

Act No. 493
Public Acts of 1996
Approved by the Governor
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**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Rep. Nye

ENROLLED HOUSE BILL No. 4875

AN ACT to amend sections 303, 319, 320a, 320e, 321a, 624a, 625i, and 732 of Act No. 300 of the Public Acts of 1949, entitled as amended "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," sections 303 and 320a as amended by Act No. 387 of the Public Acts of 1996, section 319 as amended by Act No. 449 of the Public Acts of 1994, section 320e as amended by Act No. 240 of the Public Acts of 1996, section 321a as amended by Act No. 55 of the Public Acts of 1995, sections 624a and 625i as amended by Act No. 211 of the Public Acts of 1994, and section 732 as amended by Act No. 450 of the Public Acts of 1994, being sections 257.303, 257.319, 257.320a, 257.320e, 257.321a, 257.624a, 257.625i, and 257.732 of the Michigan Compiled Laws; to add section 624b; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Section 1. Sections 303, 319, 320a, 320e, 321a, 624a, 625i, and 732 of Act No. 300 of the Public Acts of 1949, sections 303 and 320a as amended by Act No. 387 of the Public Acts of 1996, section 319 as amended by Act No. 449 of the Public Acts of 1994, section 320e as amended by Act No. 240 of the Public Acts of 1996, section 321a as amended by Act No. 55 of the Public Acts of 1995, sections 624a and 625i as amended by Act No. 211 of the Public Acts of 1994, and section 732 as amended by Act No. 450 of the Public Acts of 1994, being sections 257.303, 257.319, 257.320a, 257.320e, 257.321a, 257.624a, 257.625i, and 257.732 of the Michigan Compiled Laws, are amended and section 624b is added to read as follows:

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

- (a) A person, as an operator, who is less than 18 years of age, except as otherwise provided in this act.
- (b) A person, as a chauffeur, who is less than 18 years of age, except as otherwise provided in this act.
- (c) A person whose license has been suspended during the period for which the license was suspended.
- (d) A person who has been convicted of or received a probate court disposition for a violation of section 625(4) or (5).

(e) A person who has been convicted of or received a probate court disposition for negligent homicide, manslaughter, or murder resulting from the operation of a motor vehicle.

(f) A person who is an habitual violator of the criminal laws relating to operating a vehicle while impaired by or under the influence of intoxicating liquor or a controlled substance or a combination of intoxicating liquor and a controlled substance, or with an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine. Convictions of any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state, are prima facie evidence that the person is an habitual violator as described in this subdivision:

(i) Any combination of 2 convictions within 7 years for any of the following:

(A) A violation of section 625(1), (4), or (5).

(B) A violation of former section 625(1) or (2).

(ii) Any combination of 3 convictions within 10 years for any of the following if any of the convictions resulted from an arrest on or after January 1, 1992:

(A) A violation of section 625(1), (3), (4), or (5).

(B) A violation of former section 625(1) or (2) or former section 625b.

(g) A person who in the opinion of the secretary of state is afflicted with or suffering from a physical or mental disability or disease preventing that person from exercising reasonable and ordinary control over a motor vehicle while operating the motor vehicle upon the highways.

(h) A person who is unable to understand highway warning or direction signs in the English language.

(i) A person who is an habitually reckless driver. Two convictions within 7 years of reckless driving under this act or any other law of this state relating to reckless driving or under a local ordinance of this state or a law of another state that defines the term "reckless driving" substantially similarly to the law of this state are prima facie evidence that the person is an habitually reckless driver.

(j) A person who is an habitual criminal. Two convictions of a felony in which a motor vehicle was used in this or another state are prima facie evidence that the person is an habitual criminal.

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

(l) A person who has been convicted of, has received a probate court disposition for, or has been determined responsible for 2 or more moving violations under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state, within the preceding 3 years, if the violations occurred before issuance of an original license to the person in this or another state.

(m) A nonresident including a foreign exchange student.

(n) A person not licensed under this act who has been convicted of, has received a probate court disposition for, or has been determined responsible for a crime or civil infraction described in section 319, 324, or 904. A person shall be denied a license under this subdivision for the length of time corresponding to the period of the licensing sanction that would have been imposed under section 319, 324, or 904 if the person had been licensed at the time of the violation.

(o) A person not licensed under this act who has been convicted of or received a probate court disposition for committing a crime described in section 319e. A person shall be denied a license under this subdivision for the length of time that corresponds to the period of the licensing sanction that would have been imposed under section 319e if the person had been licensed at the time of the violation.

(p) A person not licensed under this act who is determined to have violated section 33b(1) of the Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being section 436.33b of the Michigan Compiled Laws, or section 624a or 624b. The person shall be denied a license under this subdivision for a period of time that corresponds to the period of the licensing sanction that would have been imposed under those sections had the person been licensed at the time of the violation.

(2) Upon receipt of the appropriate records of conviction, the secretary of state shall revoke the operator's or chauffeur's license of a person having any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

(a) Two convictions of reckless driving in violation of section 626 within 7 years.

(b) Two convictions of a felony in which a motor vehicle was used within 7 years.

