** claims act,
 25 1965 PA 198, MCL 257.1110.

26 (4) A restricted license issued under subsection (1) permits
 27 the person to whom it is issued to operate only the vehicle
 28 equipped with an ignition interlock device described in subsection
 29 (2) (b), to take any driving skills test required by the secretary



1 of state, and to drive to and from any combination of the following
2 locations or events:

3 (a) In the course of the person's employment or occupation if
4 the employment or occupation does not require a commercial driver
5 license.

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

7 (i) The person's residence.

8 (ii) The person's work location.

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

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

13 (v) Court hearings and probation appointments.

14 (vi) Court-ordered community service.

15 (vii) An educational institution at which the person is
16 enrolled as a student.

17 (viii) A place of regularly occurring medical treatment for a
18 serious condition or medical emergency for the person or a member
19 of the person's household or immediate family.

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

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

22 (xi) At the discretion of the judge, the custodian of a minor
23 child may drive to and from the facilities of a provider of day
24 care services at which the custodian's minor child is enrolled, or
25 an educational institution at which the custodian's minor child is
26 enrolled as a student for the purposes of classes, academic
27 meetings or conferences, and athletic or other extracurricular
28 activities sanctioned by the educational institution in which the



1 minor child is a participant. As used in this subparagraph, "minor
2 child" means an individual who is less than 18 years of age.

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

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

13 (a) The court notifies the secretary of state that the person
14 has successfully completed the DWI/sobriety court program.

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

18 (c) The person demonstrates that he or she has operated with
19 an ignition interlock device for not less than 1 year.

20 (d) The person satisfies the requirements of section 303 and R
21 257.313 of the Michigan Administrative Code.

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

24 (a) The hearing officer determines that the person consumed
25 any alcohol during the period that his or her license was
26 restricted under this section, as determined by breath, blood,
27 urine, or transdermal testing unless a second test, administered
28 within 5 minutes after administering the first test, showed an
29 absence of alcohol.



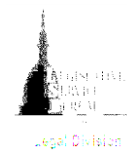
1 (b) The hearing officer determines that the person consumed or
2 otherwise used any controlled substance during the period that his
3 or her license was restricted under this section, except as
4 lawfully prescribed.

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

16 (9) If the secretary of state receives a notification from the
17 DWI/sobriety court under section 1084(7) of the revised judicature
18 act of 1961, 1961 PA 236, MCL 600.1084, the secretary of state
19 shall summarily impose 1 of the following license sanctions, as
20 applicable:

21 (a) Suspension for the full length of time provided under
22 section ~~319(8)~~. **319(5)**. However, a restricted license must not be
23 issued as provided under section ~~319(8)~~. **319(5)**. This subdivision
24 applies if the underlying conviction or convictions would have
25 subjected the person to a license sanction under section ~~319(8)~~
26 **319(5)** if this section did not apply.

27 (b) A license revocation and denial for the full length of
28 time provided under section 303. The minimum period of license
29 revocation and denial imposed must be the same as if this section



1 did not apply. This subdivision applies if the underlying
2 conviction or convictions would have caused a license revocation
3 and denial under section 303 if this section did not apply.

4 (10) After the person completes the DWI/sobriety court
5 program, the following apply:

6 (a) The secretary of state shall postpone considering the
7 issuance of an unrestricted license under section 322 for a period
8 of 3 months for each act that would be a minor violation if the
9 person's license had been issued under section 322(6). As used in
10 this subdivision, "minor violation" means that term as defined in R
11 257.301a of the Michigan Administrative Code.

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

16 (i) The person operates a motor vehicle without an ignition
17 interlock device that meets the criteria under subsection (2)(b).

18 (ii) The person removes, or causes to be removed, an ignition
19 interlock device from a vehicle he or she owns or operates unless
20 the secretary of state has authorized its removal under section
21 322a.

22 (iii) The person commits any other act that would be a major
23 violation if the person's license had been issued under section
24 322(6). As used in this subparagraph, "major violation" means that
25 term as defined in R 257.301a of the Michigan Administrative Code.

26 (iv) The person is arrested for a violation of any of the
27 following:

28 (A) Section 625.

29 (B) A local ordinance of this state or another state **that**



1 substantially ~~corresponding~~ **corresponds** to section 625.

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

4 (c) If the person is convicted of or found responsible for any
5 offense that requires the suspension, revocation, denial, or
6 cancellation of the person's operator's or chauffeur's license, the
7 restricted license issued under this section must be suspended
8 until the requisite period of license suspension, revocation,
9 denial, or cancellation, as appropriate, has elapsed.

10 (d) If the person has failed to pay any court-ordered fines or
11 costs that resulted from the operation of a vehicle, the restricted
12 license issued under this section must be suspended pending payment
13 of those fines and costs.

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

18 (a) The fees must be held in abeyance during the time the
19 person has a restricted license under this section and is
20 participating in the DWI/sobriety court program.

21 (b) Except as otherwise provided in this subdivision, at the
22 end of the person's participation in the DWI/sobriety court
23 program, the driver responsibility fees must be assessed and paid
24 under the payment schedule described in section 732a. If the
25 person's participation in the DWI/sobriety court program is
26 completed on or after October 1, 2018, the driver responsibility
27 fees are waived and shall not be collected.

28 (12) The vehicle of an individual admitted to the DWI/sobriety
29 court program whose vehicle would otherwise be subject to



1 immobilization or forfeiture under this act is exempt from both
 2 immobilization and forfeiture under sections 625n and 904d if both
 3 of the following apply:

4 (a) The person is a DWI/sobriety court program participant in
 5 good standing or the person successfully satisfactorily completes
 6 the DWI/sobriety court program.

7 (b) The person does not subsequently violate a law of this
 8 state for which vehicle immobilization or forfeiture is a sanction.

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

11 (14) As used in this section:

12 (a) "DWI/sobriety court" means that term as defined in section
 13 1084 of the revised judicature act of 1961, 1961 PA 236, MCL
 14 600.1084. Beginning January 1, 2018, DWI/sobriety court includes
 15 only a DWI/sobriety court that is certified by the state court
 16 administrative office as provided in section 1084(3) of the revised
 17 judicature act of 1961, 1961 PA 236, MCL 600.1084.

18 (b) "DWI/sobriety court program" means "program" as that term
 19 is defined in section 1084 of the revised judicature act of 1961,
 20 1961 PA 236, MCL 600.1084.

21 Sec. 315. (1) An operator or chauffeur who changes his or her
 22 residence before the expiration of a license granted under this
 23 chapter shall immediately notify the secretary of state of his or
 24 her new residence address. A change of address notification ~~shall~~
 25 **must** be in a manner prescribed by the secretary of state and may
 26 include notification by personally appearing at a branch office of
 27 the secretary of state or other location designated by the
 28 secretary of state, or a notification by mail, telephone,
 29 electronically, by submitting a voter registration application



1 unless the person registers to vote in a city, village, or township
2 that prohibits the operation of motor vehicles by law or ordinance,
3 or by any other means prescribed by the secretary of state. The
4 secretary of state shall provide the person changing his or her
5 residence address the notice required by section 307(1)(c) that,
6 under sections 509o and 509r of the Michigan election law, 1954 PA
7 116, MCL 168.509o and 168.509r, the secretary of state is required
8 to use the residence address provided on this change of address
9 application as the person's residence address on the qualified
10 voter file for voter registration and voting. However, a person may
11 submit to the secretary of state a mailing address that is
12 different than his or her residence address.

13 (2) ~~Upon~~ **On** receiving a change of address notification, the
14 secretary of state shall change the person's driver license record
15 to indicate the new residence address. The secretary of state shall
16 provide the person with a new license or a label or some other
17 mechanism containing the new residence address. ~~Upon~~ **On** receipt of
18 the label or other mechanism, the person shall affix the label or
19 mechanism to his or her operator's or chauffeur's license as
20 prescribed by the secretary of state. If the secretary of state
21 furnished the person with a new license, the person shall destroy
22 his or her old license and replace it with the new license.

23 (3) ~~If a person fails to report a change of his or her~~
24 ~~residence address as required under this section and subsequently~~
25 ~~there is no response to a notice mailed to the residence address~~
26 ~~shown by the record of the secretary of state or if the person has~~
27 ~~provided the secretary of state a mailing address different from~~
28 ~~his or her residence address and there is no response to a notice~~
29 ~~mailed to that mailing address, the secretary of state may~~



1 ~~immediately suspend or revoke his or her license.~~ A person who
 2 fails to report a change of his or her residence address is
 3 responsible for a civil infraction.

4 (4) A person shall not knowingly report a change of address to
 5 the secretary of state for himself or herself that is not his or
 6 her residence address. A person shall not knowingly report a change
 7 of address to the secretary of state for another person without the
 8 consent of the other person. A person who is convicted of a
 9 violation of this subsection is guilty of a misdemeanor punishable
 10 by imprisonment for not more than 93 days or a fine of \$1,000.00,
 11 or both. ~~Upon receiving the abstract of a conviction under this~~
 12 ~~subsection, the secretary of state may suspend the person's~~
 13 ~~operator's or chauffeur's license for 6 months. The secretary of~~
 14 ~~state shall not issue a restricted license to the person during the~~
 15 ~~suspension.~~

16 (5) ~~Upon~~ **On** a second or subsequent conviction under subsection
 17 (4), a person is guilty of a misdemeanor punishable by imprisonment
 18 for not more than 93 days or a fine of \$5,000.00, or both. ~~Upon~~
 19 ~~receiving the abstract of a second or subsequent conviction under~~
 20 ~~subsection (4), the secretary of state shall revoke the person's~~
 21 ~~operator's or chauffeur's license.~~

22 (6) ~~The suspension or revocation of an operator's or~~
 23 ~~chauffeur's license under subsection (4) or (5) is not appealable~~
 24 ~~under section 323.~~

25 Sec. 317. (1) The secretary of state may suspend, deny, or
 26 revoke the right of a nonresident to operate a motor vehicle in
 27 this state for a cause for which the license of a resident driver
 28 may be suspended, denied, or revoked. A nonresident who drives a
 29 motor vehicle ~~upon~~ **on** a highway when the privilege to drive has



1 been suspended, revoked, or denied by the secretary of state is
2 guilty of a misdemeanor punishable as provided in section 904.

3 (2) The secretary of state, upon receiving a record of a
4 violation of **former** section 321a(1) by a nonresident in this state,
5 shall notify the motor vehicle administration or other appropriate
6 officer of the state where the nonresident is licensed of that
7 violation. The notification required under this subsection shall be
8 given no later than 6 months after the date the citation was issued
9 to the nonresident. This subsection does not apply unless the
10 governor of this state has entered into an interstate compact
11 requiring the notification described in this subsection. The
12 secretary of state may only share the information described in this
13 subsection to verify driving privileges or licensure status, to
14 report a conviction or withdrawal, or to ensure compliance with 49
15 CFR 384.209.

16 (3) The secretary of state, ~~upon~~**on** receiving a record of the
17 conviction, civil infraction determination, suspension, revocation,
18 or forfeiture of bail in this state of a nonresident of a violation
19 the record of which is required to be maintained under section
20 204a, shall forward a certified copy of the record to the motor
21 vehicle administrator or other appropriate officer in the state in
22 which the ~~person~~**individual** is a resident.

23 (4) Within 10 days after an appeal is completed or the appeal
24 period has expired if an appeal is not made in a conviction, civil
25 infraction determination, or bond forfeiture entered against a
26 nonresident in this state for a violation committed while operating
27 a commercial motor vehicle or any violation for a commercial driver
28 license holder regardless of vehicle type, except a parking
29 violation, the secretary of state shall notify the motor vehicle



1 administration or other appropriate officer of the state where the
 2 nonresident is licensed of that conviction, determination, or
 3 forfeiture.

