

SENATE BILL No. 1232

April 17, 2002, Introduced by Senators SCHWARZ, NORTH, HOFFMAN and HAMMERSTROM and referred to the Committee on Transportation and Tourism.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 6, 7a, 212, 306, 307, 309, 312e, 312f, 319, 319b, 319c, 321, 321b, 323c, 667, 668, 669, 670, 732, 904, and 907 (MCL 257.6, 257.7a, 257.212, 257.306, 257.307, 257.309, 257.312e, 257.312f, 257.319, 257.319b, 257.319c, 257.321, 257.321b, 257.323c, 257.667, 257.668, 257.669, 257.670, 257.732, 257.904, and 257.907), section 6 as amended by 1992 PA 297, sections 7a and 323c as amended by 1991 PA 100, section 212 as amended by 1980 PA 398, section 306 as amended by 1999 PA 40, sections 307 and 319 as amended by 2001 PA 159, section 309 as amended by 2000 PA 456, section 312e as amended by 2000 PA 158, section 312f as amended by 1992 PA 180, section 319b as amended by 1998 PA 356, section 319c as added by 1988 PA 346, section 668 as amended by 1980 PA 101, section 669 as amended by 1995 PA 248,

section 732 as amended by 2001 PA 134, section 904 as amended by 2000 PA 77, and section 907 as amended by 2001 PA 214, and by adding sections 319g and 669a; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) Except as otherwise provided in subsection (3),
2 "chauffeur" means any of the following:

3 (a) A person who operates a motor vehicle as a motor common
4 carrier of property or a motor contract carrier of property as
5 defined in section 1(f) and (h) of the motor carrier act, ~~Act~~
6 ~~No. 254 of the Public Acts of 1933, being section 475.1 of the~~
7 ~~Michigan Compiled Laws~~ 1933 PA 254, MCL 475.1, or a motor car-
8 rier of passengers as defined in section 3 of the motor bus
9 transportation act, ~~Act No. 432 of the Public Acts of 1982,~~
10 ~~being section 474.103 of the Michigan Compiled Laws~~ 1982 PA 432,
11 MCL 474.103.

12 (b) A person who is employed for the principal purpose of
13 operating a motor vehicle with a GVWR of 10,000 pounds or more.

14 (c) A person who operates a ~~pupil transportation vehicle~~
15 ~~used for the regularly scheduled transportation of pupils between~~
16 ~~school and home, or a person who operates a~~ bus or school bus.

17 (d) A person who operates a taxi.

18 (e) A person who operates a limousine as defined by section
19 3 of the limousine transportation act, ~~Act No. 271 of the Public~~
20 ~~Acts of 1990, being section 257.1903 of the Michigan Compiled~~
21 ~~Laws~~ 1990 PA 271, MCL 257.1903.

1 (2) For purposes of subsection (1)(b), a person shall be
2 considered to be employed for the principal purpose of operating
3 a motor vehicle when the person's employment customarily involves
4 the necessary use of a motor vehicle for hire or for transporting
5 passengers for hire, or for transporting for gain or hire any
6 merchandise for display, sale, or delivery.

7 (3) "Chauffeur" does not include any of the following:

8 (a) A farmer or an employee of a farmer operating a vehicle
9 exclusively in connection with the farming operations of the
10 farmer.

11 (b) A fire fighter or a member of a fire department operat-
12 ing an ambulance.

13 (c) Emergency medical services personnel operating an
14 ambulance. As used in this subdivision, "emergency medical serv-
15 ices personnel" means that term as defined in section 20904 of
16 the public health code, ~~Act No. 368 of the Public Acts of 1978,~~
17 ~~being section 333.20904 of the Michigan Compiled Laws~~ 1978
18 PA 368, MCL 333.20904.

19 (d) ~~Michigan department of transportation~~ STATE TRANSPOR-
20 TATION DEPARTMENT employees whose work consists of operating
21 vehicles with a gross vehicle weight rating of 10,000 pounds or
22 more for the purpose of transporting highway and bridge mainte-
23 nance materials and supplies for all aspects of state trunkline
24 maintenance, including winter maintenance and facilities
25 maintenance.

26 (e) County road commission employees and other employees of
27 local units of government who do not drive their own vehicles and

1 whose work consists of hauling road building materials and
2 supplies for the road commission or for other municipal
3 purposes.

4 (f) A person operating a motor vehicle for a volunteer pro-
5 gram who only receives reimbursement for the costs of operating
6 the motor vehicle.

7 (g) A person who operates a motor home for personal
8 pleasure.

9 (h) A parent or parent's designee for the purpose of trans-
10 porting pupils to or from school and school related events.

11 Sec. 7a. "Commercial motor vehicle" means a ~~bus; a school~~
12 ~~bus; a school transportation vehicle~~ MOTOR VEHICLE DESIGNED TO
13 TRANSPORT 16 OR MORE PASSENGERS, INCLUDING THE DRIVER; a motor
14 vehicle, ~~except a motor home,~~ having a gross vehicle weight
15 rating ~~or gross combination weight rating~~ of 26,001 or more
16 pounds; a motor vehicle ~~towing a vehicle~~ WITH A GROSS COMBINA-
17 TION WEIGHT RATING OF 26,001 POUNDS OR MORE INCLUDING A TOWED
18 UNIT with a gross vehicle weight rating of more than 10,000
19 pounds; or a motor vehicle carrying hazardous material and on
20 which is required to be posted a placard as defined and required
21 under 49 C.F.R. parts 100 to 199. A commercial motor vehicle
22 does not include a vehicle used exclusively to transport personal
23 possessions or family members for nonbusiness purposes.

24 Sec. 212. If the secretary of state is authorized or
25 required to give notice under this act or other law regulating
26 the operation of a vehicle, unless a different method of giving
27 notice is otherwise expressly prescribed, notice shall be given

1 either by personal delivery to the person to be notified or by
2 ~~deposit in the~~ FIRST-CLASS United States mail ~~of the notice in~~
3 ~~an envelope with first class postage prepaid,~~ addressed to the
4 person at the address shown by the record of the secretary of
5 state. The giving of notice by mail is complete upon the expira-
6 tion of 5 days after ~~the deposit of~~ MAILING the notice. Proof
7 of the giving of notice in either manner may be made by the cer-
8 tificate ~~of an officer or employee of the secretary of state or~~
9 of a person 18 years of age or older, naming the person to whom
10 notice was given and specifying the time, place, and manner of
11 the giving of notice.

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

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

26 (3) A student enrolled in a driver education program or a
27 motorcycle safety course approved by the department of education

1 may operate a motor vehicle without holding an operator's license
2 or permit while under the direct supervision of the program
3 instructor.

4 (4) A student enrolled in an approved driver education pro-
5 gram and who has successfully completed 10 hours of classroom
6 instruction and the equivalent of 2 hours of behind-the-wheel
7 training may be issued a temporary driver education certificate
8 furnished by the department of education that authorizes a stu-
9 dent to drive a motor vehicle, other than a motor vehicle requir-
10 ing an indorsement pursuant to section 312a or a vehicle group
11 designation pursuant to section 312e, when accompanied by a
12 licensed parent or guardian, or when accompanied by a nonlicensed
13 parent or guardian and a licensed adult for the purpose of
14 receiving additional instruction until the end of the student's
15 driver education course.

16 (5) The secretary of state, upon receiving proper applica-
17 tion from a person 16 or 17 years of age who is enrolled in or
18 has successfully completed an approved motorcycle safety course
19 under section 811a, or a person who is 18 years of age or older
20 and who holds a valid operator's or chauffeur's license, may
21 issue a motorcycle temporary instruction permit entitling the
22 applicant, while carrying the permit, to operate a motorcycle
23 upon the public streets and highways for a period of ~~150~~ 180
24 days, but only when under the constant visual supervision of a
25 licensed motorcycle operator at least 18 years of age. The
26 applicant shall not operate the motorcycle at night or with a
27 passenger.

1 (6) The secretary of state, upon receiving proper
2 application from a person who is 18 years of age or older, who
3 holds a valid operator's or chauffeur's license, AND WHO HAS
4 PASSED THE KNOWLEDGE TEST FOR AN ORIGINAL VEHICLE GROUP DESIGNA-
5 TION OR INDORSEMENT, may issue a temporary instruction permit
6 entitling the person, while carrying the permit, to drive a vehi-
7 cle requiring a vehicle group designation or vehicle group
8 indorsement under section 312e upon the streets and highways for
9 a period of ~~150~~ 180 days, but only when accompanied by a
10 licensed adult operator or chauffeur who is licensed with the
11 appropriate vehicle group designation and indorsement for the
12 vehicle group being driven and who is actually occupying a seat
13 beside the driver, or behind the driver if the permittee is driv-
14 ing a bus or school bus. In addition, if a permittee is enrolled
15 in a driver training program for drivers of motor vehicles
16 requiring a vehicle group designation or vehicle group indorse-
17 ment under section 312e, which program is conducted by a college,
18 university, commercial driver training school licensed by the
19 department under 1974 PA 369, MCL 256.601 to 256.609, or a local
20 or intermediate school district, the permittee may drive a vehi-
21 cle requiring a vehicle group designation or vehicle group
22 indorsement on the streets and highways of this state for a
23 period of ~~150~~ 180 days when accompanied by an instructor
24 licensed with the appropriate vehicle group designation and
25 indorsement for the vehicle being driven who is either occupying
26 the seat beside the driver or in direct visual and audio
27 communication with the permittee. A PERSON ISSUED A TEMPORARY

1 INSTRUCTION PERMIT UNDER THIS SECTION SHALL NOT OPERATE A VEHICLE
2 DESIGNED TO CARRY 16 OR MORE PASSENGERS THAT IS TRANSPORTING PAS-
3 SENGERS EXCEPT WITH AN INSTRUCTOR LICENSED WITH THE APPROPRIATE
4 VEHICLE GROUP DESIGNATION AND INDORSEMENT FOR THE VEHICLE BEING
5 DRIVEN OR A DRIVER SKILLS TEST EXAMINER.

6 Sec. 307. (1) AN APPLICANT FOR AN OPERATOR'S OR CHAUFFEUR'S
7 LICENSE SHALL SUPPLY A BIRTH CERTIFICATE ATTESTING TO HIS OR HER
8 AGE OR OTHER SUFFICIENT DOCUMENTS OR IDENTIFICATION AS THE SECRE-
9 TARY OF STATE MAY REQUIRE. An application for an operator's or
10 chauffeur's license shall be made in a manner prescribed by the
11 secretary of state and shall contain all of the following:

12 (a) The applicant's full name, date of birth, residence
13 address, height, sex, eye color, signature, other information
14 required or permitted on the license under this chapter, and, to
15 the extent required to comply with federal law, the applicant's
16 social security number. The applicant may provide a mailing
17 address if the applicant receives mail at an address different
18 from his or her residence address.

19 (b) The following notice shall be included to inform the
20 applicant that under sections 509o and 509r of the Michigan elec-
21 tion law, 1954 PA 116, MCL 168.509o and 168.509r, the secretary
22 of state is required to use the residence address provided on
23 this application as the applicant's residence address on the
24 qualified voter file for voter registration and voting:

25 "NOTICE: Michigan law requires that the same address be used
26 for voter registration and driver license purposes. Therefore,

1 if the residence address you provide in this application
2 differs from your voter registration address as it appears on
3 the qualified voter file, the secretary of state will automati-
4 cally change your voter registration to match the residence
5 address on this application, after which your voter registra-
6 tion at your former address will no longer be valid for voting
7 purposes. A new voter registration card, containing the infor-
8 mation of your polling place, will be provided to you by the
9 clerk of the jurisdiction where your residence address is
10 located."

11 (c) For an operator's or chauffeur's license with a vehicle
12 group designation or indorsement, the following certifications by
13 the applicant:

14 (i) The applicant meets the applicable federal ~~physical~~
15 driver qualification requirements under 49 C.F.R. part 391 if the
16 applicant operates or intends to operate in interstate commerce
17 or meets the applicable ~~physical~~ DRIVER qualifications under
18 the rules promulgated by the department of state police under the
19 motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to
20 480.22, if the applicant operates or intends to operate in intra-
21 state commerce.

22 (ii) The vehicle in which the applicant will take the driv-
23 ing skills tests is representative of the type of vehicle the
24 applicant operates or intends to operate.

25 (iii) The applicant ~~has~~ IS not ~~been convicted~~ SUBJECT TO
26 DISQUALIFICATION, SUSPENSION, REVOCATION, OR CANCELLATION FOR
27 CONVICTION of an offense ~~as~~ described in section 312f or 319b.

1 (iv) The applicant does not have a driver's license from
2 more than 1 state.