(c) Any combination of 2 convictions within 7 years for any of the following:

(i) A violation of section 625(1).

(ii) A violation of former section 625(1) or (2).

- (iii) A violation of section 625(4) or (5).
- (iv) Negligent homicide, manslaughter, or murder resulting from the operation of a motor vehicle.
- (d) One conviction under section 625(4) or (5).
- (e) One conviction of negligent homicide, manslaughter, or murder resulting from the operation of a motor vehicle.
- (f) Any combination of 3 convictions within 10 years for any of the following if any of the convictions resulted from an arrest on or after January 1, 1992:

- (i) A violation of section 625(1), (3), (4), or (5).

- (ii) A violation of former section 625(1) or (2) or former section 625b.

- (iii) Negligent homicide, manslaughter, or murder resulting from the operation of a motor vehicle.

(3) The secretary of state shall revoke a license under subsection (2) notwithstanding a court order issued under section 625, section 625b, former section 625(1) or (2), or former section 625b or a local ordinance substantially corresponding to section 625, section 625b, former section 625(1) or (2), or former section 625b.

(4) The secretary of state shall not issue a license under this act to a person whose license has been revoked under this act or denied under subsection (1)(d), (e), (f), (i), or (j) until both of the following occur:

- (a) The later of the following:

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

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

- (b) The person meets the requirements of the department.

(5) Multiple convictions or civil infraction determinations resulting from the same incident shall be treated as a single violation for purposes of denial or revocation of a license under this section.

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

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

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

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

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

Sec. 319. (1) The secretary of state shall immediately suspend a person's license for not less than 90 days or more than 2 years upon receiving a record of the person's conviction for any of the following crimes or attempts to commit any of the following crimes, whether the conviction is under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

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

- (b) Perjury or making a false certification to the secretary of state under any law requiring the registration of a motor vehicle or regulating the operation of a motor vehicle on a highway.

- (c) A violation of section 413 or 414 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.413 and 750.414 of the Michigan Compiled Laws, or a violation of section 1 of Act No. 214 of the Public Acts of 1931, being section 752.191 of the Michigan Compiled Laws.

- (d) A conviction for reckless driving in violation of section 626.

- (e) Failing to stop and disclose identity at the scene of an accident resulting in death or injury in violation of section 617 or 617a.

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

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

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

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

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

(2) The secretary of state shall suspend the license of a person convicted of malicious destruction resulting from the operation of a motor vehicle under section 382 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being section 750.382 of the Michigan Compiled Laws, for not more than 1 year as ordered by the court as part of the sentence.

(3) The secretary of state shall immediately suspend a person's license for the period specified in the abstract of conviction upon receiving the person's license and abstract of conviction forwarded to the secretary of state pursuant to section 367c of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being section 750.367c of the Michigan Compiled Laws.

(4) Except as otherwise provided in subsection (9), if a court has not ordered a suspension of a person's license under this act for a violation described in subdivision (a), (b), (c), or (d) for a period equal to or greater than the period of a suspension prescribed under subdivision (a), (b), (c), or (d) for the violation, the secretary of state shall suspend the license as follows, notwithstanding a court order issued under section 625(1), (3), or (6), section 625b, former section 625(1) or (2), or former section 625b or a local ordinance substantially corresponding to section 625(1), (3), or (6), section 625b, former section 625(1) or (2), or former section 625b:

(a) For not less than 90 days or more than 1 year upon receiving a record of the person's conviction for a violation of section 625(3), a local ordinance substantially corresponding to section 625(3), or a law of another state substantially corresponding to section 625(3) if the person has no prior convictions within 7 years for a violation of section 625(1), (3), (4), or (5), former section 625(1) or (2), or former section 625b, a local ordinance substantially corresponding to section 625(1) or (3), former section 625(1) or (2), or former section 625b, or a law of another state substantially corresponding to section 625(1), (3), (4), or (5), former section 625(1) or (2), or former section 625b. However, if the person is convicted of a violation of section 625(3), a local ordinance substantially corresponding to section 625(3), or a law of another state substantially corresponding to section 625(3) for operating a vehicle when, due to the consumption of a controlled substance or a combination of intoxicating liquor and a controlled substance, the person's ability to operate the vehicle was visibly impaired, the secretary of state shall suspend the person's license under this subdivision for not less than 6 months or more than 1 year.

(b) For not less than 6 months or more than 2 years upon receiving a record of the person's conviction if the person has the following convictions, whether under the law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

(i) One conviction under section 625(1) or former section 625(1) or (2).

(ii) Any combination of 2 convictions under section 625(3) or former section 625b within a 7-year period.

(iii) One conviction under section 625(1) or former section 625(1) or (2) and 1 conviction under section 625(3) or former section 625b within a 7-year period.

(iv) One conviction under section 625(4) or (5) followed by 1 conviction under section 625(3) within a 7-year period.

(c) For not less than 30 days or more than 90 days upon receiving a record of the person's conviction for a violation of section 625(6), a local ordinance substantially corresponding to section 625(6), or a law of another state substantially corresponding to section 625(6) if the person has no prior convictions within 7 years for a violation of section 625(1), (3), (4), (5), or (6), former section 625(1) or (2), or former section 625b, a local ordinance substantially corresponding to section 625(1), (3), or (6), former section 625(1) or (2), or former section 625b, or a law of another state substantially corresponding to section 625(1), (3), (4), (5), or (6), former section 625(1) or (2), or former section 625b.