4 (5) If the secretary of state suspends, revokes, cancels, or
 5 denies the driving privileges of a nonresident for 60 days or more
 6 and that nonresident is licensed by another state to operate a
 7 commercial motor vehicle, the secretary of state shall, within 10
 8 days after the effective date of the suspension, revocation,
 9 cancellation, or denial, forward a notification about that
 10 suspension, revocation, cancellation, or denial to the motor
 11 vehicle administrator or other appropriate officer of the state
 12 where the nonresident is licensed to operate a motor vehicle. A
 13 notice given under this subsection must include both the denial, if
 14 any, and the violation that caused the suspension, revocation,
 15 cancellation, or denial of the nonresident's driving privileges.

16 Sec. 319. (1) The secretary of state shall immediately suspend
 17 a person's license as provided in this section on receiving a
 18 record of the person's conviction for a crime described in this
 19 section, whether the conviction is under a law of this state, a
 20 local ordinance **that** substantially ~~corresponding~~ **corresponds** to a
 21 law of this state, a law of another state **that** substantially
 22 ~~corresponding~~ **corresponds** to a law of this state, or, beginning
 23 October 31, 2010, a law of the United States **that** substantially
 24 ~~corresponding~~ **corresponds** to a law of this state.

25 (2) The secretary of state shall suspend the person's license
 26 for 1 year for any of the following crimes:

27 ~~(a) Fraudulently altering or forging documents pertaining to~~
 28 ~~motor vehicles in violation of section 257.~~

29 **(a)** ~~(b)~~ A violation of section 413 of the Michigan penal code,



1 1931 PA 328, MCL 750.413.

2 ~~(c) A violation of section 1 of former 1931 PA 214, MCL~~
 3 ~~752.191, or former section 626c.~~

4 **(b)** ~~(d)~~—A felony in which a motor vehicle was used. As used in
 5 this section, "felony in which a motor vehicle was used" means a
 6 felony during the commission of which the person convicted operated
 7 a motor vehicle and while operating the vehicle presented real or
 8 potential harm to persons or property and 1 or more of the
 9 following circumstances existed:

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

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

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

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

15 **(c)** ~~(e)~~—A violation of section 602a(2) or (3) of this act or
 16 section 479a(2) or (3) of the Michigan penal code, 1931 PA 328, MCL
 17 750.479a.

18 **(d)** ~~(f)~~—Beginning October 31, 2010, a violation of section
 19 601d.

20 (3) The secretary of state shall suspend the person's license
 21 for 90 days for any of the following crimes:

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

24 (b) A violation of section 601b(2), section 601c(1), section
 25 653a(3), section 626 before October 31, 2010, or, beginning October
 26 31, 2010, section 626(2).

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



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

3 (4) The secretary of state shall suspend the person's license
4 for 30 days for malicious destruction resulting from the operation
5 of a vehicle under section 382(1)(a) of the Michigan penal code,
6 1931 PA 328, MCL 750.382.

~~7 (5) For perjury or making a false certification to the
8 secretary of state under any law requiring the registration of a
9 motor vehicle or regulating the operation of a vehicle on a
10 highway, or for conduct prohibited under section 324(1) or a local
11 ordinance substantially corresponding to section 324(1), the
12 secretary of state shall suspend the person's license as follows:~~

~~13 (a) If the person has no prior conviction for an offense
14 described in this subsection within 7 years, for 90 days.~~

~~15 (b) If the person has 1 or more prior convictions for an
16 offense described in this subsection within 7 years, for 1 year.~~

~~17 (6) For a violation of section 414 of the Michigan penal code,
18 1931 PA 328, MCL 750.414, the secretary of state shall suspend the
19 person's license as follows:~~

~~20 (a) If the person has no prior conviction for that offense
21 within 7 years, for 90 days.~~

~~22 (b) If the person has 1 or more prior convictions for that
23 offense within 7 years, for 1 year.~~

~~24 (7) For a violation of section 624a or 624b of this act or
25 section 703(1) of the Michigan liquor control code of 1998, 1998 PA
26 58, MCL 436.1703, the secretary of state shall suspend the person's
27 license as follows:~~

~~28 (a) Subject to subsection (24), if the person has 1 prior
29 conviction for an offense described in section 624a or 624b of this~~



1 ~~act or section 33b(1) of former 1933 (Ex Sess) PA 8, for 90 days.~~
 2 ~~The secretary of state may issue the person a restricted license~~
 3 ~~after the first 30 days of suspension.~~

4 ~~(b) Subject to subsection (24), if the person has 2 or more~~
 5 ~~prior convictions for an offense described in this subsection or~~
 6 ~~section 33b(1) of former 1933 (Ex Sess) PA 8, for 1 year. The~~
 7 ~~secretary of state may issue the person a restricted license after~~
 8 ~~the first 60 days of suspension.~~

9 ~~(5) (8)~~The secretary of state shall suspend the person's
 10 license for a violation of section 625 or 625m as follows:

11 (a) For 180 days for a violation of section 625(1) or (8)
 12 before October 31, 2010 or, beginning October 31, 2010, section
 13 625(1) (a) or (b) or (8) if the person has no prior convictions
 14 within 7 years. The secretary of state may issue the person a
 15 restricted license during a specified portion of the suspension,
 16 except that the secretary of state shall not issue a restricted
 17 license during the first 30 days of suspension.

18 (b) For 90 days for a violation of section 625(3) if the
 19 person has no prior convictions within 7 years. However, if the
 20 person is convicted of a violation of section 625(3), for operating
 21 a vehicle when, due to the consumption of a controlled substance or
 22 a combination of alcoholic liquor and a controlled substance, the
 23 person's ability to operate the vehicle was visibly impaired, the
 24 secretary of state shall suspend the person's license under this
 25 subdivision for 180 days. The secretary of state may issue the
 26 person a restricted license during all or a specified portion of
 27 the suspension.

28 (c) For 30 days for a violation of section 625(6) if the
 29 person has no prior convictions within 7 years. The secretary of



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

3 (d) For 90 days for a violation of section 625(6) if the
4 person has 1 or more prior convictions for that offense within 7
5 years.

6 (e) For 180 days for a violation of section 625(7) if the
7 person has no prior convictions within 7 years. The secretary of
8 state may issue the person a restricted license after the first 90
9 days of suspension.

10 (f) For 90 days for a violation of section 625m if the person
11 has no prior convictions within 7 years. The secretary of state may
12 issue the person a restricted license during all or a specified
13 portion of the suspension.

14 (g) Beginning October 31, 2010, for 1 year for a violation of
15 section 625(1)(c) if the person has no prior convictions within 7
16 years or not more than 2 convictions within 10 years. The secretary
17 of state may issue the person a restricted license, except that the
18 secretary of state shall not issue a restricted license during the
19 first 45 days of suspension.

20 (h) Beginning October 31, 2010, the department shall order a
21 person convicted of violating section 625(1)(c) not to operate a
22 motor vehicle under a restricted license issued under subdivision
23 (g) unless the vehicle is equipped with an ignition interlock
24 device approved, certified, and installed as required under
25 sections 625k and 625l. The ignition interlock device may be removed
26 after the interlock device provider provides the department with
27 verification that the person has operated the vehicle with no
28 instances of reaching or exceeding a blood alcohol level of 0.025
29 grams per 210 liters of breath. This subdivision does not prohibit



1 the removal of the ignition interlock device for any of the
2 following:

3 (i) A start-up test failure that occurs within the first 2
4 months after installation of the device. As used in this
5 subdivision, "start-up test failure" means that the ignition
6 interlock device has prevented the motor vehicle from being
7 started. Multiple unsuccessful attempts at 1 time to start the
8 vehicle are treated as 1 start-up test failure only under this
9 subparagraph.

10 (ii) A start-up test failure occurring more than 2 months after
11 installation of the device, if not more than 15 minutes after
12 detecting the start-up test failure the person delivers a breath
13 sample that the ignition interlock device analyzes as having an
14 alcohol level of less than 0.025 grams per 210 liters of breath.

15 (iii) A retest prompted by the device, if not more than 5
16 minutes after detecting the retest failure the person delivers a
17 breath sample that the ignition interlock device analyzes as having
18 an alcohol level of less than 0.025 grams per 210 liters of breath.

19 (i) Beginning October 31, 2010, if an individual violates the
20 conditions of the restricted license issued under subdivision (g)
21 or operates or attempts to operate a motor vehicle with a blood
22 alcohol level of 0.025 grams per 210 liters of breath, the
23 secretary of state shall impose an additional like period of
24 suspension and restriction as prescribed under subdivision (g).
25 This subdivision does not require an additional like period of
26 suspension and restriction for any of the following:

27 (i) A start-up test failure within the first 2 months after
28 installation of the ignition interlock device. As used in this
29 subdivision, "start-up test failure" means that the ignition



1 interlock device has prevented the motor vehicle from being
 2 started. Multiple unsuccessful attempts at 1 time to start the
 3 vehicle are treated as 1 start-up test failure only under this
 4 subparagraph.

5 (ii) A start-up test failure occurring more than 2 months after
 6 installation of the device, if not more than 15 minutes after
 7 detecting the start-up test failure the person delivers a breath
 8 sample that the ignition interlock device analyzes as having an
 9 alcohol level of less than 0.025 grams per 210 liters of breath.

10 (iii) Any retest prompted by the device, if not more than 5
 11 minutes after detecting the retest failure the person delivers a
 12 breath sample that the ignition interlock device analyzes as having
 13 an alcohol level of less than 0.025 grams per 210 liters of breath.

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

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

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

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

23 ~~(11) For a violation or attempted violation of section 411a(2)~~
 24 ~~of the Michigan penal code, 1931 PA 328, MCL 750.411a, involving a~~
 25 ~~school, the secretary of state shall suspend the license of a~~
 26 ~~person 14 years of age or over but less than 21 years of age until~~
 27 ~~3 years after the date of the conviction or juvenile disposition~~
 28 ~~for the violation. The secretary of state may issue the person a~~
 29 ~~restricted license after the first 365 days of suspension.~~



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

8 (6) ~~(13)~~ Except as provided in subsection ~~(15)~~, ~~(8)~~, a
 9 suspension under this section ~~shall~~ **must** be imposed notwithstanding
 10 a court order unless the court order complies with section 323.

11 (7) ~~(14)~~ If the secretary of state receives records of more
 12 than 1 conviction of a person ~~resulting~~ **that results** from the same
 13 incident, a suspension ~~shall~~ **must** be imposed only for the violation
 14 to which the longest period of suspension applies under this
 15 section.

16 (8) ~~(15)~~ The secretary of state may waive a restriction,
 17 suspension, or revocation of a person's license imposed under this
 18 act if the person submits proof that a court in another state
 19 revoked, suspended, or restricted his or her license for a period
 20 equal to or greater than the period of a restriction, suspension,
 21 or revocation prescribed under this act for the violation and that
 22 the revocation, suspension, or restriction was served for the
 23 violation, or may grant a restricted license.

24 (9) ~~(16)~~ The secretary of state shall not issue a restricted
 25 license to a person whose license is suspended under this section
 26 unless a restricted license is authorized under this section and
 27 the person is otherwise eligible for a license.

28 (10) ~~(17)~~ The secretary of state shall not issue a restricted
 29 license to a person under subsection ~~(8)~~ ~~(5)~~ that would permit the



1 person to operate a commercial motor vehicle.

2 (11) ~~(18)~~—Except as provided in subsection ~~(17)~~, ~~(10)~~, a
3 restricted license issued under this section ~~shall~~**must** permit the
4 person to whom it is issued to take any driving skills test
5 required by the secretary of state and to operate a vehicle under 1
6 or more of the following circumstances:

7 (a) In the course of the person's employment or occupation.

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

9 (i) The person's residence.

10 (ii) The person's work location.

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

13 (iv) The court probation department.