3 ~~(d) For an operator's or chauffeur's license with a vehicle
4 group designation or indorsement and for which the applicant
5 claims a waiver of the driving test as provided in section 312f,
6 the following additional certifications by the applicant concern-~~
7 ~~ing the 2-year period immediately before application:~~

8 ~~(i) The applicant has not had more than 1 license.~~

9 ~~(ii) The applicant has not had any license suspended,
10 revoked, or canceled.~~

11 ~~(iii) The applicant has not been convicted of any offense
12 described in section 319b while operating a motor vehicle.~~

13 ~~(iv) The applicant has not been convicted of a moving viola-
14 tion under state or local law relating to motor vehicle traffic
15 control arising in connection with a traffic accident.~~

16 ~~(v) The applicant is regularly employed in a job requiring
17 the operation of a commercial motor vehicle.~~

18 ~~(vi) The applicant qualifies under either of the following:~~

19 ~~(A) He or she has passed a behind-the-wheel driving test
20 given by a state with a commercial motor vehicle driver licensing
21 and testing system and taken in a representative vehicle for that
22 applicant's driver's license vehicle group designation.~~

23 ~~(B) For at least 2 years immediately preceding application,
24 the applicant has operated a vehicle representative of the com-
25 mercial motor vehicle group or passenger vehicle for which he or
26 she is applying. The applicant's employer or the applicant, if
27 self-employed, shall provide evidence of this requirement.~~

1 (2) Except as provided in this subsection, an applicant for
2 an operator's or chauffeur's license may have his or her image
3 AND SIGNATURE captured or reproduced when the application for the
4 license is made. An applicant required under section 5a of the
5 sex offenders registration act, 1994 PA 295, MCL 28.725a, to
6 maintain a valid operator's or chauffeur's license or official
7 state personal identification card shall have his or her image
8 captured or reproduced when the application for the license is
9 made. The secretary of state shall acquire by purchase or lease
10 the equipment for capturing the images AND SIGNATURES and may
11 furnish the equipment to a local unit authorized by the secretary
12 of state to license drivers. The secretary of state shall
13 acquire equipment purchased or leased pursuant to this section
14 under standard purchasing procedures of the department of manage-
15 ment and budget based on standards and specifications established
16 by the secretary of state. The secretary of state shall not pur-
17 chase or lease equipment until an appropriation for the equipment
18 has been made by the legislature. An image AND SIGNATURE cap-
19 tured pursuant to this section shall appear on the applicant's
20 operator's or chauffeur's license. Except as provided in this
21 subsection, the secretary of state may retain and use a person's
22 image AND SIGNATURE described in this subsection only for pro-
23 grams administered by the secretary of state. Except as provided
24 in this subsection, the secretary of state shall not use a
25 person's image OR SIGNATURE unless the person grants written per-
26 mission for that purpose to the secretary of state or specific
27 enabling legislation permitting the use is enacted into law. A

1 law enforcement agency of this state has access to information
2 retained by the secretary of state under this subsection. The
3 information may be utilized for any law enforcement purpose
4 unless otherwise prohibited by law. The department of state
5 police shall provide to the secretary of state updated lists of
6 persons required to be registered under the sex offenders regis-
7 tration act, 1994 PA 295, MCL 28.721 to 28.732, and the secretary
8 of state shall make the images of those persons available to the
9 department of state police as provided in that act.

10 (3) An application shall contain a signature and certifica-
11 tion by the applicant and shall be accompanied by the proper
12 fee. The examiner shall collect the application fee and shall
13 forward the fee to the secretary of state with the application.
14 The secretary of state shall refund the application fee to the
15 applicant if the license applied for is denied, but shall not
16 refund the fee to an applicant who fails to complete the examina-
17 tion requirements of the secretary of state within 90 days after
18 the date of application for a license. A service fee of \$1.00
19 shall be added to each fee collected for an original, renewal,
20 duplicate, or corrected operator's or chauffeur's license. The
21 service fee received and collected under this subsection shall be
22 deposited in the state treasury to the credit of the general
23 fund. The service fee shall be used to defray the expenses of
24 the secretary of state. Appropriations from the Michigan trans-
25 portation fund shall not be used to compensate the secretary of
26 state for costs incurred and services performed under this
27 section.

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

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

5 (i) Written information explaining the applicant's right to
6 make an anatomical gift in the event of death in accordance with
7 section 310.

8 (ii) Written information describing the organ donation reg-
9 istry program maintained by Michigan's federally designated organ
10 procurement organization or its successor organization. The
11 written information required under this subparagraph shall
12 include, in a type size and format that is conspicuous in rela-
13 tion to the surrounding material, the address and telephone
14 number of Michigan's federally designated organ procurement
15 organization or its successor organization, along with an
16 advisory to call Michigan's federally designated organ procure-
17 ment organization or its successor organization with questions
18 about the organ donor registry program.

19 (iii) Written information giving the applicant the opportu-
20 nity to be placed on the organ donation registry described in
21 subparagraph (ii).

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

26 (c) Inform the applicant in writing that, if he or she
27 indicates to the secretary of state under this section a

1 willingness to have his or her name placed on the organ donor
2 registry described in subdivision (a)(ii), the secretary of state
3 will forward the applicant's name and address to the organ dona-
4 tion registry maintained by Michigan's federally designated organ
5 procurement organization or its successor organization, as
6 required by subsection (6).

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

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

12 (b) Providing printed material to an applicant who person-
13 ally appears at a secretary of state branch office.

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

17 (6) If an applicant indicates a willingness under this sec-
18 tion to have his or her name placed on the organ donor registry
19 described in subsection (4)(a)(ii), the secretary of state shall
20 within 10 days forward the applicant's name and address to the
21 organ donor registry maintained by Michigan's federally desig-
22 nated organ procurement organization or its successor
23 organization. The secretary of state may forward information
24 under this subsection by mail or by electronic means. The secre-
25 tary of state shall not maintain a record of the name or address
26 of an individual who indicates a willingness to have his or her
27 name placed on the organ donor registry after forwarding that

1 information to the organ donor registry under this subsection.
2 Information about an applicant's indication of a willingness to
3 have his or her name placed on the organ donor registry that is
4 obtained by the secretary of state under subsection (4) and for-
5 warded under this subsection is exempt from disclosure under the
6 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246,
7 pursuant to section 13(1)(d) of the freedom of information act,
8 1976 PA 442, MCL 15.243.

9 (7) If an application is received from a person previously
10 licensed in another jurisdiction, the secretary of state shall
11 request a copy of the applicant's driving record and other avail-
12 able information from the national driver register. When
13 received, the driving record and other available information
14 become a part of the driver's record in this state. If the
15 application is for an original, renewal, or upgrade of a vehicle
16 group designation or indorsement, the secretary of state shall
17 ~~also~~ check the applicant's driving record with the NATIONAL
18 DRIVER REGISTER AND THE federal commercial driver license infor-
19 mation system before issuing that group designation or
20 indorsement.

21 (8) Except for a vehicle group designation or indorsement or
22 as provided in this subsection, the secretary of state may issue
23 a renewal operator's or chauffeur's license for 1 additional
24 4-year period by mail or by other methods prescribed by the sec-
25 retary of state. The secretary of state shall issue a renewal
26 license only in person ~~if the licensee has a driving record with~~
27 ~~a conviction or civil infraction determination obtained in the 48~~

1 ~~months preceding renewal or~~ if the person is a person required
2 under section 5a of the sex offenders registration act, 1994
3 PA 295, MCL 28.725a, to maintain a valid operator's or
4 chauffeur's license or official state personal identification
5 card. ~~However, the secretary of state shall not refuse to issue~~
6 ~~a renewal license by mail or by other method because of a convic-~~
7 ~~tion or civil infraction determination for which fines and costs~~
8 ~~were waived under section 901a or section 907.~~ If a license is
9 renewed by mail or by other method, the secretary of state shall
10 issue evidence of renewal to indicate the date the license
11 expires in the future. The department of state police shall pro-
12 vide to the secretary of state updated lists of persons required
13 under section 5a of the sex offenders registration act, 1994
14 PA 295, MCL 28.725a, to maintain a valid operator's or
15 chauffeur's license or official state personal identification
16 card.

17 (9) Upon request, the secretary of state shall provide an
18 information manual to an applicant explaining how to obtain a
19 vehicle group designation or indorsement. The manual shall con-
20 tain the information required under 49 C.F.R. part 383.

21 (10) The secretary of state shall not disclose a social
22 security number obtained under subsection (1) to another person
23 except for use for 1 or more of the following purposes:

24 (a) Compliance with chapter 313 of title 49 of the United
25 States Code, 49 U.S.C. 31301 to 31317, and regulations and state
26 law and rules related to this chapter.

1 (b) Through the law enforcement information network, to
2 carry out the purposes of section 466(a) of part D of title IV of
3 the social security act, 42 U.S.C. 666, in connection with mat-
4 ters relating to paternity, child support, or overdue child
5 support.

6 (c) As otherwise required by law.

7 (11) The secretary of state shall not display a person's
8 social security number on the person's operator's or chauffeur's
9 license.

10 (12) A requirement under this section to include a social
11 security number on an application does not apply to an applicant
12 who demonstrates he or she is exempt under law from obtaining a
13 social security number or to an applicant who for religious con-
14 victions is exempt under law from disclosure of his or her social
15 security number under these circumstances. The secretary of
16 state shall inform the applicant of this possible exemption.

17 Sec. 309. (1) Before issuing a license, the secretary of
18 state shall examine each applicant for an operator's or
19 chauffeur's license who at the time of the application is not the
20 holder of a valid, unrevoked operator's or chauffeur's license
21 under a law of this state providing for the licensing of
22 drivers. In all other cases, the secretary of state may waive
23 the examination, except that an examination shall not be waived
24 if it appears from the application, from the apparent physical or
25 mental condition of the applicant, or from any other information
26 which has come to the secretary of state from another source,
27 that the applicant does not possess the physical, mental, or

1 other qualifications necessary to operate a motor vehicle in a
2 manner as not to jeopardize the safety of persons or property; or
3 that the applicant is not entitled to a license under section
4 303. A licensee who applies for the renewal of his or her
5 license by mail pursuant to section 307 shall ~~be required to~~
6 certify to his or her physical capability to operate a motor
7 vehicle.

8 (2) ~~Sheriffs~~ THE SECRETARY OF STATE MAY APPOINT SHERIFFS,
9 their deputies, ~~and~~ the chiefs of police of cities and villages
10 having organized police departments within this state, ~~and~~
11 their duly authorized representatives, ~~and~~ OR employees of the
12 secretary of state ~~may be appointed~~ AS examining officers for
13 the purpose of examining applicants for operator's and
14 chauffeur's licenses. ~~by the secretary of state.~~ An examining
15 officer shall conduct examinations of applicants for operator's
16 and chauffeur's licenses ~~, under this chapter, and~~ in accord-
17 ance with THIS CHAPTER AND the rules promulgated by the secretary
18 of state under subsection (3). After conducting an examination
19 an examining officer shall make a written report of his or her
20 findings and recommendations to the secretary of state.

21 (3) The secretary of state shall promulgate rules pursuant
22 to the administrative procedures act of 1969, 1969 PA 306,
23 MCL 24.201 to 24.328, for the examination of the applicant's
24 physical and mental qualifications to operate a motor vehicle in
25 a manner as not to jeopardize the safety of persons or property,
26 and shall ascertain whether facts exist that would bar the
27 issuance of a license under section 303. The secretary of state

1 shall also ascertain whether the applicant has sufficient
2 knowledge of the English language to understand highway warnings
3 or direction signs written in that language. The examination
4 shall not include investigation of facts other than those facts
5 directly pertaining to the ability of the applicant to operate a
6 motor vehicle with safety or facts declared to be prerequisite to
7 the issuance of a license under this act.

8 (4) ~~An~~ THE SECRETARY OF STATE SHALL NOT ISSUE AN original
9 operator's or chauffeur's license without a vehicle group desig-
10 nation or indorsement ~~shall not be issued by the secretary of~~
11 ~~state~~ without an examination ~~which shall include a~~
12 ~~behind-the-wheel road~~ THAT INCLUDES A DRIVING SKILLS test con-
13 ducted by the secretary of state or by a designated examining
14 officer under subsection (2) or section 310e. The secretary of
15 state may enter into an agreement with another public or private
16 person or agency to conduct a ~~behind-the-wheel road~~ DRIVING
17 SKILLS test conducted under this section. In an agreement with
18 another person or agency to conduct a ~~behind-the-wheel road~~
19 DRIVING SKILLS test, the secretary of state may prescribe the
20 method and examination criteria to be followed by the person or
21 agency when conducting the ~~behind-the-wheel road~~ DRIVING SKILLS
22 test and the form of the certification to be issued to a person
23 who satisfactorily completes a ~~behind-the-wheel road~~ DRIVING
24 SKILLS test. An original vehicle group designation or indorse-
25 ment shall not be issued by the secretary of state without a
26 knowledge test conducted by the secretary of state. Except as
27 provided in section 312f(1), an original vehicle group

1 designation or passenger indorsement shall not be issued by the
2 secretary of state without a ~~behind-the-wheel road~~ DRIVING
3 SKILLS test conducted by an examiner appointed or authorized by
4 the secretary of state. While in the course of taking a
5 ~~behind-the-wheel road~~ DRIVING SKILLS test conducted by the
6 examiner who shall occupy a seat beside the applicant, an appli-
7 cant for an original vehicle group designation or passenger
8 indorsement who has been issued a temporary instruction permit to
9 operate a commercial motor vehicle ~~shall be~~ IS permitted to
10 operate a vehicle requiring a vehicle group designation or pas-
11 senger indorsement without a person licensed to operate a commer-
12 cial motor vehicle occupying a seat beside him or her.