(d) For not less than 90 days or more than 1 year upon receiving a record of the person's conviction for a violation of section 625(6), a local ordinance substantially corresponding to section 625(6), or a law of another state substantially corresponding to section 625(6) if the person has 1 or more prior convictions within 7 years for a violation of section 625(1), (3), (4), (5), or (6), former section 625(1) or (2), or former section 625b, a local ordinance substantially corresponding to section 625(1), (3), or (6), former section 625(1) or (2), or former section 625b, or a law of another state substantially corresponding to section 625(1), (3), (4), (5), or (6), former section 625(1) or (2), or former section 625b.

(5) Upon receiving a certificate of conviction pursuant to section 33b(2) of the Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being section 436.33b of the Michigan Compiled Laws, or a local ordinance or law of another state substantially corresponding to section 33b(2) of Act No. 8 of the Public Acts of the Extra Session of 1933, the secretary of state shall suspend pursuant to court order the person's operator's or chauffeur's license for 90 days. A suspension under this subsection shall be in addition to any other suspension of the person's license.

(6) Upon receiving the record of a person's conviction for a violation of section 602a of this act or section 479a(1), (4), or (5) of Act No. 328 of the Public Acts of 1931, being section 750.479a of the Michigan Compiled Laws, the secretary of state immediately shall suspend the person's license for the period ordered by the court as part of the sentence or disposition.

(7) Upon receiving the record of a person's conviction for a violation of section 33b(1) of Act No. 8 of the Public Acts of the Extra Session of 1933, being section 436.33b of the Michigan Compiled Laws, section 624a, section 624b, or a local ordinance substantially corresponding to those sections and, notwithstanding any court order to the contrary, the secretary of state shall suspend the person's operator's or chauffeur's license for the period of time described in section 33b(4) of Act No. 8 of the Public Acts of the Extra Session of 1933 or section 624a or 624b and, if applicable, issue a restricted license as ordered by the court in the manner provided for in section 33b of Act No. 8 of the Public Acts of

1933 or section 624a or 624b. If the person does not possess an operator's or chauffeur's license, the secretary of state shall deny the person's application for an operator's or chauffeur's license for the applicable suspension period.

(8) Except as provided in subsection (10), a suspension pursuant to this section shall be imposed notwithstanding a court order issued under section 625(1), (3), (4), (5), or (6) or section 625b or a local ordinance substantially corresponding to section 625(1), (3), or (6) or section 625b.

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

(10) The secretary of state may waive a suspension of a person's license imposed under subsection (4)(a), (b), (c), or (d) if the person submits proof that a court in another state revoked, suspended, or restricted his or her license for a period equal to or greater than the period of a suspension prescribed under subsection (4)(a), (b), (c), or (d) for the violation and that the revocation, suspension, or restriction was served for the violation, or may grant a restricted license.

Sec. 320a. (1) The secretary of state, within 10 days after the receipt of a properly prepared abstract from this or another state, shall record the date of conviction, civil infraction determination, or probate court disposition, and the number of points for each, based on the following formula, except as otherwise provided in this section and section 629c:

- (a) Manslaughter, negligent homicide, or a felony resulting from the operation of a motor vehicle..... 6 points
 - (b) A violation of section 625(1) or a law or ordinance substantially corresponding to section 625(1)..... 6 points
 - (c) A violation or attempted violation of section 625(4) or (5) 6 points
 - (d) Failing to stop and disclose identity at the scene of an accident when required by law 6 points
 - (e) Operating a motor vehicle in a reckless manner 6 points
 - (f) Violation of any law or ordinance pertaining to speed by exceeding the lawful maximum by more than 15 miles per hour..... 4 points
 - (g) Violation of section 625(3) or (6) or a law or ordinance substantially corresponding to section 625(3) or (6)..... 4 points
 - (h) Fleeing or eluding an officer 6 points
 - (i) Violation of section 626a or a law or ordinance substantially corresponding to section 626a..... 4 points
 - (j) Violation of any law or ordinance pertaining to speed by exceeding the lawful maximum by more than 10 but not more than 15 miles per hour or careless driving in violation of section 626b or a law or ordinance substantially corresponding to section 626b 3 points
 - (k) Violation of any law or ordinance pertaining to speed by exceeding the lawful maximum by 10 miles per hour or less 2 points
 - (l) Disobeying a traffic signal or stop sign, or improper passing 3 points
 - (m) Violation of section 624a, 624b, or a law or ordinance substantially corresponding to section 624a or 624b 2 points
 - (n) Until April 1, 2002, violation of section 310e(4) or (6) or a law or ordinance substantially corresponding to section 310e(4) or (6)..... 2 points
 - (o) All other moving violations pertaining to the operation of motor vehicles reported under this section 2 points
 - (p) A refusal by a person less than 21 years of age to submit to a preliminary breath test required by a peace officer under section 625a 2 points
- (2) Points shall not be entered for a violation of section 310e(15), 311, 625m, 658, 717, 719, 719a, or 723.
- (3) Points shall not be entered for bond forfeitures.
- (4) Points shall not be entered for overweight loads or for defective equipment.

