



HOUSE BILL No. 4875

May 18, 1995, Introduced by Rep. Nye and referred to the Committee on Judiciary and Civil Rights.

A bill to amend sections 303, 319, 320e, 321a, 624a, 625i, and 732 of Act No. 300 of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

sections 303, 319, and 320e as amended by Act No. 449 of the Public Acts of 1994, sections 321a, 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, 257.320e, 257.321a, 257.624a, 257.625i, and 257.732 of the Michigan Compiled Laws; and to add section 624b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 303, 319, 320e, 321a, 624a, 625i, and
2 732 of Act No. 300 of the Public Acts of 1949, sections 303, 319,
3 and 320e as amended by Act No. 449 of the Public Acts of 1994,
4 sections 321a, 624a, and 625i as amended by Act No. 211 of the

1 Public Acts of 1994, and section 732 as amended by Act No. 450 of
2 the Public Acts of 1994, being sections 257.303, 257.319,
3 257.320e, 257.321a, 257.624a, 257.625i, and 257.732 of the
4 Michigan Compiled Laws, are amended and section 624b is added to
5 read as follows:

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

8 (a) A person, as an operator, who is less than 18 years of
9 age, except the secretary of state may issue a license to a
10 person who is not less than 16 years of age and who has satisfac-
11 torily passed a driver education course and examination given by
12 a public school or nonpublic school of this or another state
13 offering a course approved by the department of education, or an
14 equivalent course and examination as prescribed in section 811.
15 The secretary of state may issue a restricted license to a person
16 not less than 14 years of age as provided in this act. This sub-
17 division does not apply to a person who has held a valid driver's
18 license issued by another state, territory, or possession of the
19 United States or another sovereignty for at least 1 year immedi-
20 ately before application for a driver's license under this act.

21 (b) A person, as a chauffeur, who is less than 18 years of
22 age, except the secretary of state may issue a license to a
23 person who is not less than 16 years of age and who has satisfac-
24 torily passed a driver education course and examination given by
25 a public school or nonpublic school of this or another state
26 offering a course approved by the department of education, or an
27 equivalent course and examination as prescribed in section 811.

1 (c) A person whose license has been suspended during the
2 period for which the license was suspended.

3 (d) A person who has been convicted of or received a probate
4 court disposition for section 625(4) or (5).

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

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

20 (i) Any combination of 2 convictions within 7 years for 1 or
21 more of the following:

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

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

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

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

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

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

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

11 (i) A person who is an habitually reckless driver. Two con-
12 victions within 7 years of reckless driving under this act or any
13 other law of this state relating to reckless driving or under a
14 local ordinance of this state or a law of another state that
15 defines the term "reckless driving" substantially similarly to
16 the law of this state are prima facie evidence that the person is
17 an habitually reckless driver.

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

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

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

9 (m) A nonresident.

10 (n) A person not licensed under this act who has been con-
11 victed of, has received a probate court disposition for, or has
12 been determined responsible for a crime or civil infraction
13 described in section 319, 324, or 904. A person shall be denied
14 a license under this subdivision for the length of time corre-
15 sponding to the period of the licensing sanction that would have
16 been imposed under section 319, 324, or 904 if the person had
17 been licensed at the time of the violation.

18 (o) A person not licensed under this act who has been con-
19 victed of or received a probate court disposition for committing
20 a crime described in section 319e. A person shall be denied a
21 license under this subdivision for the length of time that corre-
22 sponds to the period of the licensing sanction that would have
23 been imposed under section 319e if the person had been licensed
24 at the time of the violation.

25 (p) A person not licensed under this act who is determined
26 to have violated section 33b(1) of the Michigan Liquor Control
27 Act, Act No. 8 of the Public Acts of the Extra Session of 1933,

1 being section 436.33b of the Michigan Compiled Laws, or section
2 624A OR 624b. The person shall be denied a license under this
3 subdivision for a period of time that corresponds to the period
4 of the licensing sanction that would have been imposed under
5 those sections had the person been licensed at the time of the
6 violation.

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

13 (a) Two convictions of reckless driving in violation of sec-
14 tion 626 within 7 years.

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

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

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

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

21 (iii) A violation of section 625(4) or (5).

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

24 (d) One conviction under section 625(4) or (5).

25 (e) One conviction of negligent homicide, manslaughter, or
26 murder resulting from the operation of a motor vehicle.

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

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

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

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

9 (3) The secretary of state shall revoke a license under sub-
10 section (2) notwithstanding a court order issued under section
11 625, section 625b, former section 625(1) or (2), or former sec-
12 tion 625b or a local ordinance substantially corresponding to
13 section 625, section 625b, former section 625(1) or (2), or
14 former section 625b.

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

19 (a) The later of the following:

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

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

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

26 (5) Multiple convictions or civil infraction determinations
27 resulting from the same incident shall be treated as a single

1 violation for purposes of denial or revocation of a license under
2 this section.