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

15 (vi) An educational institution at which the person is enrolled
16 as a student.

17 (vii) A place of regularly occurring medical treatment for a
18 serious condition for the person or a member of the person's
19 household or immediate family.

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

21 (12) ~~(19)~~—While driving with a restricted license, the person
22 shall carry proof of his or her destination and the hours of any
23 employment, class, or other reason for traveling and shall display
24 that proof ~~upon~~**on** a peace officer's request.

25 (13) ~~(20)~~—Subject to subsection ~~(22)~~, ~~(15)~~, as used in
26 subsection ~~(8)~~, ~~(5)~~, "prior conviction" means a conviction for any
27 of the following, whether under a law of this state, a local
28 ordinance **that** substantially ~~corresponding~~**corresponds** to a law of
29 this state, or a law of another state **that** substantially



1 ~~corresponding~~ **corresponds** to a law of this state:

2 (a) Except as provided in subsection ~~(21)~~, **(14)**, a violation
3 or attempted violation of any of the following:

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

11 (ii) Section 625m.

12 (iii) Former section 625b.

13 (b) Negligent homicide, manslaughter, or murder resulting from
14 the operation of a vehicle or an attempt to commit any of those
15 crimes.

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

18 **(14)** ~~(21)~~ Except for purposes of the suspensions described in
19 subsection ~~(8)(e)~~ **(5)(c)** and (d), only 1 violation or attempted
20 violation of section 625(6), a local ordinance **that** substantially
21 ~~corresponding~~ **corresponds** to section 625(6), or a law of another
22 state **that** substantially ~~corresponding~~ **corresponds** to section
23 625(6) may be used as a prior conviction.

24 **(15)** ~~(22)~~ If 2 or more convictions described in subsection
25 ~~(20)~~ **(13)** are convictions for violations arising out of the same
26 transaction, only 1 conviction ~~shall~~ **must** be used to determine
27 whether the person has a prior conviction.

28 **(16)** ~~(23)~~ Any period of suspension or restriction required
29 under this section is not subject to appeal to the secretary of



1 state.

2 ~~(24) For purposes of subsection (7), "prior conviction" means~~
 3 ~~either a misdemeanor conviction or a civil infraction determination~~
 4 ~~for a violation of section 703(1) of the liquor control code of~~
 5 ~~1998, 1998 PA 58, MCL 436.1703.~~

6 Sec. 320d. (1) Notwithstanding section 320a, the secretary of
 7 state shall not enter the points corresponding to a moving
 8 violation committed in this state by an individual the secretary of
 9 state determines to be eligible under this section on the
 10 individual's driving record or make information concerning that
 11 violation available to any insurance company if the individual
 12 attends and successfully completes a basic driver improvement
 13 course under this section and an approved sponsor provides a
 14 certificate of successful completion of that course to the
 15 secretary of state not more than 60 days after the date on which
 16 the secretary of state notified the individual that he or she was
 17 eligible to take a basic driver improvement course.

18 (2) The secretary of state shall determine if an individual is
 19 eligible under subsection (3) to attend a basic driver improvement
 20 course ~~upon~~**on** receipt of an abstract of a moving violation. If the
 21 secretary of state determines that an individual is eligible to
 22 attend a basic driver improvement course, the secretary of state
 23 shall do all of the following:

24 (a) Notify the individual of his or her eligibility by first-
 25 class mail at the individual's last known address as indicated on
 26 the individual's operator's or chauffeur's license and inform the
 27 individual of the manner and time within which the individual is
 28 required to attend and complete a basic driver improvement course.

29 (b) Provide all eligible participants with information on how



1 to access a list of approved sponsors and basic driver improvement
 2 course locations, including the secretary of state's website
 3 address and telephone number to call for more information.

4 (c) If an approved sponsor does not provide notice of
 5 successful completion of the course by the individual within the
 6 time prescribed in subsection (1), the secretary of state shall
 7 enter the points required under section 320a.

8 (3) An individual is ineligible to take a basic driver
 9 improvement course if any of the following apply:

10 (a) The violation occurred while the individual was operating
 11 a commercial motor vehicle or was licensed as a commercial driver
 12 while operating a noncommercial motor vehicle.

13 (b) The violation is a criminal offense.

14 (c) The violation is a violation for which 4 or more points
 15 may be assessed under section 320a.

16 (d) The violation is a violation of section 626b, 627(9),
 17 627a, or 682.

18 (e) The individual was cited for more than 1 moving violation
 19 arising from the same incident.

20 ~~(f) The individual's license was suspended under section~~
 21 ~~321a(2) in connection with the violation.~~

22 **(f)** ~~(g)~~ The individual previously successfully completed a
 23 basic driver improvement course.

24 **(g)** ~~(h)~~ The individual has 3 or more points on his or her
 25 driving record.

26 **(h)** ~~(i)~~ The individual's operator's or chauffeur's license is
 27 restricted, suspended, or revoked, or the individual was not issued
 28 an operator's or chauffeur's license.

29 (4) The individual is not eligible to take a driver



1 improvement course for a second or subsequent violation an
2 individual receives within the time allowed under subsection (1).

3 (5) The secretary of state shall maintain a computerized
4 database of the following:

5 (a) Individuals who have attended a basic driver improvement
6 course.

7 (b) Individuals who have successfully completed a basic driver
8 improvement course.

9 (6) The database maintained under subsection (5) shall only be
10 used for determining eligibility under subsections (3) and (4). The
11 secretary of state shall only make the information contained in the
12 database available to approved sponsors under subsection (10).
13 Information in this database concerning an individual ~~shall~~**must** be
14 maintained for the life of that individual.

15 (7) An individual shall be charged a fee of not more than
16 \$100.00 by an approved sponsor to participate in a basic driver
17 improvement course and, if applicable, to obtain a certificate in a
18 form as approved by the secretary of state demonstrating that he or
19 she successfully completed the course. An approved sponsor shall
20 remit a portion of the fee, as determined annually by the secretary
21 of state, to cover the costs of implementing and administering this
22 course program.

23 (8) Fees remitted to the department under subsection (7) by an
24 approved sponsor ~~shall~~**must** be credited to the basic driver
25 improvement course fund created under subsection (9).

26 (9) The basic driver improvement course fund is created within
27 the state treasury. The state treasurer may receive money or other
28 assets from any source for deposit into the fund. The state
29 treasurer shall direct the investment of the fund. Money in the



1 fund at the close of the fiscal year ~~shall~~**must** remain in the fund
2 and ~~shall~~**must** not lapse to the general fund. The secretary of
3 state shall be the administrator of the fund for auditing purposes.
4 The secretary of state shall expend money from the fund, ~~upon~~**on**
5 appropriation, only to pay the costs of administering this section.

6 (10) An approved sponsor shall conduct a study of the effect,
7 if any, that the successful completion of its basic driver
8 improvement course has on reducing collisions, moving violations,
9 or both for students completing its course in this state. An
10 approved sponsor shall conduct this study every 5 years on each of
11 the course delivery modalities employed by the approved sponsor.
12 The secretary of state shall make all of the following information
13 available to the approved sponsor for that purpose, subject to
14 applicable state and federal laws governing the release of
15 information:

16 (a) The number of individuals who successfully complete a
17 basic driver improvement course under this section.

18 (b) The number of individuals who are eligible to take a basic
19 driver improvement course under this section but who do not
20 successfully complete that course.

21 (c) The number and type of moving violations committed by
22 individuals after successfully completing a basic driver
23 improvement course under this section in comparison to the number
24 and type of moving violations committed by individuals who have not
25 taken a basic driver improvement course.

26 (11) The secretary of state shall report on the findings of
27 all studies conducted under subsection (10) to the standing
28 committees of the house of representatives and senate on
29 transportation issues.



1 (12) The secretary of state shall approve basic driver
 2 improvement course sponsors, and enter into an agreement with
 3 approved sponsors, if the basic driver improvement course offered
 4 by that sponsor satisfies the requirements listed in section 3a.

5 (13) A sponsor seeking to be an approved sponsor shall submit
 6 to the secretary of state an application on a form prescribed by
 7 the secretary of state along with a properly executed security bond
 8 in the principal sum of \$20,000.00 with good and sufficient surety.
 9 Every sponsor that is an approved sponsor on ~~the effective date of~~
 10 ~~the amendatory act that added this subsection~~ **March 28, 2013** also
 11 shall submit to the secretary of state a security bond described in
 12 this subsection. The bond ~~shall~~ **must** indemnify or reimburse the
 13 secretary of state or an individual ~~taking~~ **that takes** the sponsor's
 14 basic driver improvement course for monetary loss caused through
 15 fraud, cheating, or misrepresentation in the conduct of the
 16 sponsor's business where the fraud, cheating, or misrepresentation
 17 was made by the sponsor or by an employee, agent, instructor, or
 18 salesperson of the sponsor. The surety shall ~~make indemnification~~
 19 **indemnify** or ~~reimbursement~~ **reimburse** for a monetary loss only after
 20 judgment based on fraud, cheating, or misrepresentation has been
 21 entered in a court of record against the sponsor. The aggregate
 22 liability of the surety ~~shall~~ **must** not exceed the sum of the bond.
 23 The surety on the bond may cancel the bond by giving 30 days'
 24 written or electronic notice to the secretary of state and after
 25 giving notice is not liable for a breach of condition occurring
 26 after the effective date of the cancellation.

27 (14) An approved sponsor shall not engage in a deceptive or
 28 unconscionable method, act, or practice, including, but not limited
 29 to, all of the following:



1 (a) Using, adopting, or conducting business under a name that
2 is the same as, like, or deceptively similar to the name of another
3 approved sponsor.

4 (b) Except as otherwise provided in this subsection, using the
5 words "state", "government", "municipal", "city", or "county" as
6 part of the name of the approved sponsor.

7 (c) Advertising, representing, or implying that an approved
8 sponsor is supervised, recommended, or endorsed by, or affiliated
9 or associated with, or employed by, or an agent or representative
10 of this state, the secretary of state, or a bureau of the secretary
11 of state.

12 (d) Advertising or publicizing under a name other than the
13 approved sponsor's full business name as identified on the
14 sponsor's application to be an approved sponsor.

15 (e) Advertising that the sponsor is open for business before
16 the sponsor becomes an approved sponsor.

17 (f) Soliciting business on the premises of any facility
18 rented, leased, owned, or used by the secretary of state.

19 (g) Misrepresenting the quantity or quality of the instruction
20 provided by, or the requirements for, a basic driver improvement
21 course.

22 (h) Failing to promptly restore any deposit, down payment, or
23 other payment that a person is entitled to after an agreement is
24 rescinded, canceled, or otherwise terminated as required under the
25 agreement or applicable law.

26 (i) Taking advantage of a student's or potential student's
27 inability to reasonably protect his or her interest because of a
28 disability, illiteracy, or inability to understand the language of
29 an agreement, if the sponsor knows or reasonably should have known



1 of the student's or potential student's inability.

2 (j) Failing to honor a term of an agreement.

3 (k) Falsifying a document, agreement, record, report, or
4 certificate associated with a basic driver improvement course.

5 (15) Except as otherwise provided in this act, the secretary
6 of state may impose 1 or more of the sanctions listed under
7 subsection (16) if the secretary of state determines that an
8 approved sponsor did 1 or more of the following:

9 (a) Failed to meet a requirement under this act or an
10 agreement established under this act.

11 (b) Violated this act or an agreement established under this
12 act.

13 (c) Made an untrue or misleading statement of a material fact
14 to the secretary of state or concealed a material fact in
15 connection with an application or record under this act.

16 (d) Permitted fraud or engaged in a fraudulent method, act, or
17 practice in connection with a basic driver improvement course, or
18 induced or countenanced fraud or a fraudulent method, act, or
19 practice in connection with a basic driver improvement course.