13 (5) Except as otherwise provided in this act, the secretary
14 of state may waive the requirement of a ~~behind-the-wheel road~~
15 DRIVING SKILLS test, knowledge test, or road sign test of an
16 applicant for an original operator's or chauffeur's license with-
17 out a vehicle group designation or indorsement who at the time of
18 the application is the holder of a valid, unrevoked operator's or
19 chauffeur's license issued by another state or country.

20 (6) A DRIVING SKILLS TEST CONDUCTED UNDER THIS SECTION SHALL
21 INCLUDE A BEHIND-THE-WHEEL ROAD TEST. A BEHIND-THE-WHEEL ROAD
22 TEST FOR AN ORIGINAL VEHICLE GROUP DESIGNATION OR PASSENGER
23 INDORSEMENT SHALL NOT BE CONDUCTED UNLESS THE APPLICANT HAS BEEN
24 ISSUED A TEMPORARY INSTRUCTION PERMIT.

25 (7) ~~(6) Beginning April 1, 2001, a~~ A person who corrupts
26 or attempts to corrupt a designated examining officer appointed
27 or designated by the secretary of state under this section or

1 section 310e by giving, offering, or promising any gift or
2 gratuity with the intent to influence the opinion or decision of
3 the examining officer conducting the test is guilty of a felony.

4 (8) ~~(7) Beginning April 1, 2001, a~~ A designated examining
5 officer appointed or designated by the secretary of state who
6 conducts a ~~behind-the-wheel road~~ DRIVING SKILLS test under an
7 agreement entered into under this section or section 310e and who
8 varies from, shortens, or in any other way changes the method or
9 examination criteria prescribed ~~to be followed under~~ IN that
10 agreement in conducting a ~~behind-the-wheel road~~ DRIVING SKILLS
11 test is guilty of a felony.

12 (9) ~~(8) Beginning April 1, 2001, a~~ A person who forges,
13 counterfeits, or alters a satisfactorily completed
14 ~~behind-the-wheel road~~ DRIVING SKILLS test certification issued
15 by a designated examining officer appointed or designated by the
16 secretary of state under this section or section 310e is guilty
17 of a felony.

18 Sec. 312e. (1) Except as OTHERWISE provided in
19 ~~subsections (4), (5), (6), (7), and (8)~~ THIS SECTION, a person,
20 before operating a COMMERCIAL MOTOR vehicle, ~~towing a vehicle~~
21 ~~having~~ SHALL OBTAIN THE REQUIRED VEHICLE GROUP DESIGNATION AS
22 FOLLOWS:

23 (A) A PERSON, BEFORE OPERATING A COMBINATION OF VEHICLES
24 WITH A GROSS COMBINATION WEIGHT RATING OF 26,001 POUNDS OR MORE
25 INCLUDING A TOWED VEHICLE WITH a gross vehicle weight rating
26 ~~over~~ OF MORE THAN 10,000 pounds, shall procure a group A
27 vehicle designation on his or her operator's or chauffeur's

1 license. Unless an indorsement OR THE REMOVAL OF RESTRICTIONS is
2 required, a person licensed to operate a group A vehicle may
3 operate a group B or C vehicle without taking another test.

4 (B) A person, before operating a single vehicle having a
5 gross vehicle weight rating of 26,001 pounds or more, ~~or any~~
6 ~~combination of vehicles having a gross combination weight rating~~
7 ~~of 26,001 pounds or more if the vehicle being towed does not have~~
8 ~~a gross vehicle weight rating over 10,000 pounds,~~ shall procure
9 a group B vehicle designation on his or her operator's or
10 chauffeur's license. Unless an indorsement OR THE REMOVAL OF
11 RESTRICTIONS is required, a person licensed to operate a group B
12 vehicle may operate a group C vehicle without taking another
13 test.

14 (C) A person, before operating a ~~school transportation~~
15 ~~vehicle or a~~ single vehicle having a gross vehicle weight rating
16 under 26,001 pounds or a combination of vehicles having a gross
17 combination weight rating under 26,001 pounds if the vehicle
18 being towed does not have a gross vehicle weight rating over
19 10,000 pounds and carrying hazardous materials on which a placard
20 is required under 49 C.F.R. parts 100 to 199, or designed to
21 transport 16 or more passengers including the driver, shall pro-
22 cure a group C vehicle designation and a hazardous material or
23 passenger vehicle indorsement on his or her operator's or
24 chauffeur's license.

25 (2) An applicant for a vehicle group designation shall take
26 knowledge and driving skills tests that comply with minimum

1 federal standards prescribed in 49 C.F.R. part 383 as required
2 under this act.

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

5 (4) Except as provided in this subsection, all of the fol-
6 lowing apply:

7 (a) ~~A person who takes the driving test required under~~
8 ~~section 312f for a group A vehicle designation in a combination~~
9 ~~of vehicles having a gross combination weight rating under 26,001~~
10 ~~pounds shall not operate a single vehicle having a gross vehicle~~
11 ~~weight rating of 26,001 pounds or more, or any combination of~~
12 ~~vehicles having a gross combination weight rating of 26,001~~
13 ~~pounds or more if the vehicle being towed has a gross vehicle~~
14 ~~weight rating of 10,001 pounds or more or the towing vehicle has~~
15 ~~a gross vehicle weight rating of 26,001 pounds or more. IF A~~
16 ~~PERSON OPERATES A GROUP B PASSENGER VEHICLE WHILE TAKING HIS OR~~
17 ~~HER DRIVING SKILLS TEST FOR A P INDORSEMENT, HE OR SHE IS~~
18 ~~RESTRICTED TO OPERATING ONLY GROUP B OR C PASSENGER VEHICLES~~
19 ~~UNDER THAT P INDORSEMENT.~~

20 (b) ~~A person who has a group B vehicle designation that is~~
21 ~~not restricted under this subsection and who takes the driving~~
22 ~~test required under section 312f for a group A vehicle designa-~~
23 ~~tion in a combination of vehicles having a gross combination~~
24 ~~weight rating under 26,001 pounds shall not operate any combina-~~
25 ~~tion of vehicles having a gross combination weight rating of~~
26 ~~26,001 pounds or more if the vehicle being towed has a gross~~
27 ~~vehicle weight rating of 10,001 pounds or more. IF A PERSON~~

1 OPERATES A GROUP C PASSENGER VEHICLE WHILE TAKING HIS OR HER
2 DRIVING SKILLS TEST FOR A P INDORSEMENT, HE OR SHE IS RESTRICTED
3 TO OPERATING ONLY GROUP C PASSENGER VEHICLES UNDER THAT P
4 INDORSEMENT.

5 (c) ~~A person who takes the driving test required under~~
6 ~~section 312f for a group B vehicle designation in a combination~~
7 ~~of vehicles in which the towing vehicle has a gross vehicle~~
8 ~~weight rating under 26,001 pounds shall not operate a single~~
9 ~~vehicle having a gross vehicle weight rating of 26,001 pounds or~~
10 ~~more, or any combination of vehicles if the towing vehicle has a~~
11 ~~gross vehicle weight rating of 26,001 pounds or more.~~ A PERSON
12 WHO FAILS THE AIR BRAKE PORTION OF THE WRITTEN OR DRIVING SKILLS
13 TEST PROVIDED UNDER SECTION 312F OR WHO TAKES THE DRIVING SKILLS
14 TEST PROVIDED UNDER THAT SECTION IN A COMMERCIAL MOTOR VEHICLE
15 THAT IS NOT EQUIPPED WITH AIR BRAKES SHALL NOT OPERATE A COMMER-
16 CIAL MOTOR VEHICLE EQUIPPED WITH AIR BRAKES.

17 (5) ~~(2)~~ A person, before operating a commercial motor
18 vehicle, SHALL OBTAIN REQUIRED VEHICLE INDORSEMENTS AS FOLLOWS:

19 (A) A PERSON, BEFORE OPERATING A COMMERCIAL MOTOR VEHICLE
20 pulling double trailers, shall procure the appropriate vehicle
21 group designation and a T vehicle indorsement under this act.

22 (B) A person, before operating a commercial motor vehicle
23 that is a tank vehicle, shall procure the appropriate vehicle
24 group designation and an N vehicle indorsement under this act.

25 (C) A person, before operating a commercial motor vehicle
26 carrying hazardous materials on which a placard is required under

1 49 C.F.R. parts 100 to 199, shall procure the appropriate vehicle
2 group designation and an H vehicle indorsement under this act.

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

9 (E) A person, before operating a ~~bus, school bus, or school~~
10 ~~transportation~~ vehicle DESIGNED TO TRANSPORT 16 OR MORE PASSEN-
11 GERS INCLUDING THE DRIVER, shall procure the appropriate vehicle
12 group designation and a P vehicle indorsement under this act. ~~A~~
13 ~~person who fails the air brake portion of the written or driving~~
14 ~~tests provided under section 312f or who takes the driving test~~
15 ~~provided under that section in a commercial motor vehicle that is~~
16 ~~not equipped with air brakes shall not operate a commercial motor~~
17 ~~vehicle equipped with air brakes. One or more indorsements may~~
18 ~~be necessary to operate a commercial motor vehicle.~~ AN APPLICANT
19 FOR A P VEHICLE INDORSEMENT SHALL TAKE THE DRIVING SKILLS TEST IN
20 A VEHICLE DESIGNED TO TRANSPORT 16 OR MORE PASSENGERS INCLUDING
21 THE DRIVER.

22 (6) An applicant for an indorsement shall take the knowledge
23 and driving skills tests described and required pursuant to
24 49 C.F.R. part 383. ~~Knowledge tests shall be limited to that~~
25 ~~which a driver must have for the safe operation of a commercial~~
26 ~~motor vehicle. The driver is not expected to have knowledge of~~
27 ~~subjects, such as vehicle mechanics, that go beyond the scope of~~

1 ~~the information necessary for safe operation of his or her~~
2 ~~commercial motor vehicle. An applicant for a P vehicle indorse-~~
3 ~~ment shall take the driving skills test in a bus or school bus.~~

4 (7) ~~(3)~~ The holder of an unexpired operator's or
5 chauffeur's license may be issued a vehicle group designation and
6 indorsement valid for the remainder of the license upon meeting
7 the qualifications of section 312f and payment of the original
8 vehicle group designation fee of \$20.00 and an indorsement fee of
9 \$5.00 per indorsement, ~~for a 4-year operator's or chauffeur's~~
10 ~~license, payment of a vehicle group designation fee of \$20.00 for~~
11 ~~a 2-year operator's or chauffeur's license under section 314b and~~
12 ~~an indorsement fee of \$5.00 per indorsement,~~ and a corrected
13 license fee of \$6.00. A person required to procure an F vehicle
14 indorsement pursuant to subsection ~~(5)~~ (9) shall pay an
15 indorsement fee of \$5.00.

16 (8) ~~(4)~~ Except as otherwise provided in subsections ~~(5)~~
17 (9) and ~~(6)~~ (10), this section does not apply to a driver or
18 operator of a vehicle under all of the following conditions:

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

21 (b) The vehicle is used to transport agricultural products,
22 farm machinery, farm supplies, or a combination of these items,
23 to or from a farm.

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

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

1 (9) ~~(5)~~ A person, before driving or operating a
2 combination of vehicles having a gross vehicle weight rating of
3 26,001 pounds or more on the power unit that is used as described
4 in subsection ~~(4)(a)~~ (8)(A) to (d), shall obtain an F vehicle
5 indorsement. The F vehicle indorsement shall be issued upon suc-
6 cessful completion of a knowledge test only.