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

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

(7) If a person violates a speed restriction established by an executive order issued during a state of energy emergency as provided by Act No. 191 of the Public Acts of 1982, being sections 10.81 to 10.89 of the Michigan Compiled Laws, the secretary of state shall enter points for the violation pursuant to subsection (1).

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

(9) If a Michigan driver commits a violation in another state that would be a civil infraction if committed in Michigan, and a conviction results solely because of the failure of the Michigan driver to appear in that state to contest the violation, upon receipt of the abstract of conviction by the secretary of state, the violation shall be noted on the driver's record, but no points shall be assessed against his or her driver's license.

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

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

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

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

(5) Except as otherwise provided in this subsection, the secretary of state shall assess points and take licensing action, including suspending, revoking, or denying a license under this act, according to the law in effect at the time of the conspiracy to commit the offense or at the time the offense was committed or attempted or the civil infraction occurred. If 1 or more of the convictions involved in a licensing sanction to be effected under section 303(1)(f)(ii) or 303(2)(f) is a violation or attempted violation of section 625(1) or (3) or a local ordinance substantially corresponding to section 625(1) or (3) committed or attempted after January 1, 1992, the secretary of state shall apply the law in effect after January 1, 1992.

(6) Except as otherwise provided in this subsection, judicial review of an administrative licensing sanction under section 303 shall be governed by the law in effect at the time the offense was committed or attempted. If 1 or more of the convictions involved in an administrative licensing sanction to be effected under section 303(1)(f)(ii) or 303(2)(f) is a violation or attempted violation of section 625(1) or (3) or a local ordinance substantially corresponding to section 625(1) or (3) committed or attempted after January 1, 1992, judicial review of that sanction shall be governed by the law in effect after January 1, 1992.

Sec. 321a. (1) A person who fails to answer a citation, or a notice to appear in court for a violation of this act or a local ordinance substantially corresponding to a provision of this act, or for any matter pending, or who fails to comply with an order or judgment issued pursuant to section 907 is guilty of a misdemeanor. A violation of this subsection or failure to answer a citation or notice to appeal section 33b(1) of the Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being section 436.33b of the Michigan Compiled Laws, or a local ordinance substantially corresponding to that section shall not be considered a violation for any purpose under section 320a.

(2) Except as provided in subsection (3) and (4), 28 days or more after the date of noncompliance with an order or judgment, the court shall give notice by mail at the last known address of the person that if the person fails to appear or fails to comply with the order or judgment issued pursuant to section 907, including, but not limited to, paying all fines and costs, within 14 days after the notice is issued, the secretary of state shall suspend the person's operator's or chauffeur's license. If the person fails to appear or fails to comply with the order or judgment issued pursuant to section 907, including, but not limited to, paying all fines and costs, within the 14-day period, the court shall, within 14 days, inform the secretary of state, who shall immediately suspend the license of the person and notify the person of the suspension by regular mail at the person's last known address.

(3) If the person is charged with, or convicted of, a violation of section 625(1), (2), (3), (4), (5), or (6) or a local ordinance substantially corresponding to section 625(1), (2), (3), or (6) and the person fails to answer a citation or a notice to appear in court, or for any matter pending, or fails to comply with an order or judgment of the court, including, but not limited to, paying all fines, costs, and crime victim rights assessments, the court shall immediately give notice by first-class mail sent to the person's last known address that if the person fails to appear within 7 days after the notice is issued, or fails to comply with the order or judgment of the court, including, but not limited to, paying all fines, costs, and crime victim rights assessments, within 14 days after the notice is issued, the secretary of state shall suspend the person's operator's or chauffeur's license. If the person fails to appear within the 7-day period, or fails to comply with the order or judgment of the court, including, but not limited to, paying all fines, costs, and crime victim rights assessments, within the 14-day period, the court shall immediately inform the secretary of state who shall immediately suspend the person's operator's or chauffeur's license and notify the person of the suspension by first-class mail sent to the person's last known address.

(4) If the person is charged with, or convicted of, a violation of section 33b(1) of Act No. 8 of the Public Acts of the Extra Session of 1933, being section 436.33b of the Michigan Compiled Laws, section 624a, section 624b, or a local ordinance substantially corresponding to those sections and the person fails to answer a citation or a notice to appear in court issued pursuant to section 33b of Act No. 8 of the Public Acts of the Extra Session of 1933, section 624a, section 624b, or a local ordinance substantially corresponding to those sections or fails to comply with an order or judgment of the court issued pursuant to section 33b of Act No. 8 of the Public Acts of the Extra Session of 1933, section 624a, section 624b, or a local ordinance substantially corresponding to those sections including, but not limited to, paying all fines and costs, the court shall immediately give notice by first-class mail sent to the person's last known address that if the person fails to appear within 7 days after the notice is issued, or fails to comply with the order or judgment of the court, including, but not limited to, paying all fines and costs, within 14 days after the notice is issued, the secretary of state shall suspend the person's operator's or chauffeur's license. If the person fails to appear within the 7-day period, or fails to comply with the order or judgment of the court, including, but not limited to, paying all fines and costs, within the 14-day period, the court shall immediately inform the secretary of state who shall immediately suspend the person's operator's or chauffeur's license and notify the person of the suspension by first-class mail sent to the person's last known address.