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

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

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

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

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

14 Sec. 319. (1) The secretary of state shall immediately sus-
15 pend a person's license for not less than 90 days or more than 2
16 years upon receiving a record of the person's conviction for any
17 of the following crimes or attempts to commit any of the follow-
18 ing crimes, whether the conviction is under a law of this state,
19 a local ordinance substantially corresponding to a law of this
20 state, or a law of another state substantially corresponding to a
21 law of this state:

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

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

1 (c) A violation of section 413 or 414 of the Michigan penal
2 code, Act No. 328 of the Public Acts of 1931, being sections
3 750.413 and 750.414 of the Michigan Compiled Laws, or a violation
4 of section 1 of Act No. 214 of the Public Acts of 1931, being
5 section 752.191 of the Michigan Compiled Laws.

6 (d) A conviction for reckless driving in violation of sec-
7 tion 626.

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

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

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

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

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

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

23 (2) The secretary of state shall suspend the license of a
24 person convicted of malicious destruction resulting from the
25 operation of a motor vehicle under section 382 of the Michigan
26 penal code, Act No. 328 of the Public Acts of 1931, as amended,

1 being section 750.382 of the Michigan Compiled Laws, for not more
2 than 1 year as ordered by the court as part of the sentence.

3 (3) The secretary of state shall immediately suspend a
4 person's license for the period specified in the abstract of con-
5 viction upon receiving the person's license and abstract of con-
6 viction forwarded to the secretary of state pursuant to section
7 367c of the Michigan penal code, Act No. 328 of the Public Acts
8 of 1931, being section 750.367c of the Michigan Compiled Laws.

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

20 (a) For not less than 90 days or more than 1 year upon
21 receiving a record of the person's conviction for a violation of
22 section 625(3), a local ordinance substantially corresponding to
23 section 625(3), or a law of another state substantially corre-
24 sponding to section 625(3), if the person has no prior convic-
25 tions within 7 years for a violation of section 625(1), (3), (4),
26 or (5), former section 625(1) or (2), or former section 625b, a
27 local ordinance substantially corresponding to section 625(1) or

1 (3), former section 625(1) or (2), or former section 625b, or a
2 law of another state substantially corresponding to section
3 625(1), (3), (4), or (5), former section 625(1) or (2), or former
4 section 625b. However, if the person is convicted of a violation
5 of section 625(3), a local ordinance substantially corresponding
6 to section 625(3), or a law of another state substantially corre-
7 sponding to section 625(3) for operating a vehicle when, due to
8 the consumption of a controlled substance or a combination of
9 intoxicating liquor and a controlled substance, the person's
10 ability to operate the vehicle was visibly impaired, the secre-
11 tary of state shall suspend the person's license under this sub-
12 division for a period of not less than 6 months or more than 1
13 year.

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

20 (i) One conviction under section 625(1) or former section
21 625(1) or (2).

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

24 (iii) One conviction under section 625(1) or former section
25 625(1) or (2) and 1 conviction under section 625(3) or former
26 section 625b within a 7-year period.

1 (iv) One conviction under section 625(4) or (5) followed by
2 1 conviction under section 625(3) within a 7-year period.

3 (c) For not less than 30 days or more than 90 days upon
4 receiving a record of the person's conviction for a violation of
5 section 625(6), a local ordinance substantially corresponding to
6 section 625(6), or a law of another state substantially corre-
7 sponding to section 625(6), if the person has no prior convic-
8 tions within 7 years for a violation of section 625(1), (3), (4),
9 (5), or (6), former section 625(1) or (2), or former section
10 625b, a local ordinance substantially corresponding to section
11 625(1), (3), or (6), former section 625(1) or (2), or former sec-
12 tion 625b, or a law of another state substantially corresponding
13 to section 625(1), (3), (4), (5), or (6), former section 625(1)
14 or (2), or former section 625b.

15 (d) For not less than 90 days or more than 1 year upon
16 receiving a record of the person's conviction for a violation of
17 section 625(6), a local ordinance substantially corresponding to
18 section 625(6), or a law of another state substantially corre-
19 sponding to section 625(6), if the person has 1 or more prior
20 convictions within 7 years for a violation of section 625(1),
21 (3), (4), (5), or (6), former section 625(1) or (2), or former
22 section 625b, a local ordinance substantially corresponding to
23 section 625(1), (3), or (6), former section 625(1) or (2), or
24 former section 625b, or a law of another state substantially cor-
25 responding to section 625(1), (3), (4), (5), or (6), former sec-
26 tion 625(1) or (2), or former section 625b.

1 (5) Upon receiving a certificate of conviction pursuant to
2 section 33b(3) of the Michigan liquor control act, Act No. 8 of
3 the Public Acts of the Extra Session of 1933, being section
4 436.33b of the Michigan Compiled Laws, or a local ordinance or
5 law of another state substantially corresponding to section
6 33b(3) of Act No. 8 of the Public Acts of the Extra Session of
7 1933, the secretary of state shall suspend pursuant to court
8 order the person's operator's or chauffeur's license for
9 90 days. A suspension under this subsection shall be in addition
10 to any other suspension of the person's license.

11 (6) Upon receiving the record of a person's conviction for a
12 violation of section 602a of this act or section 479a(1), (4), or
13 (5) of Act No. 328 of the Public Acts of 1931, being section
14 750.479a of the Michigan Compiled Laws, the secretary of state
15 immediately shall suspend the person's license for the period
16 ordered by the court as part of the sentence or disposition.