20 (e) Engaged in an unfair or deceptive method, act, or practice
21 or made an untrue statement of a material fact.

22 (f) Violated a suspension or an order issued under this act.

23 (g) Failed to maintain good moral character as defined and
24 determined under 1974 PA 381, MCL 338.41 to 338.47, in connection
25 with its business operations.

26 (16) After the secretary of state determines that an approved
27 sponsor committed a violation listed in subsection (15), the
28 secretary of state may impose ~~upon~~**on** the approved sponsor 1 or
29 more of the following sanctions:



1 (a) Denial of an application for approval as a basic driver
2 improvement course sponsor.

3 (b) Suspension or revocation of the approval of an approved
4 sponsor.

5 (c) A requirement to take the affirmative action determined
6 necessary by the secretary of state, including, but not limited to,
7 payment of restitution to a student or to an injured person.

8 (17) As used in this section, "approved sponsor" means a
9 sponsor of a basic driver improvement course that is approved by
10 the secretary of state under subsection (12) and whose approved
11 status is not suspended or revoked under subsection (16).

12 Sec. 320e. (1) ~~Except as otherwise provided in subsection (2),~~
13 ~~(3), or (4), a~~ **A** person whose operator's or chauffeur's license is
14 suspended, revoked, or restricted pursuant to section 303, 319,
15 320, 324, 625, 625b, 625f, 732a, or 904 shall pay a license
16 reinstatement fee of \$125.00 to the secretary of state before a
17 license is issued or returned to the person. The increase in the
18 reinstatement fee from \$60.00 to \$125.00 ~~shall~~ **must** be imposed for
19 a license that is issued or returned on or after October 1, 1991
20 regardless of when the license was suspended, revoked, or
21 restricted. Of the increase in the reinstatement fee from \$60.00 to
22 \$125.00, \$25.00 ~~shall~~ **must** be allocated to the department of state,
23 \$10.00 ~~shall~~ **must** be deposited by the department of treasury in the
24 drunk driving prevention equipment and training fund created under
25 section 625h(1), and \$30.00 ~~shall~~ **must** be deposited by the
26 department of treasury in the drunk driving caseflow assistance
27 fund created under section 625h(5). The fee ~~shall~~ **must** be waived if
28 the license was suspended or restricted because of the person's
29 mental or physical infirmity or disability.



1 ~~(2) A person whose operator's or chauffeur's license is~~
 2 ~~suspended, revoked, or restricted pursuant to section 319(7) shall~~
 3 ~~pay a license reinstatement fee of \$125.00 to the secretary of~~
 4 ~~state before a license is issued or returned to the person. The fee~~
 5 ~~shall be waived if the license was suspended or restricted because~~
 6 ~~of the person's mental or physical infirmity or disability.~~

7 ~~(3) A person whose operator's or chauffeur's license is~~
 8 ~~suspended, revoked, or restricted pursuant to section 319e shall~~
 9 ~~pay a license reinstatement fee of \$125.00 to the secretary of~~
 10 ~~state before a license is issued or returned to the person. Of the~~
 11 ~~\$125.00 fee, \$95.00 shall be allocated to the department of state~~
 12 ~~and \$30.00 shall be deposited by the department of treasury in the~~
 13 ~~drug case information management fund created under section 323d.~~

14 ~~(4) A person whose operator's or chauffeur's license is~~
 15 ~~suspended as provided in section 321c shall pay a license~~
 16 ~~reinstatement fee of \$85.00 to the secretary of state before a~~
 17 ~~license is issued or returned to the person. The fee shall be~~
 18 ~~deposited in the state general fund and shall be used to defray the~~
 19 ~~expenses of the secretary of state in processing the suspension and~~
 20 ~~reinstatement of driver licenses under this section.~~

21 **(2) Beginning on the effective date of the amendatory act that**
 22 **added this subsection, the secretary of state shall waive the**
 23 **reinstatement fee for a person whose operator's or chauffeur's**
 24 **license was suspended, revoked, or restricted for reasons that are**
 25 **no longer eligible for the suspension, revocation, or restriction**
 26 **of an operator's or chauffeur's license under this act. The**
 27 **secretary of state shall immediately reinstate an operator's or**
 28 **chauffeur's license that was suspended, revoked, or restricted for**
 29 **reasons that are no longer eligible under this act.**



1 (3) ~~(5)~~—The secretary of state shall assess points and take
 2 licensing action, including suspending, revoking, or denying a
 3 license under this act, according to the law in effect at the time
 4 of the conspiracy to commit the offense or at the time the offense
 5 was committed or attempted or the civil infraction occurred. If 1
 6 or more of the convictions involved in a licensing sanction is a
 7 violation or attempted violation of this act committed or attempted
 8 after January 1, 1992, the secretary of state shall apply the law
 9 in effect after January 1, 1992.

10 (4) ~~(6)~~—Judicial review of an administrative licensing
 11 sanction under section 303 shall be governed by the law in effect
 12 at the time the offense was committed or attempted. If 1 or more of
 13 the convictions involved in an administrative licensing sanction is
 14 a violation or attempted violation of this act committed or
 15 attempted after January 1, 1992, judicial review of that sanction
 16 shall be governed by the law in effect after January 1, 1992.

17 Sec. 321a. ~~(1) A person who fails to answer a citation, or a~~
 18 ~~notice to appear in court for a violation reportable to the~~
 19 ~~secretary of state under section 732 or a local ordinance~~
 20 ~~substantially corresponding to a violation of a law of this state~~
 21 ~~reportable to the secretary of state under section 732, or for any~~
 22 ~~matter pending, or who fails to comply with an order or judgment of~~
 23 ~~the court, including, but not limited to, paying all fines, costs,~~
 24 ~~fees, and assessments, is guilty of a misdemeanor punishable by~~
 25 ~~imprisonment for not more than 93 days or a fine of not more than~~
 26 ~~\$100.00, or both. A violation of this subsection or failure to~~
 27 ~~answer a citation or notice to appear for a violation of section~~
 28 ~~33b(1) of former 1933 (Ex Sess) PA 8, section 703(1) of the~~
 29 ~~Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or~~



1 ~~a local ordinance substantially corresponding to either of those~~
2 ~~sections must not be considered a violation for any purpose under~~
3 ~~section 320a.~~

4 ~~(2) Except as provided in subsection (3), 28 days or more~~
5 ~~after a person fails to answer a citation, or a notice to appear in~~
6 ~~court for a violation reportable to the secretary of state under~~
7 ~~section 732 or a local ordinance substantially corresponding to a~~
8 ~~violation of a law of this state reportable to the secretary of~~
9 ~~state under section 732, including for a violation of section~~
10 ~~703(1)(a) of the Michigan liquor control code of 1998, 1998 PA 58,~~
11 ~~MCL 436.1703, or for any matter pending, or fails to comply with an~~
12 ~~order or judgment of the court, including, but not limited to,~~
13 ~~paying all fines, costs, fees, and assessments, the court shall~~
14 ~~give notice by mail at the last known address of the person that if~~
15 ~~the person fails to appear or fails to comply with the order or~~
16 ~~judgment within 14 days after the notice is issued, the secretary~~
17 ~~of state shall suspend the person's operator's or chauffeur's~~
18 ~~license. If the person fails to appear or fails to comply with the~~
19 ~~order or judgment within the 14-day period, the court shall, within~~
20 ~~14 days, inform the secretary of state, who shall immediately~~
21 ~~suspend the license of the person. The secretary of state shall~~
22 ~~immediately notify the person of the suspension by regular mail at~~
23 ~~the person's last known address.~~

24 ~~(1) (3)—~~If the person is charged with, or convicted of, a
25 violation of section 625 or a local ordinance substantially
26 corresponding to section 625(1), (2), (3), (6), or (8) and the
27 person fails to answer a citation or a notice to appear in court,
28 or for any matter pending, or fails to comply with an order or
29 judgment of the court, including, but not limited to, paying all



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

17 ~~(4) If the person is charged with, or convicted of, a~~
 18 ~~violation of section 33b(1) of former 1933 (Ex Sess) PA 8, section~~
 19 ~~703(1) (b) or (c) of the Michigan liquor control code of 1998, 1998~~
 20 ~~PA 58, MCL 436.1703, section 624a, section 624b, or a local~~
 21 ~~ordinance substantially corresponding to those sections and the~~
 22 ~~person fails to answer a citation or a notice to appear in court~~
 23 ~~issued under section 33b of former 1933 (Ex Sess) PA 8, section 703~~
 24 ~~of the Michigan liquor control code of 1998, 1998 PA 58, MCL~~
 25 ~~436.1703, section 624a, section 624b, or a local ordinance~~
 26 ~~substantially corresponding to those sections or fails to comply~~
 27 ~~with an order or judgment of the court issued under section 33b of~~
 28 ~~former 1933 (Ex Sess) PA 8, section 703 of the Michigan liquor~~
 29 ~~control code of 1998, 1998 PA 58, MCL 436.1703, section 624a,~~



~~1 section 624b, or a local ordinance substantially corresponding to~~
~~2 those sections including, but not limited to, paying all fines and~~
~~3 costs, the court shall immediately give notice by first-class mail~~
~~4 sent to the person's last known address that if the person fails to~~
~~5 appear within 7 days after the notice is issued, or fails to comply~~
~~6 with the order or judgment of the court, including, but not limited~~
~~7 to, paying all fines and costs, within 14 days after the notice is~~
~~8 issued, the secretary of state shall suspend the person's~~
~~9 operator's or chauffeur's license. If the person fails to appear~~
~~10 within the 7-day period, or fails to comply with the order or~~
~~11 judgment of the court, including, but not limited to, paying all~~
~~12 fines and costs, within the 14-day period, the court shall~~
~~13 immediately inform the secretary of state who shall immediately~~
~~14 suspend the person's operator's or chauffeur's license and notify~~
~~15 the person of the suspension by first class mail sent to the~~
~~16 person's last known address.~~

~~17 (5) A suspension imposed under subsection (2) or (3) remains~~
~~18 in effect until both of the following occur:~~

~~19 (a) The secretary of state is notified by each court in which~~
~~20 the person failed to answer a citation or notice to appear or~~
~~21 failed to pay a fine or cost that the person has answered that~~
~~22 citation or notice to appear or paid that fine or cost.~~

~~23 (b) The person has paid to the court a \$45.00 driver license~~
~~24 clearance fee for each failure to answer a citation or failure to~~
~~25 pay a fine or cost.~~

~~26 (6) The court shall not notify the secretary of state, and the~~
~~27 secretary of state shall not suspend the person's license, if the~~
~~28 person fails to appear in response to a citation issued for, or~~
~~29 fails to comply with an order or judgment involving 1 or more of~~



1 ~~the following infractions:~~

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

3 ~~(b) A pedestrian, passenger, or bicycle violation, other than~~
 4 ~~a violation of section 33b(1) or (2) of former 1933 (Ex Sess) PA 8,~~
 5 ~~section 703(1) or (2) of the Michigan liquor control code of 1998,~~
 6 ~~1998 PA 58, MCL 436.1703, section 624a or 624b, or a local~~
 7 ~~ordinance substantially corresponding to section 33b(1) or (2) of~~
 8 ~~former 1933 (Ex Sess) PA 8, section 703(1) or (2) of the Michigan~~
 9 ~~liquor control code of 1998, 1998 PA 58, MCL 436.1703, or section~~
 10 ~~624a or 624b.~~

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

15 ~~(a) Failed to answer 2 or more parking violation notices or~~
 16 ~~Citations for violating a provision of this act or an ordinance~~
 17 ~~substantially corresponding to a provision of this act pertaining~~
 18 ~~to parking for persons with disabilities.~~

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

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

25 ~~(a) The court informs the secretary of state that the person~~
 26 ~~has resolved all outstanding matters regarding the notices or~~
 27 ~~Citations.~~