(5) A suspension imposed under subsection (2), (3), or (4) shall remain in effect until both of the following occur:

(a) The court informs the secretary of state that the person has appeared before the court and that all matters relating to the violation or to the noncompliance with section 907 are resolved.

(b) The person has paid to the court a \$25.00 driver license reinstatement fee. The increase in the reinstatement fee from \$10.00 to \$25.00 shall be imposed for a license that is suspended on or after April 5, 1988 regardless of when the license was suspended.

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

(a) The parking or standing of a vehicle.

(b) A pedestrian, passenger, or bicycle violation.

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

(a) Failed to answer 2 or more parking violation notices or citations for violating a provision of this act or an ordinance substantially corresponding to a provision of this act pertaining to handicapper parking issued or served after September 19, 1989.

(b) Failed to answer 6 or more parking violation notices or citations, issued or served after March 31, 1981, regarding illegal parking.

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

(a) The court informs the secretary of state that the person has resolved all outstanding matters regarding the notices or citations.

(b) The person has paid to the court a \$25.00 driver license reinstatement fee. The increase in the reinstatement fee from \$10.00 to \$25.00 shall be imposed for a license that is reinstated on or after April 5, 1988 regardless of when issuance or renewal of the license was denied. If the court determines that the person is not responsible for any of the parking violations for which the person's license was suspended under this subsection, the court shall waive payment of the fee.

(9) Not less than 28 days after a person fails to appear in response to a citation issued for, or fails to comply with an order or judgment involving, a state civil infraction described in chapter 88 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being sections 600.8801 to 600.8831 of the Michigan Compiled Laws, the court shall

give notice by ordinary mail, addressed to the person's last known address, that if the person fails to appear or fails to comply with the order or judgment described in this subsection within 14 days after the notice is issued, the court will give to the secretary of state notice of that failure. Upon receiving notice of that failure, the secretary of state shall not issue or renew an operator's or chauffeur's license for the person until both of the following occur:

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

(b) The person has paid to the court a \$25.00 driver license reinstatement fee. If the court determines that the person is not responsible for any violation for which the person's license was not issued or renewed under this subsection, the court shall waive the driver license reinstatement fee.

(10) For the purposes of subsections (5)(a), (8)(a), and (9)(a), the court shall give to the person a copy of the information being transmitted to the secretary of state. Upon showing that copy, the person shall not be arrested or issued a citation for driving on a suspended license, on an expired license, or without a license on the basis of any matter resolved under subsection (5)(a), (8)(a), or (9)(a), even if the information being sent to the secretary of state has not yet been received or recorded by the department.

(11) Sixty percent of the driver license reinstatement fees received under subsections (5)(b), (8)(b), or (9)(b) shall be transmitted by the court to the secretary of state on a monthly basis. The funds received by the secretary of state pursuant to this subsection shall be deposited in the state general fund and shall be used to defray the expenses of the secretary of state in processing the suspension and reinstatement of driver licenses under this section.

(12) Section 819 does not apply to a reinstatement fee collected for an operator's or chauffeur's license that is not issued or renewed pursuant to section 8827 of Act No. 236 of the Public Acts of 1961, being section 600.8827 of the Michigan Compiled Laws.

Sec. 624a. (1) Except as provided in subsection (2), a person shall not transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken within the passenger compartment of a vehicle upon a highway, or within the passenger compartment of a moving vehicle in any place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, in this state.

(2) A person may transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken within the passenger compartment of a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles in this state, if the vehicle does not have a trunk or compartment separate from the passenger compartment, the container is enclosed or encased, and the container is not readily accessible to the occupants of the vehicle.

(3) A person who violates this section is guilty of a misdemeanor. As part of the sentence, the person may be ordered to perform community service and undergo substance abuse screening and assessment at his or her own expense as described in section 33b(1) of the Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being section 436.33 of the Michigan Compiled Laws. A court shall not accept a plea of guilty or nolo contendere for a violation of this section from a person charged solely with a violation of section 625(6).

(4) Immediately upon the entry of a conviction for a violation of subsection (1), the court shall consider all prior convictions for a violation of subsection (1) or section 624b(1), or a local ordinance or law of another state substantially corresponding to this section or section 624b(1), and the court shall do the following:

(a) If the court finds that the person has 1 such prior conviction, the court shall order the secretary of state to suspend the operator's or chauffeur's license of the person for not less than 90 days and not more than 180 days. The court may order the secretary of state to issue to the person a restricted license after the first 30 days of the period of the suspension in the manner provided for in section 319(7). In the case of a person who does not possess an operator's or chauffeur's license, the secretary of state shall deny the application for an operator's or chauffeur's license for the applicable suspension period.