7 (10) ~~(6)~~ A person, before driving or operating a single
8 vehicle truck having a gross vehicle weight rating of 26,001
9 pounds or more or a combination of vehicles having a gross vehi-
10 cle weight rating of 26,001 pounds or more on the power unit that
11 is used as described in subsection ~~(4)(a)~~ (8)(A) to (d) for
12 carrying hazardous materials on which a placard is required under
13 49 C.F.R. parts 100 to 199, shall successfully complete both a
14 knowledge test and a driving skills test. Upon successful com-
15 pletion of the knowledge test and driving skills test, the person
16 shall be issued the appropriate vehicle group designation and any
17 vehicle indorsement necessary under this act.

18 (11) ~~(7)~~ This section does not apply to a police officer
19 operating an authorized emergency vehicle or to a firefighter
20 operating an authorized emergency vehicle who has met the driver
21 training standards of the Michigan fire fighters' training
22 council.

23 (12) ~~(8)~~ This section does not apply to a person operating
24 a motor home or a vehicle used exclusively to transport personal
25 possessions or family members for nonbusiness purposes.

26 (13) ~~(9)~~ The money received and collected under subsection
27 ~~(3)~~ (7) for a vehicle group designation or indorsement shall be

1 deposited in the state treasury to the credit of the general
 2 fund. The secretary of state shall refund out of the fees col-
 3 lected to each county or municipality acting as an examining
 4 officer or examining bureau \$3.00 for each applicant examined for
 5 a first designation or indorsement to ~~a 4-year~~ AN operator's or
 6 chauffeur's license ~~, \$2.50 for each original designation or~~
 7 ~~indorsement to a 2-year operator's or chauffeur's license,~~ AND
 8 \$1.50 for each renewal designation or indorsement to ~~a 2- or~~
 9 ~~4-year~~ AN operator's or chauffeur's license, whose application
 10 is not denied, on the condition that the money refunded shall be
 11 paid to the county or local treasurer and is appropriated to the
 12 county, municipality, or officer or bureau receiving that money
 13 for the purpose of carrying out this act.

14 (14) ~~(10)~~ Notwithstanding any other provision of this sec-
 15 tion, a person operating a vehicle described in subsections ~~(4)~~
 16 (8) and ~~(5)~~ (9) is subject to the provisions of sections 303
 17 and 319b.

18 Sec. 312f. (1) Except as otherwise provided in this sec-
 19 tion, a person shall be not less than 18 years of age before he
 20 or she is issued a vehicle group designation or indorsement,
 21 other than a motorcycle indorsement, on an operator's or
 22 chauffeur's license and, as provided in this section, the person
 23 shall pass knowledge and driving skills tests that comply with
 24 minimum federal standards prescribed in 49 C.F.R. part 383. A
 25 person operating a vehicle to be used for farming purposes only
 26 may obtain ~~a group A, a group B~~ AN A OR B VEHICLE GROUP
 27 DESIGNATION, or an F vehicle ~~group designation~~ INDORSEMENT if

1 he or she is not less than 16 years of age. Each written
2 examination given an applicant for a vehicle group designation or
3 indorsement ~~on an operator's or chauffeur's license~~ shall
4 include subjects designed to cover the type or general class of
5 vehicle to be operated. A person shall pass an examination that
6 includes a driving SKILLS test designed to test competency of the
7 applicant for an original vehicle group designation and passenger
8 VEHICLE indorsement on an operator's or chauffeur's license to
9 drive that type or general class of vehicle upon the highways of
10 this state with safety to ~~that person and other~~ persons and
11 property. The secretary of state shall waive the driving skills
12 test for a person operating a vehicle that is used under the con-
13 ditions described in section ~~312e(4)(a)~~ 312E(8)(A) to (d)
14 unless the vehicle has a gross vehicle weight rating of 26,001
15 pounds or more on the power unit and is to be used to carry haz-
16 ardous materials on which a placard is required under 49
17 C.F.R. parts 100 to 199. The driving SKILLS test may be waived
18 if the applicant has a valid license ~~, indorsement, or vehicle~~
19 ~~group designation to operate that type or group of vehicle in~~
20 ~~another state, except that the driving test for a vehicle group~~
21 ~~designation or passenger vehicle indorsement may not be waived~~
22 ~~unless the applicant has a valid license~~ with the appropriate
23 vehicle group designation or passenger vehicle indorsement in
24 another state issued in compliance with ~~the commercial motor~~
25 ~~vehicle safety act of 1986, title XII of Public Law 99-570, 100~~
26 ~~Stat. 3207-170~~ CHAPTER 313 OF TITLE 49 OF THE UNITED STATES CODE
27 49 U.S.C. 31301 TO 31317.

1 (2) ~~The~~ EXCEPT FOR A PERSON WHO HAS HELD AN OPERATOR'S OR
2 CHAUFFEUR'S LICENSE FOR LESS THAN 1 YEAR, THE secretary of state
3 shall waive the knowledge test and the driving skills test and
4 issue a 1-year seasonal restricted vehicle group designation
5 ~~for~~ TO an otherwise qualified ~~person who desires~~ APPLICANT to
6 operate a group B or a group C vehicle for a farm related service
7 industry ~~under~~ IF ALL OF the following conditions ARE MET:

8 (a) ~~An~~ THE applicant ~~shall possess a good driving~~
9 ~~record. However, an applicant who has not held an operator's or~~
10 ~~chauffeur's license for at least 1 year is not eligible for a~~
11 ~~waiver.~~ MEETS 1 OF THE FOLLOWING:

12 (i) An applicant who has between 1 and 2 years of driving
13 experience shall possess a good driving record for his or her
14 entire driving history.

15 (ii) An applicant who has more than 2 years of driving
16 experience shall possess a good driving record for the 2 years
17 immediately preceding application. ~~for a waiver.~~

18 (b) The seasons for which the seasonal restricted vehicle
19 group designation is issued shall be from April 2 to June 30 and
20 from September 2 to November 30 only of a 12-month period or, at
21 the option of the applicant, for not more than 180 days from the
22 date of issuance in a 12-month period. ~~subsequent to 1992. A~~
23 ~~seasonal restricted vehicle group designation under this subsec-~~
24 ~~tion shall be issued, suspended, revoked, canceled, or renewed in~~
25 ~~accordance with this act.~~ The good driving record shall be con-
26 firmed before each season and 180-day period.

1 (c) The commercial motor vehicle for which the seasonal
2 restricted vehicle group designation is issued shall be operated
3 only IF ALL THE FOLLOWING CONDITIONS ARE MET:

4 (i) THE COMMERCIAL MOTOR VEHICLE IS OPERATED ONLY on routes
5 within 150 miles from the place of business to the farm or farms
6 being served.

7 (ii) ~~(d)~~ The commercial motor vehicle for ~~which the sea-~~
8 ~~sonal restricted vehicle group designation is issued shall~~ DOES
9 not transport a quantity of hazardous materials on which a plac-
10 ard is required except for the following:

11 (A) ~~(i)~~ Diesel motor fuel in quantities of 1,000 gallons
12 or less.

13 (B) ~~(ii)~~ Liquid fertilizers in quantities of 3,000 gallons
14 or less.

15 (C) ~~(iii)~~ Solid fertilizers that are not transported with
16 any organic substance.

17 (iii) ~~(e)~~ The commercial motor vehicle ~~for which a sea-~~
18 ~~sonal restricted vehicle group designation is issued shall not~~
19 ~~include a bus or school bus~~ DOES NOT REQUIRE THE H, N, P, T, OR
20 X VEHICLE INDORSEMENT.

21 (3) A SEASONAL RESTRICTED VEHICLE GROUP DESIGNATION UNDER
22 THIS SUBSECTION SHALL BE ISSUED, SUSPENDED, REVOKED, CANCELED, OR
23 RENEWED IN ACCORDANCE WITH THIS ACT.

24 (4) ~~(3)~~ The secretary of state may enter into an agreement
25 with another public or private person or agency to conduct a
26 skills test required under this section, section 312e, or
27 49 C.F.R. part 383.

1 (5) ~~-(4)-~~ The secretary of state shall not issue a vehicle
2 group designation to an applicant for an original vehicle group
3 designation to whom 1 or more of the following apply:

4 (a) The applicant has had his or her license suspended or
5 revoked for a reason other than as provided in section 321a, 515,
6 or 801c in the 36 months immediately preceding application,
7 except that a vehicle group designation may be issued if the sus-
8 pension or revocation was due to a temporary medical condition or
9 failure to appear at a reexamination as provided in section 320.

10 (b) The applicant was convicted of or incurred a bond for-
11 feiture in relation to a 6-point violation as provided in section
12 320a in the 24 months immediately preceding application, or a
13 violation of section 625(3) or former section 625b, or a local
14 ordinance substantially corresponding to section 625(3) or former
15 section 625b in the 24 months immediately preceding application,
16 if the violation occurred while the applicant was operating a
17 ~~type of vehicle that is operated under a vehicle group~~
18 ~~designation~~ COMMERCIAL MOTOR VEHICLE.

19 (c) The applicant is listed on the national driver register,
20 the commercial driver license information system, or the driving
21 records of the state in which the applicant was previously
22 licensed as being disqualified from operating a commercial motor
23 vehicle or as having a license OR DRIVING PRIVILEGE suspended,
24 revoked, canceled, or denied.

25 (d) The applicant is listed on the national driver register,
26 the commercial driver license information system, or the driving
27 records of the state in which the applicant was previously

1 licensed as having had a license suspended, revoked, or canceled
2 in the 36 months immediately preceding application if a suspen-
3 sion or revocation would have been imposed under this act had the
4 applicant been licensed in this state in the original instance.
5 This subdivision does not apply to a suspension or revocation
6 that would have been imposed due to a temporary medical condition
7 or pursuant to section 321a, 515, or 801c.

8 (e) The applicant is subject to a suspension or revocation
9 under section 319b or would have been subject to a suspension or
10 revocation under section 319b if the applicant had been issued a
11 vehicle group designation.

12 (f) The applicant has been disqualified from operating a
13 commercial motor vehicle under ~~title XII of Public Law 99-570,~~
14 ~~100 Stat. 3207-170~~ CHAPTER 313 OF TITLE 49 OF THE UNITED STATES
15 CODE, 49 U.S.C. 31301-31317 or the applicant's license to operate
16 a commercial motor vehicle has been suspended, revoked, denied,
17 or canceled within 36 months immediately preceding the date of
18 application.

19 (6) THE SECRETARY OF STATE SHALL NOT ISSUE A VEHICLE GROUP
20 DESIGNATION TO AN APPLICANT TO RENEW OR UPGRADE A VEHICLE GROUP
21 DESIGNATION IF THE APPLICANT IS LISTED ON THE NATIONAL DRIVER
22 REGISTER OR THE COMMERCIAL DRIVER LICENSE INFORMATION SYSTEM AS
23 BEING DISQUALIFIED FROM OPERATING A COMMERCIAL MOTOR VEHICLE OR
24 AS HAVING A DRIVER LICENSE OR DRIVING PRIVILEGE SUSPENDED,
25 REVOKED, CANCELED, OR DENIED.

26 (7) ~~(5)~~ The secretary of state shall only consider bond
27 forfeitures under subsection ~~(4)(b)~~ (5)(B) for violations that

1 occurred on or after January 1, 1990 when determining the
2 applicability of subsection ~~(4)~~ (5).

3 (8) ~~(6)~~ If an applicant for an original vehicle group des-
4 ignation was previously licensed in another jurisdiction, the
5 secretary of state shall request a copy of the applicant's driv-
6 ing record from that jurisdiction. If 1 or more of the condi-
7 tions described in subsection ~~(4)~~ (5) exist in that jurisdic-
8 tion when the secretary of state receives the copy, the secretary
9 of state shall cancel all vehicle group designations on the
10 person's operator's or chauffeur's license.

11 (9) THE SECRETARY OF STATE SHALL CANCEL ALL VEHICLE GROUP
12 DESIGNATIONS ON A PERSON'S OPERATOR'S OR CHAUFFEUR'S LICENSE UPON
13 RECEIVING NOTICE FROM THE NATIONAL DRIVER REGISTER, THE COMMER-
14 CIAL DRIVER LICENSE SYSTEM, OR ANOTHER STATE OR JURISDICTION THAT
15 1 OR MORE OF THE CONDITIONS DESCRIBED IN SUBSECTION (5) EXISTED
16 AT THE TIME OF THE PERSON'S APPLICATION IN THIS STATE.

17 (10) THE SECRETARY OF STATE SHALL CANCEL ALL VEHICLE GROUP
18 DESIGNATIONS ON THE PERSON'S OPERATOR'S OR CHAUFFEUR'S LICENSE
19 UPON RECEIVING PROPER NOTICE THAT THE PERSON NO LONGER MEETS THE
20 FEDERAL DRIVER QUALIFICATION REQUIREMENTS UNDER 49
21 C.F.R. PART 391 TO OPERATE A COMMERCIAL MOTOR VEHICLE IN INTER-
22 STATE COMMERCE, OR THE PERSON NO LONGER MEETS THE DRIVER QUALIFI-
23 CATION REQUIREMENTS TO OPERATE A COMMERCIAL MOTOR VEHICLE IN
24 INTRASTATE COMMERCE UNDER THE MOTOR CARRIER SAFETY ACT OF 1963,
25 1963 PA 181, MCL 480.11 TO 480.22.