28 ~~(b) The person has paid to the court a \$45.00 driver license~~
 29 ~~clearance fee. If the court determines that the person is~~



1 ~~responsible for only 1 parking violation under subsection (7) (a) or~~
2 ~~fewer than 3 parking violations under subsection (7) (b), for which~~
3 ~~the person's license was not issued or renewed under this~~
4 ~~subsection, the court may waive payment of the fee.~~

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

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

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

25 ~~(10) For the purposes of subsections (5) (a), (8) (a), and~~
26 ~~(9) (a), the court shall give to the person a copy of the~~
27 ~~information being transmitted to the secretary of state. Upon~~
28 ~~showing that copy, the person must not be arrested or issued a~~
29 ~~citation for driving on a suspended license, on an expired license,~~



1 ~~or without a license on the basis of any matter resolved under~~
 2 ~~subsection (5) (a), (8) (a), or (9) (a), even if the information being~~
 3 ~~sent to the secretary of state has not yet been received or~~
 4 ~~recorded by the department.~~

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

8 ~~(a) Fifteen dollars to the secretary of state. The funds~~
 9 ~~received by the secretary of state under this subdivision must be~~
 10 ~~deposited in the state general fund and shall be used to defray the~~
 11 ~~expenses of the secretary of state in processing the suspension and~~
 12 ~~reinstatement of driver licenses under this section.~~

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

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

16 ~~(ii) If the matter is before the district court, to the~~
 17 ~~treasurer of the district funding unit for that court, for deposit~~
 18 ~~in the general fund. As used in this section, "district funding~~
 19 ~~unit" means that term as defined in section 8104 of the revised~~
 20 ~~judicature act of 1961, 1961 PA 236, MCL 600.8104.~~

21 ~~(iii) If the matter is before a municipal court, to the~~
 22 ~~treasurer of the city in which the municipal court is located, for~~
 23 ~~deposit in the general fund.~~

24 ~~(c) Fifteen dollars to the juror compensation reimbursement~~
 25 ~~fund created in section 151d of the revised judicature act of 1961,~~
 26 ~~1961 PA 236, MCL 600.151d.~~

27 **(2)** ~~(12)~~ Section 819 does not apply to a reinstatement fee
 28 collected for an operator's or chauffeur's license that is not
 29 issued or renewed under section 8827 of the revised judicature act



1 of 1961, 1961 PA 236, MCL 600.8827.

2 **(3)** ~~(13)~~—The secretary of state shall immediately suspend the
 3 ~~operator's and chauffeur's~~ license of a person licensed to operate
 4 a commercial motor vehicle, or a person who operates a commercial
 5 motor vehicle without a license to operate that vehicle, if the
 6 person fails to answer an out-state citation, or a notice to appear
 7 in a court or an authorized administrative tribunal for a violation
 8 reportable to the secretary of state under section 732, or fails to
 9 comply with an order or judgment of an out-state court or an
 10 authorized administrative tribunal reportable to the secretary of
 11 state under section 732, or fails to appear or fails to comply with
 12 the out-state court or an authorized administrative tribunal order
 13 or judgment reportable to the secretary of state under section 732,
 14 including, but not limited to, paying all fines, costs, fees, and
 15 assessments. For a suspension imposed under this subsection, the
 16 secretary of state shall immediately notify the person of the
 17 suspension by regular mail at the person's last known address.

18 **(4)** ~~(14)~~—A suspension imposed under subsection ~~(13)~~ **(3)**
 19 remains in effect until the secretary of state is notified by the
 20 court or authorized administrative tribunal of the other state in
 21 which the person failed to answer a citation, or notice to appear,
 22 or failed to pay a fine or cost, that the person has answered that
 23 citation or notice to appear or has paid the fine or cost.

24 **(5)** ~~(15)~~—The secretary of state shall not suspend the person's
 25 license under subsection ~~(13)~~ **(3)** if the person fails to appear in
 26 response to a citation issued for, or fails to comply with an order
 27 or judgment involving, the parking or standing of a vehicle.

28 **(6)** ~~(16)~~—The secretary of state, ~~upon~~ **on** being informed of the
 29 failure of a person to appear or comply as provided in subsection



1 ~~(13),~~ **(3)**, shall not issue a license to the person or renew a
 2 license for the person until the court or authorized administrative
 3 tribunal of the other state informs the secretary of state that the
 4 person has resolved all outstanding matters regarding the notices,
 5 orders, or citations.

6 Sec. 323d. (1) The drug case information management fund is
 7 created as a separate fund in the state treasury. The purpose of
 8 the fund is to help defray the costs of complying with requirements
 9 for the timely management and reporting to the secretary of state
 10 of information concerning cases involving an attempt to violate, a
 11 conspiracy to violate, or a violation of ~~part 74 or section 17766a~~
 12 ~~of the public health code, Act No. 368 of the Public Acts of 1978,~~
 13 ~~being sections 333.7401 to 333.7461 and 333.17766a of the Michigan~~
 14 ~~Compiled Laws,~~ **part 74 of the public health code, 1978 PA 368, MCL**
 15 **333.7401 to 333.7461, or former section 17766a of the public health**
 16 **code, 1978 PA 368,** or of a local ordinance that prohibits conduct
 17 prohibited under ~~part 74 or section 17766a of Act No. 368 of the~~
 18 ~~Public Acts of 1978.~~ **part 74 of the public health code, 1978 PA**
 19 **368, MCL 333.7401 to 333.7461, or former section 17766a of the**
 20 **public health code, 1978 PA 368.** Money in the fund ~~shall~~**must** be
 21 expended only as provided in subsection (3).

22 (2) ~~The state treasurer shall credit the drug case information~~
 23 ~~management fund with the money collected from license reinstatement~~
 24 ~~fees as provided in section 320e(2).~~ The state treasurer may invest
 25 money contained in the drug case information management fund in any
 26 manner authorized by law for the investment of state money.
 27 However, an investment ~~shall~~**must** not interfere with any
 28 apportionment, allocation, or payment of money as required by this
 29 section. The state treasurer shall credit all earnings from the



1 fund to the fund. Money in the fund at the end of the fiscal year
 2 ~~shall must~~ remain in the fund and ~~shall must~~ not revert to the
 3 general fund.

4 (3) The state court administrator, at the direction of the
 5 supreme court and ~~upon on~~ confirmation of the amount by the state
 6 treasurer, shall distribute from the drug case information
 7 management fund the total amount available in a fiscal year to each
 8 circuit of the circuit court, each district of the district court,
 9 and each probate court as provided in this subsection. The state
 10 court administrator, after reimbursement of costs as provided in
 11 this subsection, shall distribute the balance of the drug case
 12 information management fund annually after costs are disbursed to
 13 each circuit of the circuit court, each district of the district
 14 court, and each probate court in an amount determined by
 15 multiplying the amount available for distribution by a fraction,
 16 the numerator of which is the number of cases in which the
 17 defendant was charged with an attempt to violate, a conspiracy to
 18 violate, or a violation of ~~part 74 or section 17766a of Act No. 368~~
 19 ~~of the Public Acts of 1978,~~ **part 74 of the public health code, 1978**
 20 **PA 368, MCL 333.7401 to 333.7461, or former section 17766a of the**
 21 **public health code, 1978 PA 368,** or a local ordinance that
 22 prohibits conduct prohibited under ~~part 74 or section 17766a of Act~~
 23 ~~No. 368 of the Public Acts of 1978,~~ **part 74 of the public health**
 24 **code, 1978 PA 368, MCL 333.7401 to 333.7461, or former section**
 25 **17766a of the public health code, 1978 PA 368,** in the prior
 26 calendar year in that circuit of the circuit court, that district
 27 of the district court, or that probate court, as certified by the
 28 state court administrator, and the denominator of which is the
 29 total number of cases in all circuits of the circuit court, all



1 districts of the district court, and all probate courts in which
 2 the defendant was charged with an attempt to violate, a conspiracy
 3 to violate, or a violation of ~~part 74 of section 17766a of Act No.~~
 4 ~~368 of the Public Acts of 1978,~~ **part 74 of the public health code,**
 5 **1978 PA 368, MCL 333.7401 to 333.7461, or former section 17766a of**
 6 **the public health code, 1978 PA 368,** or a local ordinance that
 7 prohibits conduct prohibited under ~~part 74 or section 17766a of Act~~
 8 ~~No. 368 of the Public Acts of 1978.~~ **part 74 of the public health**
 9 **code, 1978 PA 368, MCL 333.7401 to 333.7461, or former section**
 10 **17766a of the public health code, 1978 PA 368.** The state court
 11 administrative office shall be reimbursed annually from the drug
 12 case information management fund for all reasonable costs
 13 associated with the administration of this section, including
 14 judicial and staff training, on-site management assistance, forms
 15 development and conversion, and software development and
 16 conversion.

17 Sec. 328. (1) The owner of a motor vehicle who operates or
 18 permits the operation of the motor vehicle ~~upon~~**on** the highways of
 19 this state or the operator of the motor vehicle shall produce,
 20 under subsection (2), ~~upon~~**on** the request of a police officer,
 21 evidence that the motor vehicle is insured under chapter 31 of the
 22 insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179.
 23 Subject to section ~~907(15),~~**907(14)**, an owner or operator of a
 24 motor vehicle who fails to produce evidence of insurance ~~upon~~**on**
 25 request under this subsection or who fails to have motor vehicle
 26 insurance for the vehicle as required under chapter 31 of the
 27 insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179, is
 28 responsible for a civil infraction. If a person displays an
 29 electronic copy of his or her certificate of insurance using an



1 electronic device, the police officer shall only view the
2 electronic copy of the certificate of insurance and shall not
3 manipulate the electronic device to view any other information on
4 the electronic device. A person who displays an electronic copy of
5 his or her certificate of insurance using an electronic device as
6 provided in this subsection shall not be presumed to have consented
7 to a search of the electronic device. A police officer may require
8 the person to electronically forward the electronic copy of the
9 certificate of insurance to a specified location provided by the
10 police officer. The police officer may then view the electronic
11 copy of the certificate of insurance in a setting in which it is
12 safe for the officer to verify that the information contained in
13 the electronic copy of the certificate of insurance is valid and
14 accurate. This state, a law enforcement agency, or an employee of
15 this state or a law enforcement agency is not liable for damage to
16 or loss of an electronic device that occurs as a result of a police
17 officer's viewing an electronic copy of a certificate of insurance
18 in the manner provided in this section, regardless of whether the
19 police officer or the owner or operator of the vehicle was in
20 possession of the electronic device at the time the damage or loss
21 occurred.

22 (2) A certificate of insurance, in paper or electronic form
23 and issued by an insurance company, that certifies that the
24 security that meets the requirements of sections 3101 and 3102 of
25 the insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102,
26 is in force is prima facie evidence that insurance is in force for
27 the motor vehicle described in the certificate of insurance until
28 the expiration date shown on the certificate. The certificate, in
29 addition to describing the motor vehicles for which insurance is in



1 effect, must, if applicable, state the name of each person named on
 2 the policy, policy declaration, or a declaration certificate whose
 3 operation of the vehicle would cause the liability coverage of that
 4 insurance to become void.

5 (3) If, before the appearance date on a citation issued under
 6 subsection (1), the defendant submits proof to the court that the
 7 motor vehicle had insurance meeting the requirements of sections
 8 3101 and 3102 of the insurance code of 1956, 1956 PA 218, MCL
 9 500.3101 and 500.3102, at the time the violation of subsection (1)
 10 occurred, all of the following apply:

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

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

14 (c) The court may assess a fee of not more than \$25.00, which
 15 shall be paid to the court funding unit.