(b) If the court finds that the person has 2 or more such prior convictions, the court shall order the secretary of state to suspend the operator's or chauffeur's license of the person for not less than 180 days and not more than 1 year. The court may order the secretary of state to issue to the person a restricted license after the first 60 days of the period of the suspension in the manner provided for in section 319(7). In the case of a person who does not possess an operator or chauffeur license, the secretary of state shall deny the application for an operator's or chauffeur's license for the applicable suspension period.

(5) If a restricted license is allowed under this section, the court shall not order the secretary of state to issue a restricted license unless the person states under oath, and the court finds based upon the record in open court, that the person is unable to take public transportation to and from his or her work location, place of alcohol or drug education treatment, court probation department, court-ordered community service program, or educational institution, or a place of regularly occurring medical treatment for a serious condition, or in the course of the person's employment or occupation and does not have any family members or others able to provide transportation. The court order under subsection (4) and the restricted license shall indicate the work location of the person to whom it is issued, the approved

route or routes and permitted times of travel, and shall permit the person to whom it is issued only to drive under 1 or more of the following circumstances:

(a) To and from the person's residence and work location.

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

(c) To and from the person's residence and an alcohol or drug education or treatment program as ordered by the court.

(d) To and from the person's residence and the court probation department, or a court-ordered community service program, or both.

(e) To and from the person's residence and an educational institution at which the person is enrolled as a student.

(f) To and from the person's residence or work location and a place of regularly occurring medical treatment for a serious condition for the person or a member of the person's household or immediate family.

(6) The court shall immediately forward the surrendered license and an abstract of conviction to the secretary of state. A suspension ordered under this subsection shall be in addition to any other suspension of the person's operator's or chauffeur's license. If the judgment is appealed to circuit court, the court may, ex parte, order the secretary of state to stay the suspension issued pursuant to this section pending the outcome of the appeal.

(7) This section does not apply to a passenger in a chartered vehicle authorized to operate by the Michigan department of transportation.

Sec. 624b. (1) A person less than 21 years of age shall not knowingly transport or possess, in a motor vehicle, alcoholic liquor unless the person is employed by a licensee under the Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being sections 436.1 to 436.58 of the Michigan Compiled Laws, a common carrier designated by the liquor control commission pursuant to Act No. 8 of the Public Acts of the Extra Session of 1933, the liquor control commission, or an agent of the liquor control commission and is transporting or having the alcoholic liquor in a motor vehicle under the person's control during regular working hours and in the course of the person's employment. This section does not prevent a person less than 21 years of age from knowingly transporting alcoholic liquor in a motor vehicle if a person at least 21 years of age is present inside the motor vehicle. A person who violates this subsection is guilty of a misdemeanor. As part of the sentence, the person may be ordered to perform community service and undergo substance abuse screening and assessment at his or her own expense as described in section 33b(1) of Act No. 8 of the Extra Session of 1933.

(2) Within 30 days after the conviction for a violation of subsection (1), which conviction has become final, complaint may be made by the arresting law enforcement officer or the officer's superior before the court from which the warrant was issued, which complaint shall be under oath and shall contain a description of the motor vehicle in which alcoholic liquor was possessed or transported by the person less than 21 years of age in committing the violation and requesting that the motor vehicle be impounded as provided in this section. Upon the filing of the complaint, the court shall issue to the owner of the motor vehicle an order to show cause why the motor vehicle should not be impounded. The order to show cause shall have a date and time fixed in the order for a hearing, which date shall not be less than 10 days after the issuance of the order and shall be served by delivering a true copy to the owner not less than 3 full days before the date of hearing or, if the owner cannot be located, by sending a true copy by certified mail to the last known address of the owner. If the owner is a nonresident of the state, service may be made upon the secretary of state as provided in section 403.

(3) If the court determines upon the hearing of the order to show cause, from competent and relevant evidence, that at the time of the commission of the violation the motor vehicle was being driven by the person less than 21 years of age with the express or implied consent or knowledge of the owner in violation of subsection (1), and that the use of the motor vehicle is not needed by the owner in the direct pursuit of the owner's employment or the actual operation of the owner's business, the court may authorize the impounding of the vehicle for a period, to be determined by the court, of not less than 15 days or more than 30 days. The court's order authorizing the impounding of the vehicle shall authorize a law enforcement officer to take possession without other process of the motor vehicle wherever located and to store the vehicle in a public or private garage at the expense and risk of the owner of the vehicle. The owner of the vehicle may appeal the order to the circuit court and the provisions governing the taking of appeals from judgments for damages shall apply to the appeal. This section does not prevent a bona fide lienholder from exercising rights under a lien.

(4) A person who knowingly transfers title to a motor vehicle for the purpose of avoiding this section is guilty of a misdemeanor.

(5) Immediately upon the entry of a conviction or a probate court order of disposition for a violation of subsection (1) or section 624a, the court shall consider all prior convictions for a violation of subsection (1) or section 624a, or a local ordinance or law of another state substantially corresponding to this section or section 624a, and the court shall do 1 of the following:

(a) If the court finds that the person has 1 such prior conviction, the court shall order the secretary of state to suspend the operator's or chauffeur's license of the person for a period of not less than 90 days and not more than 180 days. The court may order the secretary of state to issue to the person a restricted license after the first 30 days of the period of the suspension in the manner provided for in section 319(7). In the case of a person who does not possess an operator's or chauffeur's license, the secretary of state shall deny the application for an operator's or chauffeur's license for the applicable suspension period.