26 (11) ~~(7)~~ Subsection ~~(4)(a)~~ (5)(A), (b), (d), and (f) do
27 not apply to an applicant for an original vehicle group

1 designation who at the time of application has a valid ~~class 1,~~
2 ~~class 2, or class 3 indorsement under this act or a valid~~
3 license to operate a commercial motor vehicle issued by any state
4 in compliance with ~~title XII of Public Law 99-570~~ CHAPTER 313
5 OF TITLE 49 OF THE UNITED STATES CODE, 49 U.S.C. 31301 TO 31317.

6 (12) ~~(8)~~ As used in this section:

7 (a) "Farm related service industry" means custom harvesters,
8 farm retail outlets and suppliers, agri-chemical business, or
9 livestock feeders.

10 (b) "Good driving record" means the criteria required under
11 regulations described at 49 C.F.R. 383.77 and 57 F.R. 75, P.
12 13650 (April 17, 1992).

13 Sec. 319. (1) The secretary of state shall immediately sus-
14 pend a person's license as provided in this section upon receiv-
15 ing a record of the person's conviction for a crime described in
16 this section, whether the conviction is under a law of this
17 state, a local ordinance substantially corresponding to a law of
18 this state, or a law of another state substantially corresponding
19 to a law of this state.

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

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

24 (b) A violation of section 413 of the Michigan penal code,
25 1931 PA 328, MCL 750.413.

26 (c) A violation of section 1 of former 1931 PA 214,
27 MCL 752.191, or section 626c.

1 (d) A felony in which a motor vehicle was used. As used in
2 this section, "felony in which a motor vehicle was used" means a
3 felony during the commission of which the person convicted oper-
4 ated a motor vehicle and while operating the vehicle presented
5 real or potential harm to persons or property and 1 or more of
6 the following circumstances existed:

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

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

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

11 (iv) The vehicle was necessary for the commission of the
12 felony.

13 (e) A violation of section 602a(2) or (3) of this act or
14 section 479a(2) or (3) of the Michigan penal code, 1931 PA 328,
15 MCL 750.479a.

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

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

20 (b) A violation of section 601b(2), section 601c(1), section
21 626, or section 653a(3).

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

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

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

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

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

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

15 (6) For a violation of section 414 of the Michigan penal
16 code, 1931 PA 328, MCL 750.414, the secretary of state shall sus-
17 pend the person's license as follows:

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

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

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

26 (a) If the person has 1 prior conviction for an offense
27 described in this subsection or section 33b(1) of former 1933 (Ex

1 Sess) PA 8, for 90 days. The secretary of state may issue the
2 person a restricted license after the first 30 days of
3 suspension.

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

9 (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) if the
12 person has no prior convictions within 7 years. The secretary of
13 state may issue the person a restricted license during all or a
14 specified portion of the suspension, except that the secretary of
15 state shall not issue a restricted license during the first 30
16 days of suspension.

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

1 (c) For 30 days for a violation of section 625(6) if the
2 person has no prior convictions within 7 years. The secretary of
3 state may issue the person a restricted license during all or a
4 specified portion of the suspension.

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

8 (e) For 180 days for a violation of section 625(7) if the
9 person has no prior convictions within 7 years. The secretary of
10 state may issue the person a restricted license after the first
11 90 days of suspension.

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

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

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

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

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

25 (11) Except as provided in subsection (13), a suspension
26 under this section shall be imposed notwithstanding a court order
27 unless the court order complies with section 323.

1 (12) If the secretary of state receives records of more than
2 1 conviction of a person resulting from the same incident, a sus-
3 pension shall be imposed only for the violation to which the
4 longest period of suspension applies under this section.

5 (13) The secretary of state may waive a RESTRICTION,
6 suspension, OR REVOCATION of a person's license imposed under
7 this act if the person submits proof that a court in another
8 state revoked, suspended, or restricted his or her license for a
9 period equal to or greater than the period of a RESTRICTION,
10 suspension, OR REVOCATION prescribed under this act for the vio-
11 lation and that the revocation, suspension, or restriction was
12 served for the violation, or may grant a restricted license.

13 (14) The secretary of state shall not issue a restricted
14 license to a person whose license is suspended under this section
15 unless a restricted license is authorized under this section and
16 the person is otherwise eligible for a license.

17 (15) The secretary of state shall not issue a restricted
18 license to a person under subsection (8) that would permit the
19 person to operate a commercial motor vehicle that ~~hauls~~
20 TRANSPORTS hazardous material IN AMOUNTS REQUIRING A PLACARD
21 UNDER THE HAZARDOUS MATERIALS REGULATIONS, 49 C.F.R. PARTS 100 TO
22 199.

23 (16) A restricted license issued under this section shall
24 permit the person to whom it is issued to drive under 1 or more
25 of the following circumstances:

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

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

2 (i) The person's residence.

3 (ii) The person's work location.

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

6 (iv) The court probation department.

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

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

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

13 (17) While driving with a restricted license, the person
14 shall carry proof of his or her destination and the hours of any
15 employment, class, or other reason for traveling and shall dis-
16 play that proof upon a peace officer's request.

17 (18) Subject to subsection (20), as used in subsection (8),
18 "prior conviction" means a conviction for any of the following,
19 whether under a law of this state, a local ordinance substan-
20 tially corresponding to a law of this state, or a law of another
21 state substantially corresponding to a law of this state:

22 (a) Except as provided in subsection (19), a violation or
23 attempted violation of section 625(1), (3), (4), (5), (6), or
24 (7), section 625m, former section 625(1) or (2), or former sec-
25 tion 625b.

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

4 (19) Except for purposes of the suspensions described in
5 subsection (8)(c) and (d), only 1 violation or attempted viola-
6 tion of section 625(6), a local ordinance substantially corre-
7 sponding to section 625(6), or a law of another state substan-
8 tially corresponding to section 625(6) may be used as a prior
9 conviction.

10 (20) If 2 or more convictions described in subsection (18)
11 are convictions for violations arising out of the same transac-
12 tion, only 1 conviction shall be used to determine whether the
13 person has a prior conviction.

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

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

2 The period of suspension or revocation is as follows:

3 (a) Suspension for 60 days if the licensee is convicted of
4 or found responsible for ~~2~~ 1 OF THE FOLLOWING WHILE OPERATING A
5 COMMERCIAL MOTOR VEHICLE:

6 (i) TWO serious traffic violations ~~while operating a com-~~
7 ~~mmercial motor vehicle~~ arising from separate incidents within 36
8 months.

9 (ii) A VIOLATION OF SECTION 667, 668, 669, OR 669A.

10 (iii) A VIOLATION OF MOTOR CARRIER SAFETY REGULATIONS 49
11 C.F.R. 392.10 OR 392.11, AS ADOPTED BY SECTION 1A OF THE MOTOR
12 CARRIER SAFETY ACT OF 1963, 1963 PA 181, MCL 480.11A.

13 (iv) A VIOLATION OF SECTION 57 OF THE PUPIL TRANSPORTATION
14 ACT, 1990 PA 187, MCL 257.1857.

15 (v) A VIOLATION OF MOTOR CARRIER SAFETY REGULATIONS 49
16 C.F.R. 392.10 OR 392.11, AS ADOPTED BY SECTION 31 OF THE MOTOR
17 BUS TRANSPORTATION ACT, 1982 PA 432, MCL 474.131.

18 (vi) A VIOLATION OF MOTOR CARRIER SAFETY REGULATIONS 49
19 C.F.R. 392.10 OR 392.11 WHILE OPERATING A COMMERCIAL MOTOR VEHI-
20 CLE OTHER THAN A VEHICLE COVERED UNDER SUBPARAGRAPH (iii), (iv),
21 OR (v).

22 (b) Suspension for 120 days if the licensee is convicted of
23 or found responsible for ~~3~~ 1 OF THE FOLLOWING ARISING FROM SEP-
24 ARATE INCIDENTS WITHIN 36 MONTHS WHILE OPERATING A COMMERCIAL
25 MOTOR VEHICLE:

1 (i) THREE serious traffic violations. ~~while operating a~~
2 ~~commercial motor vehicle arising from separate incidents within~~
3 ~~36 months.~~

4 (ii) ANY COMBINATION OF 2 VIOLATIONS DESCRIBED IN
5 SUBDIVISION (A)(ii).

6 (c) Suspension for 1 year if the licensee is convicted of or
7 found responsible for 1 of the following:

8 (i) A violation of section 625(1), (3), (4), (5), (6), or
9 (7), section 625m, or former section 625(1) or (2), or former
10 section 625b, ~~or a local ordinance substantially corresponding~~
11 ~~to section 625(1) or (3), section 625m, or former section 625(1)~~
12 ~~or (2), or former section 625b, or a law of another state sub-~~
13 ~~stantially corresponding to section 625(1), (3), (4), (5), (6),~~
14 ~~or (7), section 625m, or former section 625(1) or (2), or former~~
15 ~~section 625b,~~ while operating a commercial motor vehicle.

16 (ii) Leaving the scene of an accident involving a commercial
17 motor vehicle operated by the licensee.

18 (iii) A felony in which a commercial motor vehicle was
19 used.

20 (iv) A refusal of a peace officer's request to submit to a
21 chemical test of his or her blood, breath, or urine to determine
22 the amount of alcohol or presence of a controlled substance or
23 both in his or her blood, breath, or urine while he or she was
24 operating a commercial motor vehicle as required by a law or
25 local ordinance of this state or another state.

26 (v) A 6-point violation as provided in section 320a while
27 operating a commercial motor vehicle.

1 (vi) ANY COMBINATION OF 3 VIOLATIONS DESCRIBED IN
2 SUBDIVISION (A)(ii) ARISING FROM SEPARATE INCIDENTS WITHIN 36
3 MONTHS WHILE OPERATING A COMMERCIAL MOTOR VEHICLE.

4 (d) Suspension for 3 years if the licensee is convicted of
5 or found responsible for an offense enumerated in subdivision
6 (c)(i) to (v) in which a commercial motor vehicle was used if the
7 vehicle was carrying hazardous material required to have a plac-
8 ard pursuant to 49 C.F.R. parts 100 to 199.

9 (e) Revocation for not less than 10 years and until the
10 person is approved for the issuance of a vehicle group designa-
11 tion if a licensee is convicted of or found responsible for 1 of
12 the following:

13 (i) Any combination of 2 violations arising from 2 or more
14 separate incidents under section 625(1), (3), (4), (5), (6), or
15 (7), section 625m, or former section 625(1) or (2), or former
16 section 625b, ~~a local ordinance substantially corresponding to~~
17 ~~section 625(1) or (3), section 625m, or former section 625(1) or~~
18 ~~(2), or former section 625b, or a law of another state substan-~~
19 ~~tially corresponding to section 625(1), (3), (4), (5), (6), or~~
20 ~~(7), section 625m, or former section 625(1) or (2), or former~~
21 ~~section 625b~~ while driving a commercial motor vehicle.

22 (ii) Two violations of leaving the scene of an accident
23 involving a commercial motor vehicle operated by the licensee.

24 (iii) Two violations of a felony in which a commercial motor
25 vehicle was used.

26 (iv) Two refusals of a request of a police officer to submit
27 to a chemical test of his or her blood, breath, or urine for the

1 purpose of determining the amount of alcohol or presence of a
2 controlled substance or both in his or her blood while he or she
3 was operating a commercial motor vehicle in this state or another
4 state, which refusals occurred in separate incidents.

5 (v) Two 6-point violations as provided in section 320a while
6 operating a commercial motor vehicle.

7 (vi) Two violations, in any combination, of the offenses
8 enumerated under subparagraph (i), (ii), (iii), (iv), or (v)
9 arising from 2 or more separate incidents.

10 (f) Revocation for life if a licensee is convicted of or
11 found responsible for any of the following:

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

16 (ii) A conviction of any offense described in
17 subdivision (c) or (d) after having been approved for the issu-
18 ance of a vehicle group designation under subdivision (e).

19 (2) The secretary of state shall immediately suspend all
20 vehicle group designations on the operator's or chauffeur's
21 license of a person upon receiving notice of a conviction, bond
22 forfeiture, or civil infraction determination of the person, or
23 notice that a court or administrative tribunal has found the
24 person responsible, for a violation of section 319d(4) or 319f, a
25 local ordinance substantially corresponding to section 319d(4) or
26 319f, or a law or local ordinance of another state, the United
27 States, Canada, Mexico, or a local jurisdiction of either of

1 these countries substantially corresponding to section 319d(4) or
2 319f, while operating a commercial motor vehicle. ~~as defined in~~
3 ~~section 7a.~~ The period of suspension or revocation is as
4 follows:

5 (a) Suspension for 90 days if the licensee is convicted of
6 or found responsible for a violation of section 319d(4) or 319f
7 while operating a commercial motor vehicle.