17 (7) Upon the receipt of a civil infraction determination or
18 probate court order of disposition for a violation of section
19 33b(1) of Act No. 8 of the Public Acts of the Extra Session of
20 1933, being section 436.33b of the Michigan Compiled Laws, ~~and~~
21 OR section 624A OR 624b and, notwithstanding any court order to
22 the contrary, the secretary of state shall suspend the person's
23 operator's or chauffeur's license for the period of time
24 described in section 33b(5) of Act No. 8 of the Public Acts of
25 the Extra Session of 1933 or section 624A OR 624b and, if appli-
26 cable, issue a restricted license as ordered by the court in the
27 manner provided for in section 33b(7) or section 624A OR 624b.

1 In the case of a person who does not possess an operator or
2 chauffeur license, the secretary of state shall deny the applica-
3 tion for an operator or chauffeur license for the applicable sus-
4 pension period.

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

10 (9) If the secretary of state receives records of more than
11 1 conviction of a person resulting from the same incident, a sus-
12 pension shall be imposed only for the violation to which the
13 longest period of suspension applies under this section.

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

22 Sec. 320e. (1) Except as otherwise provided in subsection
23 (2), a person whose operator's or chauffeur's license is sus-
24 pended, revoked, or restricted pursuant to section 303, 319, 320,
25 324, 625, 625b, 625f, or 904 shall pay a license reinstatement
26 fee of \$125.00 to the secretary of state before a license is
27 issued or returned to the person. The increase in the

1 reinstatement fee from \$60.00 to \$125.00 shall be imposed for a
2 license that is issued or returned on or after October 1, 1991
3 regardless of when the license was suspended, revoked, or
4 restricted. Of the increase in the reinstatement fee from \$60.00
5 to \$125.00, \$25.00 shall be allocated to the department of state,
6 \$10.00 shall be deposited by the department of treasury in the
7 drunk driving prevention equipment and training fund created
8 under section 625h(1), and \$30.00 shall be deposited by the
9 department of treasury in the drunk driving caseflow assistance
10 fund created under section 625h(5). The fee shall be waived if
11 the license was suspended or restricted because of the person's
12 mental or physical infirmity or disability.

13 (2) A person whose operator's or chauffeur's license is sus-
14 pended, revoked, or restricted pursuant to section 319(7) shall
15 pay a license reinstatement fee of \$125.00 to the secretary of
16 state before a license is issued or returned to the person. ~~Of~~
17 ~~the \$125.00, \$95.00 shall be allocated to the department of state~~
18 ~~and \$30.00 shall be deposited by the department of treasury in~~
19 ~~the underage drinking case information management fund created~~
20 ~~under section 323e.~~ The fee shall be waived if the license was
21 suspended or restricted because of the person's mental or physi-
22 cal infirmity or disability.

23 (3) A person whose operator's or chauffeur's license is sus-
24 pended, revoked, or restricted pursuant to section 319e shall pay
25 a license reinstatement fee of \$125.00 to the secretary of state
26 before a license is issued or returned to the person. ~~Of the~~
27 ~~\$125.00 fee, \$95.00 shall be allocated to the department of state~~

1 ~~and \$30.00 shall be deposited by the department of treasury in~~
2 ~~the drug case information management fund created under~~
3 ~~section 323d.~~

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

16 (5) Except as otherwise provided in this subsection, judi-
17 cial review of an administrative licensing sanction under section
18 303 shall be governed by the law in effect at the time the
19 offense was committed or attempted. If 1 or more of the convic-
20 tions involved in an administrative licensing sanction to be
21 effected under section 303(1)(f)(ii) or 303(2)(f) is a violation
22 or attempted violation of section 625(1) or (3) or a local ordi-
23 nance substantially corresponding to section 625(1) or (3) com-
24 mitted or attempted after January 1, 1992, judicial review of
25 that sanction shall be governed by the law in effect after
26 January 1, 1992.

1 Sec. 321a. (1) A person who fails to answer a citation, or
2 a notice to appear in court for a violation of this act or a
3 local ordinance substantially corresponding to a provision of
4 this act, or for any matter pending, or who fails to comply with
5 an order or judgment issued pursuant to section 907 is guilty of
6 a misdemeanor. A violation of this subsection OR SECTION 33B(1)
7 OF THE MICHIGAN LIQUOR CONTROL ACT, ACT NO. 8 OF THE PUBLIC ACTS
8 OF THE EXTRA SESSION OF 1933, BEING SECTION 436.33B OF THE
9 MICHIGAN COMPILED LAWS, shall not be considered a violation for
10 any purpose under section 320a.

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

26 (3) If the person is charged with, or convicted of, a
27 violation of section 625(1), (2), (3), (4), (5), or (6) or a

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

22 (4) IF THE PERSON IS CITED WITH, OR IS DETERMINED TO BE
23 RESPONSIBLE FOR, A VIOLATION OF SECTION 33B(1) OF ACT NO. 8 OF
24 THE PUBLIC ACTS OF THE EXTRA SESSION OF 1933, BEING SECTION
25 436.33B OF THE MICHIGAN COMPILED LAWS, AND THE PERSON FAILS TO
26 ANSWER A CITATION OR A NOTICE TO APPEAR IN COURT ISSUED PURSUANT
27 TO SECTION 33B OF ACT NO. 8 OF THE PUBLIC ACTS OF THE EXTRA