(b) If the court finds that the person has 2 or more such prior convictions, the court shall order the secretary of state to suspend the operator's or chauffeur's license of the person for a period of not less than 180 days and not more than 1 year. The court may order the secretary of state to issue to the person a restricted license after the first 60 days of the period of the suspension in the manner provided for in section 319(7). In the case of a person who does not possess an operator's or chauffeur's license, the secretary of state shall deny the application for an operator's or chauffeur's license for the applicable suspension period.

(6) If a restricted license is allowed under this section, the court shall not order the secretary of state to issue a restricted license unless the person states under oath, and the court finds based upon the record in open court, that the person is unable to take public transportation to and from his or her work location, place of alcohol or drug education treatment, court probation department, court-ordered community service program, or educational institution, or a place of regularly occurring medical treatment for a serious condition, or in the course of the person's occupation or employment and does not have any family members or others able to provide transportation. The court order under subsection (5) and the restricted license shall indicate the work location of the person to whom it is issued, the approved route or routes and permitted times of travel, and shall permit the person to whom it is issued only to drive under 1 or more of the following circumstances:

(a) To and from the person's residence and work location.

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

(c) To and from the person's residence and an alcohol or drug education or treatment program as ordered by the court.

(d) To and from the person's residence and the court probation department, or a court-ordered community service program, or both.

(e) To and from the person's residence and an educational institution at which the person is enrolled as a student.

(f) To and from the person's residence or work location and a place of regularly occurring medical treatment for a serious condition for the person or a member of the person's household or immediate family.

(7) The court shall immediately forward the surrendered license and an abstract of conviction to the secretary of state. A suspension ordered under this subsection shall be in addition to any other suspension of the person's operator's or chauffeur's license. If the judgment is appealed to circuit court, the court may, ex parte, order the secretary of state to stay the suspension issued pursuant to this section pending the outcome of the appeal.

(8) A law enforcement agency, upon determining that a person less than 18 years of age allegedly violated this section, shall notify the parent or parents, custodian, or guardian of the person as to the nature of the violation if the name of a parent, guardian, or custodian is reasonably ascertainable by the law enforcement agency. The notice required by this subsection shall be made not later than 48 hours after the law enforcement agency determines that the person who allegedly violated this section is less than 18 years of age and may be made in person, by telephone, or by first-class mail.

(9) As used in this section, "alcoholic liquor" means that term as defined in section 2(a) of Act No. 8 of the Public Acts of the Extra Session of 1933, being section 436.2 of the Michigan Compiled Laws.

Sec. 625i. (1) The department of state police shall prepare an annual report which shall be designated the Michigan annual drunk driving audit. The secretary of state, circuit court, district court, probate court, municipal courts, and local units of government in this state shall cooperate with the department of state police to provide information necessary for the preparation of the report. A copy of the report prepared under this subsection shall be submitted to the governor, the secretary of the senate, the clerk of the house of representatives, and the secretary of state on June 1 of each year. The report shall contain for each county in the state all of the following information applicable to the immediately preceding calendar year:

(a) The number of alcohol related motor vehicle accidents resulting in bodily injury, including a breakdown of the number of those injuries occurring per capita of population and per road mile in the county.

(b) The number of alcohol related motor vehicle accidents resulting in death, including the breakdown described in subdivision (a).

(c) The number of alcohol related motor vehicle accidents, other than those enumerated in subdivisions (a) and (b), including the breakdown described in subdivision (a).

(d) The number of arrests made for violations of section 625(1)(a) or (b) or local ordinances substantially corresponding to section 625(1)(a) or (b).

(e) The number of arrests made for violations of section 625(3) or local ordinances substantially corresponding to section 625(3).

(f) The number of arrests made for violations of section 625(6) or local ordinances substantially corresponding to section 625(6).

(g) The number of arrests made for violations of section 625(4) or (5).

(h) The number of operator's or chauffeur's licenses suspended pursuant to section 625f.

(i) The number of arrests made for violations of section 625m or local ordinances substantially corresponding to section 625m. This subdivision shall apply after December 31, 1992.

(2) The secretary of state shall compile a report of dispositions of charges for violations of section 625(1), (3), (4), (5), or (6) or section 625m or section 33b(1) or (2) of the Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being section 436.33b of the Michigan Compiled Laws, or local ordinances substantially corresponding to section 625(1), (3), or (6) or section 625m or section 33b(1) or (2) of Act No. 8 of the Public Acts of the Extra Session of 1933, by each judge for inclusion in the annual report. The report compiled by the secretary of state shall include information regarding all of the following:

(a) The number of dismissals granted.

(b) The number of convictions entered.

(c) The number of acquittals entered.

(d) The number of licenses suspended, revoked, or restricted.

(e) The average length of imprisonment imposed.

(f) The average length of community service imposed in lieu of imprisonment.