8 (b) Suspension for 180 days if the licensee is convicted of
9 or found responsible for a violation of section 319d(4) or 319f
10 while operating a commercial motor vehicle that is either carry-
11 ing hazardous material required to have a placard pursuant to 49
12 C.F.R. parts 100 to 199 or designed to carry 16 or more passen-
13 gers, including the driver.

14 (c) Suspension for 1 year if the licensee is convicted of or
15 found responsible for 2 violations, in any combination, of sec-
16 tion 319d(4) or 319f while operating a commercial motor vehicle
17 arising from 2 or more separate incidents during a 10-year
18 period.

19 (d) Suspension for 3 years if the licensee is convicted of
20 or found responsible for 3 or more violations, in any combina-
21 tion, of section 319d(4) or 319f while operating a commercial
22 motor vehicle arising from 3 or more separate incidents during a
23 10-year period.

24 (e) Suspension for 3 years if the licensee is convicted of
25 or found responsible for 2 or more violations, in any combina-
26 tion, of section 319d(4) or 319f while operating a commercial
27 motor vehicle carrying hazardous material required to have a

1 placard pursuant to 49 C.F.R. parts 100 to 199, or designed to
2 carry 16 or more passengers, including the driver, arising from 2
3 or more separate incidents during a 10-year period.

4 (3) As used in this section:

5 (a) "Felony in which a commercial motor vehicle was used"
6 means a felony during the commission of which the person con-
7 victed operated a commercial motor vehicle and while the person
8 was operating the vehicle 1 or more of the following circum-
9 stances 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
12 felony.

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

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

16 (b) "Serious traffic violation" means a traffic violation
17 that occurs in connection with an accident in which a person
18 died, careless driving, excessive speeding as defined in ~~the~~
19 ~~federal administrative regulations promulgated to implement the~~
20 ~~commercial motor vehicle safety act of 1986, title XII of Public~~
21 ~~Law 99-570, 100 Stat. 3207-170~~ UNDER CHAPTER 313 OF TITLE 49 OF
22 THE UNITED STATES CODE, 49 U.S.C. 31301 TO 31317, improper lane
23 use, following too closely, or any other serious traffic viola-
24 tion as defined in 49 C.F.R. 383.5 or as prescribed under this
25 act.

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

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

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

10 (6) When determining the applicability of conditions listed
11 in this section, the secretary of state shall only consider vio-
12 lations that occurred after January 1, 1990.

13 Sec. 319c. (1) The secretary of state shall provide the
14 United States department of transportation with the following
15 information pertaining to an operator's or chauffeur's license
16 with a vehicle group designation:

17 (a) A notice of the issuance of an operator's or chauffeur's
18 ~~licensed~~ LICENSE with a vehicle group designation within 10
19 days after the issuance of the license.

20 (b) A notice of a suspension, revocation, or denial of a
21 license within 10 days after the suspension, revocation, or
22 denial. If the licensee is a nonresident, a notice of the state
23 ~~which~~ THAT issued the suspension, revocation, or denial of the
24 license shall also be provided.

25 (2) Within 10 days after receiving a record of conviction,
26 civil infraction determination, or forfeiture of bail in this
27 state of a nonresident driver of a commercial motor vehicle for a

1 violation under the motor vehicle laws of this state, other than
2 a parking violation, the secretary of state shall notify the
3 motor vehicle administrator or other appropriate officer in the
4 state in which the person is licensed.

5 SEC. 319G. (1) AN EMPLOYER SHALL NOT KNOWINGLY ALLOW,
6 PERMIT, AUTHORIZE, OR REQUIRE A DRIVER TO OPERATE A COMMERCIAL
7 MOTOR VEHICLE IN VIOLATION OF ANY OF THE FOLLOWING:

8 (A) SECTION 667, 668, 669, OR 669A.

9 (B) MOTOR CARRIER SAFETY REGULATIONS 49 C.F.R. 392.10 OR
10 392.11, AS ADOPTED BY SECTION 1A OF THE MOTOR CARRIER SAFETY ACT
11 OF 1963, 1963 PA 181, MCL 480.11A.

12 (C) SECTION 57 OF THE PUPIL TRANSPORTATION ACT, 1990 PA 187,
13 MCL 257.1857.

14 (D) MOTOR CARRIER SAFETY REGULATIONS 49 C.F.R. 392.10 OR
15 392.11, AS ADOPTED BY SECTION 31 OF THE MOTOR BUS TRANSPORTATION
16 ACT, 1982 PA 432, MCL 474.131.

17 (E) MOTOR CARRIER SAFETY REGULATIONS 49 C.F.R. 392.10 OR
18 392.11 WHILE OPERATING A COMMERCIAL MOTOR VEHICLE OTHER THAN A
19 VEHICLE COVERED UNDER SUBDIVISION (B), (C), OR (D).

20 (2) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A
21 CIVIL INFRACTION.

22 Sec. 321. ~~The department upon~~ UPON suspending or revoking
23 a license, THE DEPARTMENT shall require that ~~such~~ THE license
24 ~~shall~~ be surrendered to and be ~~retained~~ DESTROYED by the
25 department. ~~, except that at~~ AT the end of the ~~period of~~ sus-
26 pension ~~such license so surrendered shall be returned to the~~
27 ~~licensee~~ PERIOD, THE LICENSEE MAY OBTAIN A REPLACEMENT LICENSE.

1 Sec. 321b. Any policeman, law enforcing agent, or judicial
2 officer who is informed by an official communication from the
3 secretary of state that the SECRETARY OF STATE HAS SUSPENDED OR
4 REVOKED AN OPERATOR'S, MOPED, OR CHAUFFEUR'S license ~~of an oper-~~
5 ~~ator or chauffeur has been suspended or revoked~~ under the provi-
6 sions of this act, shall obtain ~~such~~ AND DESTROY THE suspended
7 or revoked license. ~~from the operator or chauffeur and forward~~
8 ~~it to the secretary of state.~~

9 Sec. 323c. (1) A person denied a license to operate a motor
10 vehicle or whose license for that purpose has been suspended by
11 the secretary of state under section 625f has a right to a review
12 of the matter in circuit court as provided in sections 323 and
13 323a. Except as provided in this section, the court may order
14 the secretary of state to issue to the person a restricted
15 license permitting the person to drive only to and from the
16 person's residence and work location; in the course of the
17 person's employment or occupation; to and from an alcohol or drug
18 education program or treatment program as ordered by a court; to
19 and from the person's residence and the court probation depart-
20 ment, or a court-ordered community service program, or both; to
21 and from the person's residence and an educational institution at
22 which the person is enrolled as a student; or pursuant to a com-
23 bination of these restrictions. If the denial, suspension, or
24 revocation of a person's license or vehicle group designation
25 under section 625f occurred in connection with the operation of a
26 commercial motor vehicle, the court shall not order the secretary
27 of state to issue a restricted license that would permit the

1 person to operate a commercial motor vehicle. The court shall
2 not order the secretary of state to issue a restricted OPERATOR'S
3 OR chauffeur's license that would permit a person to operate a
4 ~~truck or truck tractor, including a trailer, that hauls~~
5 COMMERCIAL MOTOR VEHICLE HAULING hazardous material. The court
6 shall not order the secretary of state to issue a restricted
7 license unless the person states under oath and the court finds
8 that the person is unable to take public transportation to and
9 from his or her work location, place of alcohol or drug education
10 or treatment, or educational institution, and does not have a
11 family member or other person able to provide transportation.
12 The court order and license shall indicate the person's work
13 location and the approved route or routes and permitted times of
14 travel. For purposes of this section, "work location" includes,
15 as applicable, either or both of the following:

16 (a) The specific place or places of employment.

17 (b) The territory or territories regularly visited by the
18 person in pursuance of the person's occupation.

19 (2) If the person's license has been suspended pursuant to
20 section 625f within the immediately preceding 7-year period, a
21 restricted license shall not be issued.

22 (3) Notwithstanding any other provision of this section, the
23 court shall not issue a restricted license to a person who has
24 accumulated over 24 points, as provided in section 320a, within
25 the 2-year period preceding the date of the suspension of his or
26 her license.

1 Sec. 667. (1) When a person driving a vehicle approaches a
2 railroad grade crossing under any of the following circumstances,
3 the driver shall stop the vehicle not more than 50 feet but not
4 less than 15 feet from the nearest rail of the railroad, and
5 shall not proceed until the driver can do so safely:

6 (a) A clearly visible electric or mechanical signal device
7 gives warning of the immediate approach of a railroad train.

8 (b) A crossing gate is lowered or a flagman gives or contin-
9 ues to give a signal of the approach or passage of a railroad
10 train.

11 (c) A railroad train approaching within approximately 1,500
12 feet of the highway crossing gives a signal audible from that
13 distance, and the train by reason of its speed or nearness to the
14 crossing is an immediate hazard.

15 (d) An approaching railroad train is plainly visible and is
16 in hazardous proximity to the crossing.

17 (2) A person shall not drive a vehicle through, around, or
18 under a crossing gate or barrier at a railroad crossing while the
19 gate or barrier is closed or is being opened or closed OR AGAINST
20 THE DIRECTION OF A POLICE OFFICER.

21 (3) A person who violates this section is responsible for a
22 civil infraction.

23 Sec. 668. (1) The state transportation department with
24 respect to highways under its jurisdiction, the county road com-
25 missions, and local authorities with reference to highways under
26 their jurisdiction, may designate certain grade crossings of
27 railways by highways as "stop" crossings, and erect signs at the

1 crossings notifying drivers of vehicles upon the highway to come
2 to a complete stop before crossing the railway tracks. When a
3 crossing is so designated and signposted, the driver of a vehicle
4 shall stop not more than 50 feet but not less than ~~10~~ 15 feet
5 from the railway tracks. The driver shall then traverse the
6 crossing when it may be done in safety.

7 (2) The state transportation department with respect to
8 highways under its jurisdiction, the county road commissions, and
9 local authorities with reference to highways under their juris-
10 diction, may designate certain grade crossings of railways by
11 highways as yield crossings, and erect signs at the crossings
12 notifying drivers of vehicles upon the highway to yield. Yield
13 signs may be mounted on the same post as is the crossbuck sign.
14 Drivers of vehicles approaching a yield sign at the grade cross-
15 ing of a railway shall maintain a reasonable speed based upon
16 existing conditions and shall yield the right-of-way. The cost
17 of yield sign installations shall be borne equally by the rail-
18 road and the governmental authority under whose jurisdiction the
19 highway rests. The erection of or failure to erect, replace, or
20 maintain a stop or yield sign or other railroad warning device,
21 unless such devices or signs were ordered by public authority,
22 shall not be a basis for an action of negligence against the
23 state transportation department, county road commissions, the
24 railroads, or local authorities.

25 (3) A person who fails to stop or yield as required by this
26 section is responsible for a civil infraction.

1 Sec. 669. (1) Except as provided in subsections (2), (3),
2 and (4), the driver of a motor vehicle TRANSPORTING 16 OR MORE
3 PASSENGERS INCLUDING THE DRIVER, A MOTOR VEHICLE carrying passen-
4 gers for hire, or ~~the driver of~~ a motor vehicle that is
5 required to be marked or placarded under 49 C.F.R. parts 100 to
6 180 before crossing a railroad track at grade, shall ACTIVATE THE
7 VEHICLE HAZARD WARNING LIGHTS AND stop the vehicle within 50 feet
8 but not less than ~~10~~ 15 feet from the nearest rail. While
9 stopped, the driver shall listen and look in both directions
10 along the track for an approaching train and for signals indicat-
11 ing the approach of a train, and shall not proceed until the
12 driver can do so safely. After stopping as required in this sub-
13 section, and upon proceeding when it is safe to do so, the driver
14 of the vehicle shall cross only in a gear of the vehicle that
15 does not require changing gears while traversing the crossing.
16 The driver shall not shift gears while crossing the track or
17 tracks.

18 (2) A stop need not be made at a railroad track grade cross-
19 ing where a police officer or a traffic-control signal directs
20 traffic to proceed.

21 (3) A stop need not be made at an abandoned railroad track
22 grade crossing. As used in this subsection, "abandoned railroad
23 track" means a railroad track which meets all of the following
24 requirements:

25 (i) The track has been abandoned pursuant to federal law.

26 (ii) The track has been covered or removed.

1 (iii) All signs, signals, and other warning devices are
2 removed.