1 SESSION OF 1933, OR FAILS TO COMPLY WITH AN ORDER OR JUDGMENT OF
2 THE COURT ISSUED PURSUANT TO SECTION 33B OF ACT NO. 8 OF THE
3 PUBLIC ACTS OF THE EXTRA SESSION OF 1933, INCLUDING, BUT NOT
4 LIMITED TO, PAYING ALL FINES AND COSTS, THE COURT SHALL IMMEDI-
5 ATELY GIVE NOTICE BY FIRST-CLASS MAIL SENT TO THE PERSON'S LAST
6 KNOWN ADDRESS THAT IF THE PERSON FAILS TO APPEAR WITHIN 7 DAYS
7 AFTER THE NOTICE IS ISSUED, OR FAILS TO COMPLY WITH THE ORDER OR
8 JUDGMENT OF THE COURT, INCLUDING, BUT NOT LIMITED TO, PAYING ALL
9 FINES AND COSTS, WITHIN 14 DAYS AFTER THE NOTICE IS ISSUED, THE
10 SECRETARY OF STATE SHALL SUSPEND THE PERSON'S OPERATOR'S OR
11 CHAUFFEUR'S LICENSE. IF THE PERSON FAILS TO APPEAR WITHIN THE
12 7-DAY PERIOD, OR FAILS TO COMPLY WITH THE ORDER OR JUDGMENT OF
13 THE COURT, INCLUDING, BUT NOT LIMITED TO, PAYING ALL FINES AND
14 COSTS, WITHIN THE 14-DAY PERIOD, THE COURT SHALL IMMEDIATELY
15 INFORM THE SECRETARY OF STATE WHO SHALL IMMEDIATELY SUSPEND THE
16 PERSON'S OPERATOR'S OR CHAUFFEUR'S LICENSE AND NOTIFY THE PERSON
17 OF THE SUSPENSION BY FIRST-CLASS MAIL SENT TO THE PERSON'S LAST
18 KNOWN ADDRESS.

19 (5) ~~(4)~~ A suspension imposed under subsection (2), ~~or~~
20 (3), OR (4) shall remain in effect until both of the following
21 occur:

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

26 (b) The person has paid to the court a \$25.00 driver license
27 reinstatement fee. The increase in the reinstatement fee from

1 \$10.00 to \$25.00 shall be imposed for a license that is suspended
2 on or after April 5, 1988 regardless of when the license was
3 suspended.

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

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

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

11 (7) ~~(6)~~ The court may notify a person who has done either
12 of the following, that if the person does not appear within 10
13 days after the notice is issued, the court will inform the secre-
14 tary of state of the person's failure to appear:

15 (a) Failed to answer 2 or more parking violation notices or
16 citations for violating a provision of this act or an ordinance
17 substantially corresponding to a provision of this act pertaining
18 to handicapper parking issued or served after ~~the effective date~~
19 ~~of the amendatory act that added this subdivision~~ SEPTEMBER 19,
20 1989.

21 (b) Failed to answer 6 or more parking violation notices or
22 citations, issued or served after March 31, 1981, regarding ille-
23 gal parking.

24 (8) ~~(7)~~ The secretary of state, upon being informed of the
25 failure of a person to appear as provided in subsection ~~(6)~~
26 (7), shall not issue a license to the person until both of the
27 following occur:

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

4 (b) The person has paid to the court a \$25.00 driver license
5 reinstatement fee. The increase in the reinstatement fee from
6 \$10.00 to \$25.00 shall be imposed for a license that is suspended
7 on or after April 5, 1988 regardless of when the license was
8 suspended. If the court determines that the person is not
9 responsible for any of the parking violations for which the
10 person's license was suspended under this subsection, the court
11 shall waive payment of the fee.

12 (9) ~~(8)~~ For the purposes of subsections ~~(4)(a)~~ (5)(A)
13 and ~~(7)(a)~~ (8)(A), the court shall give to the person a copy of
14 the information being transmitted to the secretary of state.
15 Upon showing that copy, the person shall not be arrested or
16 issued a citation for driving on a suspended license on the basis
17 of any matter resolved under subsection ~~(4)(a)~~ (5)(A) or
18 ~~(7)(a)~~ (8)(A), even if the information being sent to the secre-
19 tary of state has not yet been received or recorded by the
20 department.

21 (10) ~~(9)~~ Sixty percent of the driver license reinstatement
22 fees received under subsections ~~(4)(b)~~ (5)(A) and ~~(7)(b)~~
23 (8)(A) shall be transmitted by the court to the secretary of
24 state on a monthly basis. The funds received by the secretary of
25 state pursuant to this subsection shall be deposited in the state
26 general fund and shall be used to defray the expenses of the

1 secretary of state in processing the suspension and reinstatement
2 of driver licenses under this section.

3 Sec. 624a. (1) Except as provided in subsection (2), a
4 person shall not transport or possess alcoholic liquor in a con-
5 tainer that is open or uncapped or upon which the seal is broken
6 within the passenger compartment of a vehicle upon a highway, or
7 within the passenger compartment of a moving vehicle in any place
8 open to the general public or generally accessible to motor vehi-
9 cles, including an area designated for the parking of vehicles,
10 in this state.