(g) The average fine imposed.

(3) The secretary of state shall enter into a contract with the university of Michigan transportation research institute, in which the university of Michigan transportation research institute shall evaluate the effect and impact of the 1991 legislation addressing drunk and impaired driving in this state and report its findings to the governor and the legislature not later than October 1, 1994.

Sec. 732. (1) Each municipal judge and each clerk of a court of record shall keep a full record of every case in which a person is charged with or cited for a violation of this act or a local ordinance substantially corresponding to this act regulating the operation of vehicles on highways. Except as provided in subsection (15), the municipal judge or clerk of the court of record shall prepare and forward to the secretary of state an abstract of the court record as follows:

(a) Within 14 days after a conviction, forfeiture of bail, or entry of a civil infraction determination or default judgment, upon a charge of or citation for violating this act or a local ordinance corresponding to this act regulating the operation of vehicles on highways.

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

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

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

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

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

(c) The date and nature of the violation.

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

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

(f) Whether bail was forfeited.

(g) Any license revocation, restriction, suspension, or denial ordered by the court pursuant to this act.

(h) Other information considered necessary to the secretary of state.

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

(a) A violation of section 413, 414, or 479a of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.413, 750.414, and 750.479a of the Michigan Compiled Laws.

(b) A violation of section 1 of Act No. 214 of the Public Acts of 1931, being section 752.191 of the Michigan Compiled Laws.

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

(d) A violation of section 33b of the Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being section 436.33b of the Michigan Compiled Laws, or a local ordinance substantially corresponding to that section.

(e) An attempt to violate, a conspiracy to violate, or a violation of part 74 or section 17766a of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.7401 to 333.7461 and 333.17766a of the Michigan Compiled Laws, or a local ordinance that prohibits conduct prohibited under part 74 or section 17766a of Act No. 368 of the Public Acts of 1978, unless the convicted person is sentenced to life imprisonment or a minimum term of imprisonment that exceeds 1 year for the offense.

(f) An attempt to commit any of the offenses described in subdivisions (a) to (d).

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

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

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

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

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

(6) If a person is charged with a felony in which a motor vehicle was used, other than a felony specified in subsection (4) or section 319(1)(a) to (e), the prosecuting attorney shall include the following statement on the complaint and information filed in district or circuit court:

"You are charged with the commission of a felony in which a motor vehicle was used. If you are convicted and the judge finds that the conviction is for a felony in which a motor vehicle was used, as defined in section 319 of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being section 257.319 of the Michigan Compiled Laws, your driver's license shall be suspended by the secretary of state."

(7) If a juvenile is accused of an act, the nature of which constitutes a felony in which a motor vehicle was used, other than a felony specified in subsection (4) or section 319(1)(a) to (e), the prosecuting attorney or juvenile division of the probate court shall include the following statement on the petition filed in the probate court:

"You are accused of an act the nature of which constitutes a felony in which a motor vehicle was used. If the accusation is found to be true and the judge or referee finds that the nature of the act constitutes a felony in which a motor vehicle was used, as defined in section 319 of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being section 257.319 of the Michigan Compiled Laws, your driver's license shall be suspended by the secretary of state."

(8) If the judge or juvenile court referee determines as part of the sentence or disposition that the felony for which the defendant was convicted or adjudicated and with respect to which notice was given pursuant to subsection (6) or (7) is a felony in which a motor vehicle was used, the clerk of the court shall forward an abstract of the court record of that conviction to the secretary of state.

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

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

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

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

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

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

"You are charged with the commission of a felony in which a commercial motor vehicle was used. If you are convicted and the judge finds that the conviction is for a felony in which a commercial motor vehicle was used, as defined

in section 319b of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being section 257.319b of the Michigan Compiled Laws, all vehicle group designations on your driver's license shall be suspended or revoked by the secretary of state."

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

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

- (a) The name and title of the person required to forward abstracts.
- (b) The court for which the certification is filed.
- (c) The time period covered by the certification.
- (d) The following statement:

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

- (e) Other information the secretary of state considers necessary.
- (f) The signature of the person required to forward abstracts.

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

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

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

- (a) The parking or standing of a vehicle.
- (b) A nonmoving violation that is not the basis for the secretary of state's suspension, revocation, or denial of an operator's or chauffeur's license.
- (c) A violation of chapter II that is not the basis for the secretary of state's suspension, revocation, or denial of an operator's or chauffeur's license.
- (d) Except for a violation of section 33b(1) or (2) of Act No. 8 of the Public Acts of the Extra Session of 1933, or a local ordinance substantially corresponding to section 33b(1) or (2) of Act No. 8 of the Public Acts of the Extra Session of 1933, or section 624a or 624b or a local ordinance substantially corresponding to section 624a or 624b, a pedestrian, passenger, or bicycle violation.
- (e) A violation of section 710e or a local ordinance substantially corresponding to section 710e.

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

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

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

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

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

Section 2. Section 33a of Act No. 8 of the Public Acts of the Extra Session of 1933, being section 436.33a of the Michigan Compiled Laws, is repealed.

Section 3. This amendatory act shall take effect April 1, 1997.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.