3 (4) A stop shall not be made at an industrial or spur line
4 railroad grade crossing marked with a sign reading "exempt".
5 Exempt signs may be erected only by or with the consent of the
6 state transportation department after notice to and an opportu-
7 nity to be heard by all railroads operating over ~~such~~ THAT
8 industrial or spur line.

9 (5) A person who violates this section is responsible for a
10 civil infraction.

11 SEC. 669A. (1) THIS STATE ADOPTS MOTOR CARRIER SAFETY REGU-
12 LATIONS 49 C.F.R. 392.10 AND 392.11 ON FILE WITH THE OFFICE OF
13 THE SECRETARY OF STATE, TO PROVIDE FOR THE SAFE TRANSPORTATION OF
14 PERSONS AND PROPERTY OVER RAILROAD-HIGHWAY GRADE CROSSINGS WITH
15 THE INTENT OF FOLLOWING THE POLICIES AND PROCEDURES OF THE UNITED
16 STATES DEPARTMENT OF TRANSPORTATION'S FEDERAL MOTOR CARRIER
17 SAFETY ADMINISTRATION AS THEY RELATE TO TITLE 49 OF THE CODE OF
18 FEDERAL REGULATIONS. FOR PURPOSES OF THIS SUBSECTION,
19 "COMMERCIAL MOTOR VEHICLE" MEANS THAT TERM AS DEFINED IN
20 SECTION 7A.

21 (2) THE DRIVER OF A COMMERCIAL MOTOR VEHICLE SHALL COMPLY
22 WITH A LAWFUL ORDER OR DIRECTION OF A POLICE OFFICER GUIDING,
23 DIRECTING, CONTROLLING, OR REGULATING TRAFFIC AT A
24 RAILROAD-HIGHWAY GRADE CROSSING.

25 (3) THE DRIVER OF A COMMERCIAL MOTOR VEHICLE SHALL NOT CROSS
26 A RAILROAD-HIGHWAY GRADE CROSSING UNLESS THE VEHICLE HAS
27 SUFFICIENT UNDERCARRIAGE CLEARANCE.

1 (4) THE DRIVER OF A COMMERCIAL MOTOR VEHICLE SHALL NOT CROSS
2 A RAILROAD-HIGHWAY GRADE CROSSING UNLESS THE VEHICLE CAN BE
3 DRIVEN COMPLETELY THROUGH THE CROSSING WITHOUT STOPPING.

4 (5) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A
5 CIVIL INFRACTION.

6 Sec. 670. (1) A person shall not operate or move a cater-
7 pillar tractor, ~~steam~~ shovel, derrick, roller, boiler, machin-
8 ery, or other structure or object upon rollers, or other equip-
9 ment or structure, which, because of ~~the~~ ITS limited power,
10 ~~thereof,~~ or ~~the~~ weight, ~~or~~ character, ~~thereof,~~ or ~~of the~~
11 ~~load thereon~~ OR LOAD, has a normal operating speed of 4 miles
12 per hour or less, or which has a vertical load or body clearance
13 of less than 9 inches above the level surface of the roadway,
14 upon or across the tracks of a ~~steam~~ railroad at grade level
15 without first complying with this section, except this section
16 shall not apply to the movement of electrically propelled cars on
17 fixed rails ~~nor~~ OR to their loads.

18 (2) Notice of the intended crossing described in subsection
19 (1) shall be given to the nearest agent or officer of the ~~steam~~
20 railroad in time to afford protection to its locomotives, trains,
21 or cars at the crossing.

22 (3) Before making the crossing, the person operating or
23 moving the vehicle or equipment shall first stop not less than
24 ~~10~~ 15 feet ~~nor~~ OR more than 50 feet from the nearest rail of
25 the track and while stopped shall listen and look in both direc-
26 tions along the track for an approaching train and for signals

1 indicating the approach of a train, and shall not proceed until
2 the crossing can be made safely.

3 (4) A crossing shall not be made when warning is given by
4 automatic signal or crossing gates or a flagman or otherwise of
5 the immediate approach of a railroad train or car.

6 (5) A person who violates this section is responsible for a
7 civil infraction.

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

18 (a) Within 14 days after a conviction, forfeiture of bail,
19 or entry of a civil infraction determination or default judgment
20 upon a charge of or citation for violating or attempting to vio-
21 late this act or a local ordinance substantially corresponding to
22 this act regulating the operation of vehicles on highways.

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

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

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

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

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

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

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

1 (d) The type of vehicle driven at the time of the violation
2 and, if the vehicle is a commercial motor vehicle, that vehicle's
3 group designation and indorsement classification.

4 (e) The date of the conviction, finding, forfeiture, judg-
5 ment, or civil infraction determination.

6 (f) Whether bail was forfeited.

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

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

12 (i) Other information considered necessary to the secretary
13 of state.

14 (4) The clerk of the court also shall forward an abstract of
15 the court record to the secretary of state upon a person's con-
16 viction involving any of the following:

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

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

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

22 (d) A violation of section 703 of the Michigan liquor con-
23 trol code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance
24 substantially corresponding to that section.

25 (E) A VIOLATION OF MOTOR CARRIER SAFETY REGULATIONS, 49
26 C.F.R. 392.10 OR 392.11, AS ADOPTED BY SECTION 1A OF THE MOTOR
27 CARRIER SAFETY ACT OF 1963, 1963 PA 181, MCL 480.11A.

1 (F) A VIOLATION OF SECTION 57 OF THE PUPIL TRANSPORTATION
2 ACT, 1990 PA 187, MCL 257.1857.

3 (G) A VIOLATION OF MOTOR CARRIER SAFETY REGULATIONS, 49
4 C.F.R. 392.10 OR 392.11, AS ADOPTED BY SECTION 31 OF THE MOTOR
5 BUS TRANSPORTATION ACT, 1982 PA 432, MCL 474.131.

6 (H) ~~(e)~~ An attempt to violate, a conspiracy to violate, or
7 a violation of part 74 ~~or section 17766a~~ of the public health
8 code, 1978 PA 368, MCL 333.7401 to 333.7461, ~~and 333.17766a,~~ or
9 a local ordinance that prohibits conduct prohibited under part 74
10 ~~or section 17766a~~ of the public health code, 1978 PA 368,
11 MCL 333.7401 to 333.7461, ~~and 333.17766a,~~ unless the convicted
12 person is sentenced to life imprisonment or a minimum term of
13 imprisonment that exceeds 1 year for the offense.

14 (I) ~~(f)~~ An attempt to commit an offense described in sub-
15 divisions (a) to ~~(d)~~ (G).

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

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

22 (b) The vehicle was used to transport a victim of the
23 felony.

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

25 (d) The vehicle was necessary for the commission of the
26 felony.

1 (6) If a person is charged with a felony in which a motor
2 vehicle was used, other than a felony specified in subsection (4)
3 or section 319, the prosecuting attorney shall include the fol-
4 lowing statement on the complaint and information filed in dis-
5 trict or circuit court:

6 "You are charged with the commission of a felony in which a
7 motor vehicle was used. If you are convicted and the judge finds
8 that the conviction is for a felony in which a motor vehicle was
9 used, as defined in section 319 of the Michigan vehicle code,
10 1949 PA 300, MCL 257.319, your driver's license shall be sus-
11 pended by the secretary of state."

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

18 "You are accused of an act the nature of which constitutes a
19 felony in which a motor vehicle was used. If the accusation is
20 found to be true and the judge or referee finds that the nature
21 of the act constitutes a felony in which a motor vehicle was
22 used, as defined in section 319 of the Michigan vehicle code,
23 1949 PA 300, MCL 257.319, your driver's license shall be sus-
24 pended by the secretary of state."

25 (8) If the court determines as part of the sentence or dis-
26 position that the felony for which the person was convicted or
27 adjudicated and with respect to which notice was given under

1 subsection (6) or (7) is a felony in which a motor vehicle was
2 used, the clerk of the court shall forward an abstract of the
3 court record of that conviction to the secretary of state.

4 (9) As used in subsections (10) and (11), "felony in which a
5 commercial motor vehicle was used" means a felony during the com-
6 mission of which the person operated a commercial motor vehicle
7 and while the person was operating the vehicle 1 or more of the
8 following circumstances existed:

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

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

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

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

15 (10) If a person is charged with a felony in which a commer-
16 cial motor vehicle was used and for which a vehicle group desig-
17 nation on a license is subject to suspension or revocation under
18 section 319b(1)(c)(iii), 319b(1)(d), or 319b(1)(e)(iii), or
19 319b(1)(f)(i), the prosecuting attorney shall include the follow-
20 ing statement on the complaint and information filed in district
21 or circuit court:

22 "You are charged with the commission of a felony in which a
23 commercial motor vehicle was used. If you are convicted and the
24 judge finds that the conviction is for a felony in which a com-
25 mercial motor vehicle was used, as defined in section 319b of the
26 Michigan vehicle code, 1949 PA 300, MCL 257.319b, all vehicle

1 group designations on your driver's license shall be suspended or
2 revoked by the secretary of state.".

3 (11) If the judge determines as part of the sentence that
4 the felony for which the defendant was convicted and with respect
5 to which notice was given under subsection (10) is a felony in
6 which a commercial motor vehicle was used, the clerk of the court
7 shall forward an abstract of the court record of that conviction
8 to the secretary of state.

9 (12) Every person required to forward abstracts to the sec-
10 retary of state under this section shall certify for the period
11 from January 1 through June 30 and for the period from July 1
12 through December 31 that all abstracts required to be forwarded
13 during the period have been forwarded. The certification shall
14 be filed with the secretary of state not later than 28 days after
15 the end of the period covered by the certification. The certifi-
16 cation shall be made upon a form furnished by the secretary of
17 state and shall include all of the following:

18 (a) The name and title of the person required to forward
19 abstracts.

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

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

22 (d) The following statement:

23 "I certify that all abstracts required by section 732 of the
24 Michigan vehicle code, MCL 257.732, ~~MSA 9.2432,~~ for the
25 period _____ through _____ have been forwarded to the
26 secretary of state.".

1 (e) Other information the secretary of state considers
2 necessary.

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

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

8 (14) Except as provided in subsection (15), the secretary of
9 state shall keep all abstracts received under this section at the
10 secretary of state's main office and the abstracts shall be open
11 for public inspection during the office's usual business hours.
12 Each abstract shall be entered upon the master driving record of
13 the person to whom it pertains.

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

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

20 (b) A nonmoving violation that is not the basis for the sec-
21 retary of state's suspension, revocation, or denial of an
22 operator's or chauffeur's license.

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

26 (d) A pedestrian, passenger, or bicycle violation, other
27 than a violation of section 703(1) or (2) of the Michigan liquor

1 control code of 1998, 1998 PA 58, MCL 436.1703, or a local
2 ordinance substantially corresponding to section 703(1) or (2) of
3 the Michigan liquor control code of 1998, 1998 PA 58,
4 MCL 436.1703, or section 624a or 624b or a local ordinance sub-
5 stantially corresponding to section 624a or 624b.

6 (e) A violation of section 710e or a local ordinance sub-
7 stantially corresponding to section 710e.

8 (16) The secretary of state shall discard and not enter on
9 the master driving record an abstract for a bond forfeiture that
10 occurred outside this state. However, the secretary of state
11 shall retain and enter on the master driving record an abstract
12 of an out-of-state bond forfeiture for an offense that occurred
13 ~~after January 1, 1990~~ in connection with the operation of a
14 commercial motor vehicle.

15 (17) The secretary of state shall inform the courts of this
16 state of the nonmoving violations and violations of chapter II
17 that are used by the secretary of state as the basis for the sus-
18 pension, restriction, revocation, or denial of an operator's or
19 chauffeur's license.

20 (18) If a conviction or civil infraction determination is
21 reversed upon appeal, the person whose conviction or determina-
22 tion has been reversed may serve on the secretary of state a cer-
23 tified copy of the order of reversal. The secretary of state
24 shall enter the order in the proper book or index in connection
25 with the record of the conviction or civil infraction
26 determination.

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

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

16 Sec. 904. (1) A person whose operator's or chauffeur's
17 license or registration certificate has been suspended or revoked
18 and who has been notified as provided in section 212 of that sus-
19 pension or revocation, whose application for license has been
20 denied, or who has never applied for a license, shall not operate
21 a motor vehicle upon a highway or other place open to the general
22 public or generally accessible to motor vehicles, including an
23 area designated for the parking of motor vehicles, within this
24 state.

25 (2) A person shall not knowingly permit a motor vehicle
26 owned by the person to be operated upon a highway or other place
27 open to the general public or generally accessible to motor

1 vehicles, including an area designated for the parking of
2 vehicles, within this state by a person whose license or regis-
3 tration certificate is suspended or revoked, whose application
4 for license has been denied, or who has never applied for a
5 license, except as permitted under this act.