11 (2) A person may transport or possess alcoholic liquor in a
12 container that is open or uncapped or upon which the seal is
13 broken within the passenger compartment of a vehicle upon a high-
14 way or other place open to the general public or generally acces-
15 sible to motor vehicles, including an area designated for the
16 parking of vehicles in this state, if the vehicle does not have a
17 trunk or compartment separate from the passenger compartment, the
18 container is enclosed or encased, and the container is not
19 readily accessible to the occupants of the vehicle.

20 (3) A person who violates this section is guilty of a
21 misdemeanor. A court shall not accept a plea of guilty or nolo
22 contendere for a violation of this section from a person charged
23 solely with a violation of section 625(6).

24 (4) IMMEDIATELY UPON THE ENTRY OF A CONVICTION OR A PROBATE
25 COURT ORDER OF DISPOSITION FOR A VIOLATION OF SUBSECTION (1), THE
26 COURT SHALL CONSIDER ALL PRIOR CONVICTIONS OR PROBATE COURT
27 ORDERS OF DISPOSITION FOR VIOLATION OF SUBSECTION (1), OR A LOCAL

1 ORDINANCE OR LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO
2 THIS SECTION, AND THE COURT SHALL DO THE FOLLOWING:

3 (A) IF THE COURT FINDS THAT THE PERSON HAS 1 SUCH PRIOR CON-
4 VICTION OR PROBATE COURT ORDER OF DISPOSITION, THE COURT SHALL
5 ORDER THE SECRETARY OF STATE TO SUSPEND THE OPERATOR'S OR
6 CHAUFFEUR'S LICENSE OF THE PERSON FOR A PERIOD OF NOT LESS THAN
7 90 DAYS AND NOT MORE THAN 180 DAYS. THE COURT MAY ORDER THE SEC-
8 RETARY OF STATE TO ISSUE TO THE PERSON A RESTRICTED LICENSE AFTER
9 THE FIRST 30 DAYS OF THE PERIOD OF THE SUSPENSION IN THE MANNER
10 PROVIDED FOR IN SECTION 319(7). IN THE CASE OF A PERSON WHO DOES
11 NOT POSSESS AN OPERATOR OR CHAUFFEUR LICENSE, THE SECRETARY OF
12 STATE SHALL DENY THE APPLICATION FOR AN OPERATOR OR CHAUFFEUR
13 LICENSE FOR THE APPLICABLE SUSPENSION PERIOD.

14 (B) IF THE COURT FINDS THAT THE PERSON HAS 2 OR MORE SUCH
15 PRIOR CONVICTIONS OR PROBATE COURT ORDERS OF DISPOSITION, THE
16 COURT SHALL ORDER THE SECRETARY OF STATE TO SUSPEND THE
17 OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE PERSON FOR A PERIOD OF
18 NOT LESS THAN 180 DAYS AND NOT MORE THAN 1 YEAR. THE COURT MAY
19 ORDER THE SECRETARY OF STATE TO ISSUE TO THE PERSON A RESTRICTED
20 LICENSE AFTER THE FIRST 60 DAYS OF THE PERIOD OF THE SUSPENSION
21 IN THE MANNER PROVIDED FOR IN SECTION 319(7). IN THE CASE OF A
22 PERSON WHO DOES NOT POSSESS AN OPERATOR OR CHAUFFEUR LICENSE, THE
23 SECRETARY OF STATE SHALL DENY THE APPLICATION FOR AN OPERATOR OR
24 CHAUFFEUR LICENSE FOR THE APPLICABLE SUSPENSION PERIOD.

25 (5) IN THOSE CASES WHERE A RESTRICTED LICENSE IS ALLOWED
26 UNDER THIS SECTION, THE COURT SHALL NOT ORDER THE SECRETARY OF
27 STATE TO ISSUE A RESTRICTED LICENSE UNLESS THE PERSON STATES

1 UNDER OATH, AND THE COURT FINDS BASED UPON THE RECORD IN OPEN
2 COURT, THAT THE PERSON IS UNABLE TO TAKE PUBLIC TRANSPORTATION TO
3 AND FROM HIS OR HER WORK LOCATION, PLACE OF ALCOHOL OR DRUG EDU-
4 CATION TREATMENT, PROBATION DEPARTMENT, COURT-ORDERED COMMUNITY
5 SERVICE PROGRAM, OR EDUCATIONAL INSTITUTION, AND DOES NOT HAVE
6 ANY FAMILY MEMBERS OR OTHERS ABLE TO PROVIDE TRANSPORTATION. THE
7 COURT ORDER UNDER SUBSECTION (4) AND THE RESTRICTED LICENSE SHALL
8 INDICATE THE WORK LOCATION OF THE PERSON TO WHOM IT IS ISSUED,
9 THE APPROVED ROUTE OR ROUTES AND PERMITTED TIMES OF TRAVEL, AND
10 SHALL PERMIT THE PERSON TO WHOM IT IS ISSUED ONLY TO DO 1 OR MORE
11 OF THE FOLLOWING:

12 (A) DRIVE TO AND FROM THE PERSON'S RESIDENCE AND WORK
13 LOCATION.

14 (B) DRIVE IN THE COURSE OF THE PERSON'S EMPLOYMENT OR
15 OCCUPATION.

16 (C) DRIVE TO AND FROM THE PERSON'S RESIDENCE AND AN ALCOHOL
17 OR DRUG EDUCATION OR TREATMENT PROGRAM AS ORDERED BY THE COURT.