16 ~~(4) If an owner or operator of a motor vehicle is determined~~
 17 ~~to be responsible for a violation of subsection (1), the court in~~
 18 ~~which the civil infraction determination is entered may require the~~
 19 ~~person to surrender his or her operator's or chauffeur's license~~
 20 ~~unless proof that the vehicle has insurance meeting the~~
 21 ~~requirements of sections 3101 and 3102 of the insurance code of~~
 22 ~~1956, 1956 PA 218, MCL 500.3101 and 500.3102, is submitted to the~~
 23 ~~court. If the court requires the license to be surrendered, the~~
 24 ~~court shall order the secretary of state to suspend the person's~~
 25 ~~license. The court shall immediately destroy the license and shall~~
 26 ~~forward an abstract of the court record to the secretary of state~~
 27 ~~as required by section 732. Upon receipt of the abstract, the~~
 28 ~~secretary of state shall suspend the person's license beginning~~
 29 ~~with the date on which the person is determined to be responsible~~



1 ~~for the civil infraction for a period of 30 days or until proof of~~
 2 ~~insurance meeting the requirements of sections 3101 and 3102 of the~~
 3 ~~insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102, is~~
 4 ~~submitted to the secretary of state, whichever occurs later. A~~
 5 ~~person who submits proof of insurance to the secretary of state~~
 6 ~~under this subsection shall pay a service fee of \$25.00 to the~~
 7 ~~secretary of state. The person shall not be required to be examined~~
 8 ~~under section 320c and shall not be required to pay a replacement~~
 9 ~~license fee.~~

10 **(4)** ~~(5)~~—If an owner or operator of a motor vehicle is
 11 determined to be responsible for a violation of subsection (1), the
 12 court in which the civil infraction determination is entered shall
 13 notify the secretary of state of the vehicle registration number
 14 and the year and make of the motor vehicle being operated at the
 15 time of the violation. A notification under this subsection shall
 16 be made on the abstract or on a form approved by the supreme court
 17 administrator. ~~Upon~~ **On** receipt, the secretary of state shall
 18 immediately enter this information in the records of the
 19 department. The secretary of state shall not renew, transfer, or
 20 replace the registration plate of the vehicle involved in the
 21 violation or allow the purchase of a new registration plate for the
 22 vehicle involved in the violation until the owner meets the
 23 requirements of section 227a or unless the vehicle involved in the
 24 violation is transferred or sold to a person other than the owner's
 25 spouse, mother, father, sister, brother, or child.

26 **(5)** ~~(6)~~—An owner or operator of a motor vehicle who knowingly
 27 produces false evidence under this section is guilty of a
 28 misdemeanor, punishable by imprisonment for not more than 1 year,
 29 or a fine of not more than \$1,000.00, or both.



1 (6) ~~(7)~~ Points ~~shall~~ **must** not be entered on a driver's record
2 under section 320a for a violation of this section.

3 (7) ~~(8)~~ This section does not apply to the owner or operator
4 of a motor vehicle that is registered in a state other than this
5 state or a foreign country or province.

6 Sec. 732a. (1) Subject to subsection ~~(10)~~, **(9)**, an individual,
7 whether licensed or not, who accumulates 7 or more points on his or
8 her driving record under sections 320a and 629c within a 2-year
9 period for any violation not listed under subsection (2) shall be
10 assessed a \$100.00 driver responsibility fee. For each additional
11 point accumulated above 7 points not listed under subsection (2),
12 an additional fee of \$50.00 shall be assessed. The secretary of
13 state shall collect the fees described in this subsection once each
14 year that the point total on an individual driving record is 7
15 points or more. This subsection is subject to subsection ~~(11)~~. **(10)**.

16 (2) An individual, whether licensed or not, who violates any
17 of the following sections or another law or local ordinance that
18 substantially corresponds to those sections shall be assessed a
19 driver responsibility fee as follows:

20 (a) Subject to subsections ~~(10) and (11)~~, **upon (9) and (10)**,
21 **on** posting an abstract ~~indicating that~~ **indicates that** an individual
22 has been found guilty for a violation of law listed or described in
23 this subdivision, the secretary of state shall assess a \$1,000.00
24 driver responsibility fee each year for 2 consecutive years:

25 (i) Manslaughter, negligent homicide, or a felony resulting
26 from the operation of a motor vehicle, ORV, or snowmobile.

27 (ii) Section 601b(2) or (3), 601c(1) or (2), 601d, 626(3) or
28 (4), or 653a(3) or (4).

29 (iii) Section 625(1), (4), or (5), section 625m, or section



1 81134 of the natural resources and environmental protection act,
 2 1994 PA 451, MCL 324.81134, or a law or ordinance **that**
 3 substantially ~~corresponding~~**corresponds** to section 625(1), (4), or
 4 (5), section 625m, or section 81134 of the natural resources and
 5 environmental protection act, 1994 PA 451, MCL 324.81134.

6 (iv) Failing to stop and disclose identity at the scene of an
 7 accident when required by law.

8 (v) Fleeing or eluding an officer.

9 (b) Subject to subsections ~~(10) and (11)~~, **upon (9) and (10)**,
 10 **on** posting an abstract ~~indicating that~~ **indicates that** an individual
 11 has been found guilty for a violation of law listed in this
 12 subdivision, the secretary of state shall assess a \$500.00 driver
 13 responsibility fee each year for 2 consecutive years:

14 (i) Section 625(3), (6), (7), or (8).

15 (ii) Section 626(2).

16 (iii) Section 904.

17 (iv) Section 3101, 3102(1), or 3103 of the insurance code of
 18 1956, 1956 PA 218, MCL 500.3101, 500.3102, and 500.3103.

19 (c) Through September 30, 2012, ~~upon~~**on** posting an abstract
 20 ~~indicating that~~ **indicates that** an individual has been found guilty
 21 for a violation of section 301, the secretary of state shall assess
 22 a \$150.00 driver responsibility fee each year for 2 consecutive
 23 years. However, a driver responsibility fee shall not be assessed
 24 under this subdivision for a violation committed on or after
 25 October 1, 2012.

26 (d) Through September 30, 2012, ~~upon~~**on** posting an abstract
 27 ~~indicating that~~ **indicates that** an individual has been found guilty
 28 or determined responsible for a violation listed in section 328,
 29 the secretary of state shall assess a \$200.00 driver responsibility



1 fee each year for 2 consecutive years. However, a driver
 2 responsibility fee shall not be assessed under this subdivision for
 3 a violation committed on or after October 1, 2012.

4 (3) The secretary of state shall send a notice of the driver
 5 responsibility assessment, as prescribed under subsection (1) or
 6 (2), to the individual by regular mail to the address on the
 7 records of the secretary of state. ~~If payment is not received~~
 8 ~~within 30 days after the notice is mailed, the secretary of state~~
 9 ~~shall send a second notice that indicates that if payment is not~~
 10 ~~received within the next 30 days, the driver's driving privileges~~
 11 ~~will be suspended.~~

12 (4) The secretary of state may authorize payment by
 13 installment for a period not to exceed 24 months or, alternatively,
 14 the individual may engage in workforce training under section 732b.
 15 All of the following apply to an individual who, on or before
 16 February 1, 2018, has entered into an installment payment plan as
 17 provided in this subsection:

18 (a) Any outstanding driver responsibility fee assessed under
 19 this section or outstanding installment payment ~~shall~~**must** not be
 20 collected.

21 (b) An individual is not liable for any outstanding driver
 22 responsibility fee assessed under this section.

23 ~~(c) An individual whose driving privileges were suspended~~
 24 ~~under this section is eligible to reinstate his or her operator's~~
 25 ~~license if he or she is otherwise in compliance with this act.~~

26 ~~(5) Except as otherwise provided under this subsection and~~
 27 ~~section 732b, if payment is not received or an installment plan is~~
 28 ~~not established after the time limit required by the second notice~~
 29 ~~prescribed under subsection (3) expires, the secretary of state~~



1 ~~shall suspend the driving privileges until the assessment and any~~
 2 ~~other fees prescribed under this act are paid. However, if the~~
 3 ~~individual's license to operate a motor vehicle is not otherwise~~
 4 ~~required under this act to be denied, suspended, or revoked, the~~
 5 ~~secretary of state shall reinstate the individual's operator's~~
 6 ~~driving privileges if the individual requests an installment plan~~
 7 ~~under subsection (4) and makes proper payment under that plan. Fees~~
 8 ~~required to be paid for the reinstatement of an individual's~~
 9 ~~operator's driving privileges as described under this subsection~~
 10 ~~shall, at the individual's request, be included in the amount to be~~
 11 ~~paid under the installment plan. If the individual establishes a~~
 12 ~~payment plan as described in this subsection and subsection (4) but~~
 13 ~~the individual fails to make full or timely payments under that~~
 14 ~~plan, or enters into workforce training under section 732b but~~
 15 ~~fails to successfully complete that service within the 45-day~~
 16 ~~period allowed, or withdraws from workforce training with or~~
 17 ~~without good cause shown, the secretary of state shall suspend the~~
 18 ~~individual's driving privileges. The secretary of state shall only~~
 19 ~~reinstate a license under this subsection once.~~

20 (5) ~~(6)~~—A driver responsibility fee shall ~~shall~~ **must** be assessed
 21 under this section in the same manner for a conviction or
 22 determination of responsibility for a violation or an attempted
 23 violation of a law of this state, of a local ordinance **that**
 24 substantially ~~corresponding~~ **corresponds** to a law of this state, or
 25 of a law of another state substantially corresponding to a law of
 26 this state.

27 (6) ~~(7)~~—The fire protection fund is created within the state
 28 treasury. The state treasurer may receive money or other assets
 29 from any source for deposit into the fund. The state treasurer



1 shall direct the investment of the fund. The state treasurer shall
 2 credit to the fund interest and earnings from fund investments.
 3 Money in the fund at the close of the fiscal year ~~shall~~**must** remain
 4 in the fund and ~~shall~~**must** not lapse to the general fund. The
 5 department of licensing and regulatory affairs shall expend money
 6 from the fund, ~~upon~~**on** appropriation, only for fire protection
 7 grants to cities, villages, and townships with state-owned
 8 facilities for fire services, as provided in 1977 PA 289, MCL
 9 141.951 to 141.956.

10 (7) ~~(8)~~The secretary of state shall transmit the fees
 11 collected under this section to the state treasurer. The state
 12 treasurer shall credit fee money received under this section in
 13 each fiscal year as follows:

14 (a) The first \$8,500,000.00 ~~shall~~**must** be credited to the fire
 15 protection fund created in subsection ~~(7)~~**(6)**.

16 (b) For fiscal year 2017 and for each fiscal year thereafter,
 17 after the amount specified in subdivision (a) is credited to the
 18 fire protection fund created under subsection ~~(7)~~**(6)**, the next
 19 \$1,000,000.00 ~~shall~~**must** be credited to the department of state for
 20 necessary expenses incurred by the department of state in
 21 implementing and administering the requirements of sections 625k
 22 and 625q, and, for fiscal year 2018 only, the next \$250,000.00
 23 ~~shall~~**must** be credited to the department of treasury to implement
 24 and administer the program created in section 732d. Funds
 25 appropriated under this subdivision ~~shall~~**must** be based ~~upon~~**on** an
 26 established cost allocation methodology that reflects the actual
 27 costs incurred or to be incurred by the secretary of state during
 28 the fiscal year. However, except as otherwise provided in this
 29 subdivision, funds appropriated under this subdivision ~~shall~~**must**



1 not exceed \$1,000,000.00 during any fiscal year. Funds appropriated
 2 under this subdivision ~~shall~~**must** not exceed \$1,250,000.00 during
 3 fiscal year 2018.

4 (c) Any amount collected after crediting the amounts under
 5 subdivisions (a) and (b) ~~shall~~**must** be credited to the general
 6 fund.

7 **(8)** ~~(9)~~—The collection of assessments under this section is
 8 subject to section 304.