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

9 (a) For a first violation, by imprisonment for not more than
10 93 days or a fine of not more than \$500.00, or both. Unless the
11 vehicle was stolen or used with the permission of a person who
12 did not knowingly permit an unlicensed driver to operate the
13 vehicle, the registration plates of the vehicle shall be canceled
14 by the secretary of state upon notification by a peace officer.

15 (b) For a violation that occurs after a prior conviction, by
16 imprisonment for not more than 1 year or a fine of not more than
17 \$1,000.00, or both. Unless the vehicle was stolen, the registra-
18 tion plates of the vehicle shall be canceled by the secretary of
19 state upon notification by a peace officer.

20 (4) A person who operates a motor vehicle in violation of
21 subsection (1) and who, by operation of that motor vehicle,
22 causes the death of another person is guilty of a felony punish-
23 able by imprisonment for not more than 15 years or a fine of not
24 less than \$2,500.00 or more than \$10,000.00, or both. This sub-
25 section does not apply to a person whose operator's or
26 chauffeur's license was suspended because that person failed to

1 answer a citation or comply with an order or judgment pursuant to
2 section 321a.

3 (5) A person who operates a motor vehicle in violation of
4 subsection (1) and who, by operation of that motor vehicle,
5 causes the serious impairment of a body function of another
6 person is guilty of a felony punishable by imprisonment for not
7 more than 5 years or a fine of not less than \$1,000.00 or more
8 than \$5,000.00, or both. This subsection does not apply to a
9 person whose operator's or chauffeur's license was suspended
10 because that person failed to answer a citation or comply with an
11 order or judgment pursuant to section 321a. As used in this sub-
12 section and subsection (7), "serious impairment of a body
13 function" includes, but is not limited to, 1 or more of the
14 following:

15 (a) Loss of a limb or loss of use of a limb.

16 (b) Loss of a foot, hand, finger, or thumb or loss of use of
17 a foot, hand, finger, or thumb.

18 (c) Loss of an eye or ear or loss of use of an eye or ear.

19 (d) Loss or substantial impairment of a bodily function.

20 (e) Serious visible disfigurement.

21 (f) A comatose state that lasts for more than 3 days.

22 (g) Measurable brain or mental impairment.

23 (h) A skull fracture or other serious bone fracture.

24 (i) Subdural hemorrhage or subdural hematoma.

25 (6) In addition to being subject to any other penalty pro-
26 vided for in this act, if a person is convicted under subsection
27 (4) or (5), the court may impose the sanction permitted under

1 section 625n. If the vehicle is not ordered forfeited under
2 section 625n, the court shall order vehicle immobilization under
3 section 904d in the judgment of sentence.

4 (7) A person shall not knowingly permit a motor vehicle
5 owned by the person to be operated upon a highway or other place
6 open to the general public or generally accessible to motor vehi-
7 cles, including an area designated for the parking of vehicles,
8 within this state, by a person whose license or registration cer-
9 tificate is suspended or revoked, whose application for license
10 has been denied, or who has never been licensed except as permit-
11 ted by this act. If a person permitted to operate a motor vehi-
12 cle in violation of this subsection causes the serious impairment
13 of a body function of another person by operation of that motor
14 vehicle, the person knowingly permitting the operation of that
15 motor vehicle is guilty of a felony punishable by imprisonment
16 for not more than 2 years, or a fine of not less than \$1,000.00
17 or more than \$5,000.00, or both. If a person permitted to oper-
18 ate a motor vehicle in violation of this subsection causes the
19 death of another person by operation of that motor vehicle, the
20 person knowingly permitting the operation of that motor vehicle
21 is guilty of a felony punishable by imprisonment for not more
22 than 5 years, or a fine of not less than \$1,000.00 or more than
23 \$5,000.00, or both.

24 (8) If the prosecuting attorney intends to seek an enhanced
25 sentence under this section based upon the defendant having 1 or
26 more prior convictions, the prosecuting attorney shall include on
27 the complaint and information, or an amended complaint and

1 information, filed in district court, circuit court, municipal
2 court, or family division of circuit court, a statement listing
3 the defendant's prior convictions.

4 (9) A prior conviction under this section shall be estab-
5 lished at or before sentencing by 1 or more of the following:

6 (a) An abstract of conviction.

7 (b) A copy of the defendant's driving record.

8 (c) An admission by the defendant.

9 (10) Upon receiving a record of a person'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 operator's or chauffeur's license is suspended
13 or revoked, the secretary of state immediately shall impose an
14 additional like period of suspension or revocation. This subsec-
15 tion applies only if the violation occurs during a suspension of
16 definite length or if the violation occurs before the person is
17 approved for a license following a revocation.

18 (11) Upon receiving a record of a person's conviction or
19 civil infraction determination for the unlawful operation of a
20 motor vehicle or a moving violation reportable under section 732
21 while the person's operator's or chauffeur's license is indefi-
22 nitely suspended or whose application for a license has been
23 denied, the secretary of state immediately shall impose a 30-day
24 period of suspension or denial.

25 (12) Upon receiving a record of the conviction, bond forfei-
26 ture, or a civil infraction determination of a person for
27 unlawful operation of a motor vehicle requiring a vehicle group

1 designation while the designation is suspended OR REVOKED
2 pursuant to section ~~319a or~~ 319b, ~~or revoked,~~ OR WHILE THE
3 PERSON IS DISQUALIFIED FROM OPERATING A COMMERCIAL MOTOR VEHICLE
4 UNDER CHAPTER 313 OF TITLE 49 OF THE UNITED STATES CODE, 49
5 U.S.C. 31301 TO 31317, the secretary of state immediately shall
6 impose an additional like period of suspension or revocation.
7 This subsection applies only if the violation occurs during a
8 suspension of definite length ~~,~~ OR if the violation occurs
9 before the person is approved for a license following a
10 revocation. ~~, or if the person operates a commercial vehicle~~
11 ~~while disqualified under the commercial motor vehicle safety act~~
12 ~~of 1986, title XII of Public Law 99-570, 100 Stat. 3207-170.~~

13 (13) If the secretary of state receives records of more than
14 1 conviction or civil infraction determination resulting from the
15 same incident, all of the convictions or civil infraction deter-
16 minations shall be treated as a single violation for purposes of
17 imposing an additional period of suspension or revocation under
18 subsection (10), (11), or (12).

19 (14) Before a person is arraigned before a district court
20 magistrate or judge on a charge of violating this section, the
21 arresting officer shall obtain the person's driving record from
22 the secretary of state and shall furnish the record to the
23 court. The driving record of the person may be obtained from the
24 secretary of state's computer information network.

25 (15) This section does not apply to a person who operates a
26 vehicle solely for the purpose of protecting human life or

1 property if the life or property is endangered and summoning
2 prompt aid is essential.

3 (16) A person whose vehicle group designation is suspended
4 or revoked and who has been notified as provided in section 212
5 of that suspension or revocation, or whose application for a
6 vehicle group designation has been denied as provided in this
7 act, or who has never applied for a vehicle group designation and
8 who operates a commercial motor vehicle within this state, except
9 as permitted under this act, while any of those conditions exist
10 is guilty of a misdemeanor punishable, except as otherwise pro-
11 vided in this section, by imprisonment for not less than 3 days
12 or more than 93 days or a fine of not more than \$100.00, or
13 both.

14 (17) If a person has a second or subsequent suspension or
15 revocation under this section within 7 years as indicated on the
16 person's Michigan driving record, the court shall proceed as pro-
17 vided in section 904d.

18 (18) Any period of suspension or revocation required under
19 subsection (10), (11), or (12) does not apply to a person who has
20 only 1 currently effective suspension or denial on his or her
21 Michigan driving record under section 321a and was convicted of
22 or received a civil infraction determination for a violation that
23 occurred during that suspension or denial. This subsection may
24 only be applied once during the person's lifetime.

25 (19) For purposes of this section, a person who never
26 applied for a license includes a person who applied for a
27 license, was denied, and never applied again.

1 Sec. 907. (1) A violation of this act, or a local ordinance
2 substantially corresponding to a provision of this act, which is
3 designated a civil infraction shall not be considered a lesser
4 included offense of a criminal offense.

5 (2) If a person is determined pursuant to sections 741 to
6 750 to be responsible or responsible "with explanation" for a
7 civil infraction under this act or a local ordinance substan-
8 tially corresponding to a provision of this act, the judge, dis-
9 trict court referee, or district court magistrate may order the
10 person to pay a civil fine of not more than \$100.00 and costs as
11 provided in subsection (4). However, for a violation of
12 section 674(1)(s) or a local ordinance substantially correspond-
13 ing to section 674(1)(s), the person shall be ordered to pay
14 costs as provided in subsection (4) and a civil fine of not less
15 than \$50.00 or more than \$100.00. For a violation of section 328
16 or 710d, the civil fine ordered under this subsection shall not
17 exceed \$10.00. For a violation of section 710e, the civil fine
18 and court costs ordered under this subsection shall be \$25.00.
19 For a violation of section 682 or a local ordinance substantially
20 corresponding to section 682, the person shall be ordered to pay
21 costs as provided in subsection (4) and a civil fine of not less
22 than \$100.00 or more than \$500.00. Permission may be granted for
23 payment of a civil fine and costs to be made within a specified
24 period of time or in specified installments, but unless permis-
25 sion is included in the order or judgment, the civil fine and
26 costs shall be payable immediately.

1 (3) ~~if~~ EXCEPT AS PROVIDED IN THIS SUBSECTION, IF a person
2 is determined to be responsible or responsible "with explanation"
3 for a civil infraction under this act or a local ordinance sub-
4 stantially corresponding to a provision of this act while driving
5 a commercial motor vehicle, he or she shall be ordered to pay
6 costs as provided in subsection (4) and a civil fine of not more
7 than \$250.00. IF A PERSON IS DETERMINED TO BE RESPONSIBLE OR
8 RESPONSIBLE "WITH EXPLANATION" FOR A CIVIL INFRACTION UNDER
9 SECTION 319G OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO
10 SECTION 319G, THAT PERSON SHALL BE ORDERED TO PAY COSTS AS PRO-
11 VIDED IN SUBSECTION (4) AND A CIVIL FINE OF NOT MORE THAN
12 \$10,000.00.

13 (4) If a civil fine is ordered ~~to be paid~~ under
14 subsection (2) or (3), the judge, district court referee, or dis-
15 trict court magistrate shall summarily tax and determine the
16 costs of the action, which ~~shall~~ ARE not ~~be~~ limited to the
17 costs taxable in ordinary civil actions, and may include all
18 expenses, direct and indirect, to which the plaintiff has been
19 put in connection with the civil infraction, up to the entry of
20 judgment. Except in a civil infraction for a parking violation,
21 costs of not less than \$5.00 shall be ordered. Costs shall not
22 be ordered in excess of \$100.00. A civil fine ordered ~~to be~~
23 ~~paid~~ under subsection (2) or (3) shall not be waived unless
24 costs ordered under this subsection are waived. Except as other-
25 wise provided by law, costs ~~shall be~~ ARE payable to the general
26 fund of the plaintiff.

1 (5) In addition to a civil fine and costs ordered under
2 subsection (2) or (3) and subsection (4), the judge, district
3 court referee, or district court magistrate may order the person
4 to attend and complete a program of treatment, education, or
5 rehabilitation.

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

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

20 (8) The state court administrator shall annually publish and
21 distribute to each district and court a recommended range of
22 civil fines and costs for first-time civil infractions. This
23 recommendation ~~shall~~ IS not ~~be~~ binding upon the courts having
24 jurisdiction over civil infractions but is intended to act as a
25 normative guide for judges, district court referees, and district
26 court magistrates and a basis for public evaluation of

1 disparities in the imposition of civil fines and costs throughout
2 the state.

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

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

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

21 (12) The court shall waive any civil fine or cost against a
22 person who received a civil infraction citation for a violation
23 of section 710d if the person, before the appearance date on the
24 citation, supplies the court with evidence of acquisition, pur-
25 chase, or rental of a child seating system meeting the require-
26 ments of section 710d.

1 (13) In addition to any fines and costs ordered to be paid
2 under this section, the judge, district court referee, or
3 district court magistrate shall levy an assessment of \$5.00 for
4 each civil infraction determination, except for a parking viola-
5 tion or a violation for which the total fine and costs imposed
6 are \$10.00 or less. Upon payment of the assessment, the clerk of
7 the court shall transmit the assessment levied to the state trea-
8 sury to be deposited into the Michigan justice training fund. An
9 assessment levied under this subsection ~~shall not be considered~~
10 IS NOT a civil fine for purposes of section 909.

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

17 Enacting section 1. Sections 57c and 319a of the Michigan
18 vehicle code, 1949 PA 300, MCL 257.57c and 257.319a, are
19 repealed.