18 (D) DRIVE TO AND FROM THE PERSON'S RESIDENCE AND THE COURT
19 PROBATION DEPARTMENT, OR A COURT-ORDERED COMMUNITY SERVICE PRO-
20 GRAM, OR BOTH.

21 (E) DRIVE TO AND FROM THE PERSON'S RESIDENCE AND AN EDUCA-
22 TIONAL INSTITUTION AT WHICH THE PERSON IS ENROLLED AS A STUDENT.

23 (6) THE COURT SHALL IMMEDIATELY FORWARD THE SURRENDERED
24 LICENSE AND AN ABSTRACT OF CONVICTION TO THE SECRETARY OF STATE.
25 A SUSPENSION ORDERED UNDER THIS SUBSECTION SHALL BE IN ADDITION
26 TO ANY OTHER SUSPENSION OF THE PERSON'S OPERATOR'S OR CHAUFFEUR'S
27 LICENSE. IF THE JUDGMENT IS APPEALED TO CIRCUIT COURT, THE COURT

1 MAY, EX PARTE, ORDER THE SECRETARY OF STATE TO STAY THE
2 SUSPENSION ISSUED PURSUANT TO THIS SECTION PENDING THE OUTCOME OF
3 THE APPEAL.

4 (7) ~~(4)~~ This section does not apply to a passenger in a
5 chartered vehicle authorized to operate by the Michigan depart-
6 ment of transportation.

7 SEC. 624B. (1) A PERSON LESS THAN 21 YEARS OF AGE SHALL NOT
8 KNOWINGLY TRANSPORT OR POSSESS, IN A MOTOR VEHICLE, ALCOHOLIC
9 LIQUOR UNLESS THE PERSON IS EMPLOYED BY A LICENSEE UNDER THE
10 MICHIGAN LIQUOR CONTROL ACT, ACT NO. 8 OF THE PUBLIC ACTS OF THE
11 EXTRA SESSION OF 1933, BEING SECTIONS 436.1 TO 436.58 OF THE
12 MICHIGAN COMPILED LAWS, A COMMON CARRIER DESIGNATED BY THE LIQUOR
13 CONTROL COMMISSION PURSUANT TO ACT NO. 8 OF THE PUBLIC ACTS OF
14 THE EXTRA SESSION OF 1933, THE LIQUOR CONTROL COMMISSION, OR AN
15 AGENT OF THE LIQUOR CONTROL COMMISSION AND IS TRANSPORTING OR
16 HAVING THE ALCOHOLIC LIQUOR IN A MOTOR VEHICLE UNDER THE PERSON'S
17 CONTROL DURING REGULAR WORKING HOURS AND IN THE COURSE OF THE
18 PERSON'S EMPLOYMENT. THIS SECTION DOES NOT PREVENT A PERSON LESS
19 THAN 21 YEARS OF AGE FROM KNOWINGLY TRANSPORTING ALCOHOLIC LIQUOR
20 IN A MOTOR VEHICLE IF A PERSON AT LEAST 21 YEARS OF AGE IS
21 PRESENT INSIDE THE MOTOR VEHICLE. A PERSON WHO VIOLATES THIS
22 SUBSECTION IS GUILTY OF A MISDEMEANOR.

23 (2) WITHIN 30 DAYS AFTER THE CONVICTION REGARDING A VIOLA-
24 TION OF SUBSECTION (1), WHICH CONVICTION HAS BECOME FINAL, COM-
25 PLAINTEE MAY BE MADE BY THE ARRESTING LAW ENFORCEMENT OFFICER OR
26 THE OFFICER'S SUPERIOR BEFORE THE COURT FROM WHICH THE WARRANT
27 WAS ISSUED, WHICH COMPLAINT SHALL BE UNDER OATH AND SHALL CONTAIN

1 A DESCRIPTION OF THE MOTOR VEHICLE IN WHICH ALCOHOLIC LIQUOR WAS
2 POSSESSED OR TRANSPORTED BY THE PERSON LESS THAN 21 YEARS OF AGE
3 IN COMMITTING THE VIOLATION AND REQUESTING THAT THE MOTOR VEHICLE
4 BE IMPOUNDED AS PROVIDED IN THIS SECTION. UPON THE FILING OF THE
5 COMPLAINT, THE COURT SHALL ISSUE TO THE OWNER OF THE MOTOR VEHI-
6 CLE AN ORDER TO SHOW CAUSE WHY THE MOTOR VEHICLE SHOULD NOT BE
7 IMPOUNDED. THE ORDER TO SHOW CAUSE SHALL HAVE A DATE AND TIME
8 FIXED IN THE ORDER FOR A HEARING, WHICH DATE SHALL NOT BE LESS
9 THAN 10 DAYS AFTER THE ISSUANCE OF THE ORDER AND SHALL BE SERVED
10 BY DELIVERING A TRUE COPY TO THE OWNER NOT LESS THAN 3 FULL DAYS
11 BEFORE THE DATE OF HEARING OR, IF THE OWNER CANNOT BE LOCATED, BY
12 SENDING A TRUE COPY BY CERTIFIED MAIL TO THE LAST KNOWN ADDRESS
13 OF THE OWNER. IF THE OWNER IS A NONRESIDENT OF THE STATE, SERV-
14 ICE MAY BE MADE UPON THE SECRETARY OF STATE AS PROVIDED IN SEC-
15 TION 403.