9 **(9)** ~~(10)~~—Subject to subsections (4) and ~~(11)~~, **(10)**, a driver
 10 responsibility fee ~~shall~~**must** be assessed and collected under this
 11 section as follows:

12 (a) For an individual who accumulates 7 or more points on his
 13 or her driving record beginning on the following dates, a fee
 14 assessed under subsection (1) ~~shall~~**must** be reduced as follows:

15 (i) Beginning October 1, 2015, the assessment ~~shall~~**must** be 75%
 16 of the fee calculated under subsection (1).

17 (ii) Beginning October 1, 2016, the assessment ~~shall~~**must** be
 18 50% of the fee calculated under subsection (1).

19 (iii) Beginning October 1, 2018, no fee ~~shall~~**must** be assessed
 20 under subsection (1).

21 (b) A fee assessed under subsection (2) (a) or (b) ~~shall~~**must**
 22 be reduced as follows:

23 (i) For a violation that occurs on or after October 1, 2015,
 24 100% of the fee ~~shall~~**must** be assessed for the first year and 50%
 25 for the second year.

26 (ii) For a violation that occurs on or after October 1, 2016,
 27 100% of the fee ~~shall~~**must** be assessed for the first year and no
 28 fee ~~shall~~**must** be assessed for the second year.

29 (iii) Beginning October 1, 2018, no fee ~~shall~~**must** be assessed



1 under subsection (2) (a) or (b).

2 (c) ~~Beginning on the effective date of the amendatory act that~~
 3 ~~added this subdivision, **October 1, 2003**, no fee shall **must** be~~
 4 assessed under subsection (2) (b) (iii) or (iv).

5 **(10)** ~~(11)~~ Beginning September 30, 2018, all of the following
 6 apply:

7 (a) Any outstanding driver responsibility fee assessed under
 8 this section ~~shall **must**~~ not be collected.

9 (b) An individual is not liable for any outstanding driver
 10 responsibility fee assessed under this section or responsible for
 11 completing workforce training under section 732b.

12 (c) An individual ~~whose driving privileges were suspended~~
 13 ~~under this section or an individual whose driving privileges were~~
 14 suspended under section 904(10), if that suspension arose out of
 15 the unlawful operation of a motor vehicle or a moving violation
 16 reportable under section 732, ~~while his or her driving privileges~~
 17 ~~were suspended under this section,~~ is eligible to reinstate his or
 18 her operator's license if he or she is otherwise in compliance with
 19 this act.

20 ~~(12) Beginning on the effective date of the amendatory act~~
 21 ~~that added this subsection and ending December 31, 2018, an~~
 22 ~~individual whose driving privileges were suspended under this~~
 23 ~~section may reinstate his or her operator's license without payment~~
 24 ~~of a fee to the secretary of state for the reinstatement. Beginning~~
 25 ~~January 1, 2019, an individual whose driving privileges were~~
 26 ~~suspended under this section may reinstate his or her operator's~~
 27 ~~license upon payment of any fee required by the secretary of state~~
 28 ~~for the reinstatement.~~

29 **(11)** ~~(13)~~ It is the intent of the legislature that beginning



1 with the fiscal year ending September 30, 2018, and each fiscal
 2 year after that, \$8,500,000.00 ~~shall~~**must** be appropriated to the
 3 fire protection fund created under subsection ~~(7)~~**(6)**.

4 Sec. 732b. (1) If an individual was assessed a driver
 5 responsibility fee under section 732a(2)(b)(iii) or (iv), (c), or (d),
 6 the individual may engage in 10 hours of participation in a
 7 workforce training payment program created under section 732c as an
 8 alternative to paying that fee or any unpaid portion of that fee.

9 (2) An individual may engage in workforce training under
 10 subsection (1) by obtaining a workforce training form from the
 11 secretary of state or the department of treasury. The department of
 12 treasury shall mail to each individual who is required to pay a
 13 driver responsibility fee under section 732a(2)(b)(iii) or (iv), (c),
 14 or (d) a 1-time-only written notice of the option of completing
 15 workforce training as an alternative to paying that driver
 16 responsibility fee. The notice ~~shall~~**must** include a statement that
 17 workforce training forms for that purpose can be obtained from the
 18 department of state or from the department of treasury. The notice
 19 ~~shall~~**must** be sent to the last known address of the individual as
 20 shown in the records of the department of treasury. The secretary
 21 of state shall make workforce training forms available to the
 22 public at all branch offices and on the department's website for
 23 purposes of this section and shall provide workforce training forms
 24 to the department of treasury for purposes of this section.

25 (3) If an individual chooses to engage in workforce training
 26 under this section, the individual shall complete the workforce
 27 training form obtained under subsection (2) and return the form to
 28 the department of treasury in the manner prescribed by the
 29 department of treasury. ~~Upon~~**On** receiving a properly completed



1 workforce training form under this subsection, the department of
 2 treasury shall inform the department of state that the individual
 3 intends to complete workforce training under this section as an
 4 alternative to paying a driver responsibility fee or any portion of
 5 a driver responsibility fee. If the secretary of state is notified
 6 by the department of treasury that the individual has elected to
 7 complete workforce training under this section as an alternative to
 8 paying the fee, that fee ~~shall~~**must** be held in abeyance for a
 9 period of 45 days. ~~If the individual's license is suspended for~~
 10 ~~failing to pay the driver responsibility fee or portion of the~~
 11 ~~driver responsibility fee, the department of state shall, upon~~
 12 ~~payment of the reinstatement fee, reinstate the individual's driver~~
 13 ~~license.~~

14 (4) An individual who engages in workforce training under this
 15 section shall be allowed only 1 opportunity to complete the
 16 workforce training alternative for each driver responsibility fee
 17 owed. However, the department of treasury may allow an individual
 18 to withdraw from that workforce training before the expiration of
 19 the 45-day period for completing that workforce training for good
 20 cause shown. If the individual is allowed to withdraw from
 21 workforce training for good cause shown, that opportunity for
 22 completing workforce training ~~shall~~**must** not be considered in the
 23 number of opportunities to perform workforce training under this
 24 subsection. ~~, but the individual is subject to the suspension of~~
 25 ~~his or her driving privileges under section 732a(5).~~

26 (5) ~~Upon~~**On** completing workforce training under this section,
 27 the individual may request the person with whom he or she engaged
 28 in workforce training under this section to verify on the workforce
 29 training form in the manner designated by the secretary of state



1 that he or she successfully completed that workforce training. ~~Upon~~
 2 **On** verification, the individual may return the workforce training
 3 form to the department of treasury for purposes of this section.
 4 Any person who falsely verifies workforce training under this
 5 subsection and any individual who falsely requests the verification
 6 of workforce training under this section or who returns a community
 7 service form to the department of treasury under this subsection
 8 knowing that his or her workforce training is falsely verified is
 9 responsible for a state civil infraction and may be fined not more
 10 than \$200.00.

11 (6) The department of treasury shall waive the driver
 12 responsibility fee or any portion of the driver responsibility fee
 13 otherwise required to be paid under section 732a(2)(b)(iii) or (iv),
 14 (c), or (d) ~~upon~~**on** receiving verification that the individual
 15 successfully completed the workforce training requirements of this
 16 section. The department of treasury shall notify the department of
 17 state when it has waived the fee under this section or, if the fee
 18 is not waived under this section, that the 45-day period has
 19 expired and the fee has not been waived. If the secretary of state
 20 is notified by the department of treasury that the fee has not been
 21 waived, the department of state shall enter that information into
 22 the records of the department and shall suspend the individual's
 23 driver license and proceed as provided by law for the individual's
 24 failure to pay the driver responsibility fee or to complete
 25 workforce training under this section.

26 Sec. 904. (1) ~~A person~~**An individual** whose operator's or
 27 chauffeur's license or registration certificate has been suspended
 28 or revoked, whose application for license has been denied, or who
 29 has never applied for a license, shall not operate a motor vehicle



1 ~~upon-on~~ a highway or other place open to the general public or
2 generally accessible to motor vehicles, including an area
3 designated for the parking of motor vehicles, within this state.

4 (2) A person shall not knowingly permit a motor vehicle owned
5 by the person to be operated ~~upon-on~~ a highway or other place open
6 to the general public or generally accessible to motor vehicles,
7 including an area designated for the parking of vehicles, within
8 this state by ~~a person-an individual~~ whose license or registration
9 certificate is suspended or revoked, whose application for license
10 has been denied, or who has never applied for a license, except as
11 permitted under this act.

12 (3) Except as otherwise provided in this section, a person who
13 violates subsection (1) or (2) is guilty of a misdemeanor
14 punishable as follows:

15 (a) For a first violation, by imprisonment for not more than
16 93 days or a fine of not more than \$500.00, or both. Unless the
17 vehicle was stolen or used with the permission of a person who did
18 not knowingly permit an unlicensed driver to operate the vehicle,
19 the registration plates of the vehicle ~~shall-must~~ be canceled by
20 the secretary of state ~~upon notification-when notified~~ by a peace
21 officer.

22 (b) For a violation that occurs after a prior conviction, by
23 imprisonment for not more than 1 year or a fine of not more than
24 \$1,000.00, or both. Unless the vehicle was stolen, the registration
25 plates of the vehicle shall be canceled by the secretary of state
26 upon notification by a peace officer.

27 (4) ~~A person-An individual~~ who operates a motor vehicle in
28 violation of subsection (1) or ~~a person-an individual~~ whose
29 operator's or chauffeur's license or registration certificate has



1 been suspended or revoked by another state who operates a motor
 2 vehicle during the period of suspension or revocation and who, by
 3 operation of that motor vehicle, causes the death of another ~~person~~
 4 **individual** is guilty of a felony punishable by imprisonment for not
 5 more than 15 years or a fine of not less than \$2,500.00 or more
 6 than \$10,000.00, or both. This subsection does not apply to a
 7 ~~person~~**an individual** whose operator's or chauffeur's license was
 8 suspended because that ~~person~~**individual** failed to answer a
 9 citation or comply with an order or judgment under section 321a.

10 (5) ~~A person~~**An individual** who operates a motor vehicle in
 11 violation of subsection (1) or a ~~person~~**an individual** whose
 12 operator's or chauffeur's license or registration certificate has
 13 been suspended or revoked by another state who operates a motor
 14 vehicle during the period of suspension or revocation and who, by
 15 operation of that motor vehicle, causes the serious impairment of a
 16 body function of another ~~person~~**individual** is guilty of a felony
 17 punishable by imprisonment for not more than 5 years or a fine of
 18 not less than \$1,000.00 or more than \$5,000.00, or both. This
 19 subsection does not apply to a ~~person~~**an individual** whose
 20 operator's or chauffeur's license was suspended because that ~~person~~
 21 **individual** failed to answer a citation or comply with an order or
 22 judgment under section 321a.

23 (6) In addition to being subject to any other penalty provided
 24 for in this act, if a ~~person~~**an individual** is convicted under
 25 subsection (4) or (5), the court may impose the sanction permitted
 26 under section 625n. If the vehicle is not ordered forfeited under
 27 section 625n, the court shall order vehicle immobilization under
 28 section 904d in the judgment of sentence.

29 (7) A person shall not knowingly permit a motor vehicle owned



1 by the person to be operated ~~upon~~**on** a highway or other place open
 2 to the general public or generally accessible to motor vehicles,
 3 including an area designated for the parking of vehicles, within
 4 this state, by ~~a person~~**an individual** whose license or registration
 5 certificate is suspended or revoked, whose application for license
 6 has been denied, or who has never been licensed except as permitted
 7 by this act. If ~~a person~~**an individual** permitted to operate a motor
 8 vehicle in violation of this subsection causes the serious
 9 impairment of a body function of another ~~person~~**individual** by **the**
 10 operation of that motor vehicle, the person knowingly permitting
 11 the operation of that motor vehicle is guilty of a felony
 12 punishable by imprisonment for not more than 2 years, or a fine of
 13 not less than \$1,000.00 or more than \$5,000.00, or both. If ~~a~~
 14 ~~person~~**an individual** permitted to operate a motor vehicle in
 15 violation of this subsection causes the death of another ~~person~~
 16 **individual** by **the** operation of that motor vehicle, the person
 17 knowingly permitting the operation of that motor vehicle is guilty
 18 of a felony punishable by imprisonment for not more than 5 years,
 19 or a fine of not less than \$1,000.00 or more than \$5,000.00, or
 20 both.