16 (3) IF THE COURT DETERMINES UPON THE HEARING OF THE ORDER TO
17 SHOW CAUSE, FROM COMPETENT AND RELEVANT EVIDENCE, THAT AT THE
18 TIME OF THE COMMISSION OF THE VIOLATION THE MOTOR VEHICLE WAS
19 BEING DRIVEN BY THE PERSON LESS THAN 21 YEARS OF AGE WITH THE
20 EXPRESS OR IMPLIED CONSENT OR KNOWLEDGE OF THE OWNER IN VIOLATION
21 OF SUBSECTION (1), AND THAT THE USE OF THE MOTOR VEHICLE IS NOT
22 NEEDED BY THE OWNER IN THE DIRECT PURSUIT OF THE OWNER'S EMPLOY-
23 MENT OR THE ACTUAL OPERATION OF THE OWNER'S BUSINESS, THE COURT
24 MAY AUTHORIZE THE IMPOUNDING OF THE VEHICLE FOR A PERIOD, TO BE
25 DETERMINED BY THE COURT, OF NOT LESS THAN 15 DAYS OR MORE THAN 30
26 DAYS. THE COURT'S ORDER AUTHORIZING THE IMPOUNDING OF THE
27 VEHICLE SHALL AUTHORIZE A LAW ENFORCEMENT OFFICER TO TAKE

1 POSSESSION WITHOUT OTHER PROCESS OF THE MOTOR VEHICLE WHEREVER
2 LOCATED AND TO STORE THE VEHICLE IN A PUBLIC OR PRIVATE GARAGE AT
3 THE EXPENSE AND RISK OF THE OWNER OF THE VEHICLE. THE OWNER OF
4 THE VEHICLE MAY APPEAL THE ORDER TO THE CIRCUIT COURT AND THE
5 PROVISIONS GOVERNING THE TAKING OF APPEALS FROM JUDGMENTS FOR
6 DAMAGES SHALL APPLY TO THE APPEAL. THIS SECTION DOES NOT PREVENT
7 A BONA FIDE LIENHOLDER FROM EXERCISING RIGHTS UNDER A LIEN.

8 (4) A PERSON WHO KNOWINGLY TRANSFERS TITLE TO A MOTOR VEHI-
9 CLE FOR THE PURPOSE OF AVOIDING THIS SECTION IS GUILTY OF A
10 MISDEMEANOR.

11 (5) IMMEDIATELY UPON THE ENTRY OF A CONVICTION OR A PROBATE
12 COURT ORDER OF DISPOSITION FOR A VIOLATION OF SUBSECTION (1), THE
13 COURT SHALL CONSIDER ALL PRIOR CONVICTIONS OR PROBATE COURT
14 ORDERS OF DISPOSITION FOR VIOLATION OF SUBSECTION (1), OR A LOCAL
15 ORDINANCE OR LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO
16 THIS SECTION, AND THE COURT SHALL DO THE FOLLOWING:

17 (A) IF THE COURT FINDS THAT THE PERSON HAS 1 SUCH PRIOR CON-
18 VICTION OR PROBATE COURT ORDER OF DISPOSITION, THE COURT SHALL
19 ORDER THE SECRETARY OF STATE TO SUSPEND THE OPERATOR'S OR
20 CHAUFFEUR'S LICENSE OF THE PERSON FOR A PERIOD OF NOT LESS THAN
21 90 DAYS AND NOT MORE THAN 180 DAYS. THE COURT MAY ORDER THE SEC-
22 RETARY OF STATE TO ISSUE TO THE PERSON A RESTRICTED LICENSE AFTER
23 THE FIRST 30 DAYS OF THE PERIOD OF THE SUSPENSION IN THE MANNER
24 PROVIDED FOR IN SECTION 319(7). IN THE CASE OF A PERSON WHO DOES
25 NOT POSSESS AN OPERATOR OR CHAUFFEUR LICENSE, THE SECRETARY OF
26 STATE SHALL DENY THE APPLICATION FOR AN OPERATOR OR CHAUFFEUR
27 LICENSE FOR THE APPLICABLE SUSPENSION PERIOD.

1 (B) IF THE COURT FINDS THAT THE PERSON HAS 2 OR MORE SUCH
2 PRIOR CONVICTIONS OR PROBATE COURT ORDERS OF DISPOSITION, THE
3 COURT SHALL ORDER THE SECRETARY OF STATE TO SUSPEND THE
4 OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE PERSON FOR A PERIOD OF
5 NOT LESS THAN 180 DAYS AND NOT MORE THAN 1 YEAR. THE COURT MAY
6 ORDER THE SECRETARY OF STATE TO ISSUE TO THE PERSON A RESTRICTED
7 LICENSE AFTER THE FIRST 60 DAYS OF THE PERIOD OF THE SUSPENSION
8 IN THE MANNER PROVIDED FOR IN SECTION 319(7). IN THE CASE OF A
9 PERSON WHO DOES NOT POSSESS AN OPERATOR OR CHAUFFEUR LICENSE, THE
10 SECRETARY OF STATE SHALL DENY THE APPLICATION FOR AN OPERATOR OR
11 CHAUFFEUR LICENSE FOR THE APPLICABLE SUSPENSION PERIOD.