21 (8) If the prosecuting attorney intends to seek an enhanced
 22 sentence under this section ~~based upon~~**because** the defendant ~~having~~
 23 **has** 1 or more prior convictions, the prosecuting attorney shall
 24 include on the complaint and information, or an amended complaint
 25 and information, filed in district court, circuit court, municipal
 26 court, or family division of circuit court, a statement ~~listing~~
 27 **that lists** the defendant's prior convictions.

28 (9) A prior conviction under this section ~~shall~~**must** be
 29 established at or before sentencing by 1 or more of the following:



- 1 (a) A copy of a judgment of conviction.
 2 (b) An abstract of conviction.
 3 (c) A transcript of a prior trial, plea, or sentencing.
 4 (d) A copy of a court register of action.
 5 (e) A copy of the defendant's driving record.
 6 (f) Information contained in a presentence report.
 7 (g) An admission by the defendant.
- 8 (10) Subject to section ~~732a(11)(e)~~, ~~upon~~ **732a(10)(c)**, on
 9 receiving a record of ~~a person's~~ **an individual's** conviction or
 10 civil infraction determination for the unlawful operation of a
 11 motor vehicle or a moving violation reportable under section 732
 12 while the ~~person's~~ **individual's** operator's or chauffeur's license
 13 is suspended or revoked, the secretary of state immediately shall
 14 impose an additional like period of suspension or revocation. This
 15 subsection applies only if the violation occurs during a suspension
 16 of definite length or if the violation occurs before the ~~person~~
 17 **individual** is approved for a license following a revocation.
- 18 (11) ~~Upon~~ **On** receiving a record of ~~a person's~~ **an individual's**
 19 conviction or civil infraction determination for the unlawful
 20 operation of a motor vehicle or a moving violation reportable under
 21 section 732 while the ~~person's~~ **individual's** operator's or
 22 chauffeur's license is indefinitely suspended or whose application
 23 for a license has been denied, the secretary of state immediately
 24 shall impose a 30-day period of suspension or denial.
- 25 (12) ~~Upon~~ **On** receiving a record of the conviction, bond
 26 forfeiture, or a civil infraction determination of ~~a person~~ **an**
 27 **individual** for unlawful operation of a motor vehicle ~~requiring that~~
 28 **requires** a vehicle group designation while the designation is
 29 suspended or revoked under section 319b, or while the ~~person~~



1 **individual** is disqualified from operating a commercial motor
 2 vehicle by the United States Secretary of Transportation or under
 3 49 USC 31301 to 31317, the secretary of state immediately shall
 4 impose an additional like period of suspension or revocation. This
 5 subsection applies only if the violation occurs during a suspension
 6 of definite length or if the violation occurs before the ~~person~~
 7 **individual** is approved for a license following a revocation.

8 (13) If the secretary of state receives records of more than 1
 9 conviction or civil infraction determination ~~resulting that~~
 10 **resulted** from the same incident, all of the convictions or civil
 11 infraction determinations ~~shall~~**must** be treated as a single
 12 violation for purposes of imposing an additional period of
 13 suspension or revocation under subsection (10), (11), or (12).

14 (14) Before ~~a person~~**an individual** is arraigned before a
 15 district court magistrate or judge on a charge of violating this
 16 section, the arresting officer shall obtain the ~~person's~~
 17 **individual's** driving record from the secretary of state and shall
 18 furnish the record to the court. The driving record of the ~~person~~
 19 **individual** may be obtained from the secretary of state's computer
 20 information network.

21 (15) This section does not apply to ~~a person~~**an individual** who
 22 operates a vehicle solely for the purpose of protecting human life
 23 or property if the life or property is endangered and summoning
 24 prompt aid is essential.

25 (16) ~~A person~~**An individual** whose vehicle group designation is
 26 suspended or revoked and who has been notified as provided in
 27 section 212 of that suspension or revocation, or whose application
 28 for a vehicle group designation has been denied as provided in this
 29 act, or who has never applied for a vehicle group designation and



1 who operates a commercial motor vehicle within this state, except
 2 as permitted under this act, while any of those conditions exist is
 3 guilty of a misdemeanor punishable, except as otherwise provided in
 4 this section, by imprisonment for not less than 3 days or more than
 5 93 days or a fine of not more than \$100.00, or both.

6 (17) If ~~a person~~**an individual** has a second or subsequent
 7 suspension or revocation under this section within 7 years as
 8 indicated on the person's Michigan driving record, the court shall
 9 proceed as provided in section 904d.

10 (18) Any period of suspension or revocation required under
 11 subsection (10), (11), or (12) does not apply to ~~a person~~**an**
 12 **individual** who has only 1 currently effective suspension or denial
 13 on his or her Michigan driving record under section 321a and was
 14 convicted of or received a civil infraction determination for a
 15 violation that occurred during that suspension or denial. This
 16 subsection may only be applied once during the ~~person's~~
 17 **individual's** lifetime.

18 (19) For purposes of this section, ~~a person~~**an individual** who
 19 never applied for a license includes ~~a person~~**an individual** who
 20 applied for a license, was denied, and never applied again.

21 Sec. 907. (1) A violation of this act, or a local ordinance
 22 **that** substantially ~~corresponding~~**corresponds** to a provision of this
 23 act, that is designated a civil infraction ~~shall~~**must** not be
 24 considered a lesser included offense of a criminal offense.

25 (2) If a person is determined under sections 741 to 750 to be
 26 responsible or responsible "with explanation" for a civil
 27 infraction under this act or a local ordinance **that** substantially
 28 ~~corresponding~~**corresponds** to a provision of this act, the judge or
 29 district court magistrate may order the person to pay a civil fine



1 of not more than \$100.00 and costs as provided in subsection (4).
 2 However, if the civil infraction was a moving violation that
 3 resulted in an at-fault collision with another vehicle, a person,
 4 or any other object, the civil fine ordered under this section
 5 ~~shall~~**must** be increased by \$25.00 but the total civil fine ~~shall~~
 6 **must** not exceed \$100.00. However, for a violation of section 602b,
 7 the person shall be ordered to pay costs as provided in subsection
 8 (4) and a civil fine of \$100.00 for a first offense and \$200.00 for
 9 a second or subsequent offense. For a violation of section
 10 674(1)(s) or a local ordinance **that** substantially ~~corresponding~~
 11 **corresponds** to section 674(1)(s), the person shall be ordered to
 12 pay costs as provided in subsection (4) and a civil fine of not
 13 less than \$100.00 or more than \$250.00. For a violation of section
 14 676c, the person shall be ordered to pay costs as provided in
 15 subsection (4) and a civil fine of \$1,000.00. For a violation of
 16 section 328, the civil fine ordered under this subsection ~~shall~~
 17 **must** be not more than \$50.00. For a violation of section 710d, the
 18 civil fine ordered under this subsection ~~shall~~**must** not exceed
 19 \$10.00, subject to subsection ~~(12)~~**(11)**. For a violation of
 20 section 710e, the civil fine and court costs ordered under this
 21 subsection ~~shall~~**must** be \$25.00. For a violation of section 682 or
 22 a local ordinance **that** substantially ~~corresponding~~**corresponds** to
 23 section 682, the person shall be ordered to pay costs as provided
 24 in subsection (4) and a civil fine of not less than \$100.00 or more
 25 than \$500.00. For a violation of section 240, the civil fine
 26 ordered under this subsection ~~shall~~**must** be \$15.00. For a violation
 27 of section 252a(1), the civil fine ordered under this subsection
 28 ~~shall~~**must** be \$50.00. For a violation of section 676a(3), the civil
 29 fine ordered under this section ~~shall~~**must** be not more than \$10.00.



1 For a first violation of section 319f(1), the civil fine ordered
2 under this section ~~shall~~**must** be not less than \$2,500.00 or more
3 than \$2,750.00; for a second or subsequent violation, the civil
4 fine ~~shall~~**must** be not less than \$5,000.00 or more than \$5,500.00.
5 For a violation of section 319g(1)(a), the civil fine ordered under
6 this section ~~shall~~**must** be not more than \$10,000.00. For a
7 violation of section 319g(1)(g), the civil fine ordered under this
8 section ~~shall~~**must** be not less than \$2,750.00 or more than
9 \$25,000.00. Permission may be granted for payment of a civil fine
10 and costs to be made within a specified period of time or in
11 specified installments, but unless permission is included in the
12 order or judgment, the civil fine and costs ~~shall~~**must** be payable
13 immediately.

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

21 (4) If a civil fine is ordered under subsection (2) or (3),
22 the judge or district court magistrate shall summarily tax and
23 determine the costs of the action, which are not limited to the
24 costs taxable in ordinary civil actions, and may include all
25 expenses, direct and indirect, to which the plaintiff has been put
26 in connection with the civil infraction, up to the entry of
27 judgment. Costs ~~shall~~**must** not be ordered in excess of \$100.00. A
28 civil fine ordered under subsection (2) or (3) ~~shall~~**must** not be
29 waived unless costs ordered under this subsection are waived.



1 Except as otherwise provided by law, costs are payable to the
2 general fund of the plaintiff.

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

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

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

22 (8) The state court administrator shall annually publish and
23 distribute to each district and court a recommended range of civil
24 fines and costs for first-time civil infractions. This
25 recommendation is not binding upon the courts having jurisdiction
26 over civil infractions but is intended to act as a normative guide
27 for judges and district court magistrates and a basis for public
28 evaluation of disparities in the imposition of civil fines and
29 costs throughout the state.



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

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

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

21 **(11)** ~~(12)~~ The court may waive any civil fine, cost, or
 22 assessment against a person who received a civil infraction
 23 citation for a violation of section 710d if the person, before the
 24 appearance date on the citation, supplies the court with evidence
 25 of acquisition, purchase, or rental of a child seating system
 26 meeting the requirements of section 710d.

27 **(12)** ~~(13)~~ In addition to any civil fines or costs ordered to
 28 be paid under this section, the judge or district court magistrate
 29 shall order the defendant to pay a justice system assessment of



1 \$40.00 for each civil infraction determination, except for a
 2 parking violation or a violation for which the total fine and costs
 3 imposed are \$10.00 or less. Upon payment of the assessment, the
 4 clerk of the court shall transmit the assessment collected to the
 5 state treasury to be deposited into the justice system fund created
 6 in section 181 of the revised judicature act of 1961, 1961 PA 236,
 7 MCL 600.181. An assessment levied under this subsection is not a
 8 civil fine for purposes of section 909.

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

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

25 (15) ~~(16)~~—If a person is determined to be responsible or
 26 responsible "with explanation" for a civil infraction under this
 27 act or a local ordinance **that** substantially ~~corresponding~~
 28 **corresponds** to a provision of this act and the civil infraction
 29 arises out of the ownership or operation of a commercial



1 quadricycle, he or she shall be ordered to pay costs as provided in
2 subsection (4) and a civil fine of not more than \$500.00.

3 **(16)** ~~(17)~~ As used in this section, "moving violation" means an
4 act or omission prohibited under this act or a local ordinance **that**
5 substantially ~~corresponding~~ **corresponds** to this act that involves
6 the operation of a motor vehicle and for which a fine may be
7 assessed.

8 Enacting section 1. Sections 319e and 321c of the Michigan
9 vehicle code, 1949 PA 300, MCL 257.319e and 257.321c, are repealed.