12 (6) IN THOSE CASES WHERE A RESTRICTED LICENSE IS ALLOWED
13 UNDER THIS SECTION, THE COURT SHALL NOT ORDER THE SECRETARY OF
14 STATE TO ISSUE A RESTRICTED LICENSE UNLESS THE PERSON STATES
15 UNDER OATH, AND THE COURT FINDS BASED UPON THE RECORD IN OPEN
16 COURT, THAT THE PERSON IS UNABLE TO TAKE PUBLIC TRANSPORTATION TO
17 AND FROM HIS OR HER WORK LOCATION, PLACE OF ALCOHOL OR DRUG EDU-
18 CATION TREATMENT, PROBATION DEPARTMENT, COURT-ORDERED COMMUNITY
19 SERVICE PROGRAM, OR EDUCATIONAL INSTITUTION, AND DOES NOT HAVE
20 ANY FAMILY MEMBERS OR OTHERS ABLE TO PROVIDE TRANSPORTATION. THE
21 COURT ORDER UNDER SUBSECTION (5) AND THE RESTRICTED LICENSE SHALL
22 INDICATE THE WORK LOCATION OF THE PERSON TO WHOM IT IS ISSUED,
23 THE APPROVED ROUTE OR ROUTES AND PERMITTED TIMES OF TRAVEL, AND
24 SHALL PERMIT THE PERSON TO WHOM IT IS ISSUED ONLY TO DO 1 OR MORE
25 OF THE FOLLOWING:

26 (A) DRIVE TO AND FROM THE PERSON'S RESIDENCE AND WORK
27 LOCATION.

1 (B) DRIVE IN THE COURSE OF THE PERSON'S EMPLOYMENT OR
2 OCCUPATION.

3 (C) DRIVE TO AND FROM THE PERSON'S RESIDENCE AND AN ALCOHOL
4 OR DRUG EDUCATION OR TREATMENT PROGRAM AS ORDERED BY THE COURT.

5 (D) DRIVE TO AND FROM THE PERSON'S RESIDENCE AND THE COURT
6 PROBATION DEPARTMENT, OR A COURT-ORDERED COMMUNITY SERVICE PRO-
7 GRAM, OR BOTH.

8 (E) DRIVE TO AND FROM THE PERSON'S RESIDENCE AND AN EDUCA-
9 TIONAL INSTITUTION AT WHICH THE PERSON IS ENROLLED AS A STUDENT.

10 (7) THE COURT SHALL IMMEDIATELY FORWARD THE SURRENDERED
11 LICENSE AND AN ABSTRACT OF CONVICTION TO THE SECRETARY OF STATE.
12 A SUSPENSION ORDERED UNDER THIS SUBSECTION SHALL BE IN ADDITION
13 TO ANY OTHER SUSPENSION OF THE PERSON'S OPERATOR'S OR CHAUFFEUR'S
14 LICENSE. IF THE JUDGMENT IS APPEALED TO CIRCUIT COURT, THE COURT
15 MAY, EX PARTE, ORDER THE SECRETARY OF STATE TO STAY THE SUSPEN-
16 SION ISSUED PURSUANT TO THIS SECTION PENDING THE OUTCOME OF THE
17 APPEAL.

18 (8) A LAW ENFORCEMENT AGENCY, UPON DETERMINING THAT A PERSON
19 LESS THAN 18 YEARS OF AGE ALLEGEDLY VIOLATED THIS SECTION, SHALL
20 NOTIFY THE PARENT OR PARENTS, CUSTODIAN, OR GUARDIAN OF THE
21 PERSON AS TO THE NATURE OF THE VIOLATION IF THE NAME OF A PARENT,
22 GUARDIAN, OR CUSTODIAN IS REASONABLY ASCERTAINABLE BY THE LAW
23 ENFORCEMENT AGENCY. THE NOTICE REQUIRED BY THIS SUBSECTION SHALL
24 BE MADE NOT LATER THAN 48 HOURS AFTER THE LAW ENFORCEMENT AGENCY
25 DETERMINES THAT THE PERSON WHO ALLEGEDLY VIOLATED THIS SECTION IS
26 LESS THAN 18 YEARS OF AGE AND MAY BE MADE IN PERSON, BY
27 TELEPHONE, OR BY FIRST-CLASS MAIL.

1 (9) AS USED IN THIS SECTION, "ALCOHOLIC LIQUOR" MEANS THAT
2 TERM AS DEFINED IN SECTION 2(A) OF ACT NO. 8 OF THE PUBLIC ACTS
3 OF THE EXTRA SESSION OF 1933, BEING SECTION 436.2 OF THE MICHIGAN
4 COMPILED LAWS.

5 Sec. 625i. (1) The department of state police shall prepare
6 an annual report which shall be designated the Michigan annual
7 drunk driving audit. The secretary of state, circuit court, dis-
8 trict court, probate court, municipal courts, and local units of
9 government in this state shall cooperate with the department of
10 state police to provide information necessary for the preparation
11 of the report. A copy of the report prepared under this subsec-
12 tion shall be submitted to the governor, the secretary of the
13 senate, the clerk of the house of representatives, and the secre-
14 tary of state on June 1 of each year. The report shall contain
15 for each county in the state all of the following information
16 applicable to the immediately preceding calendar year:

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

21 (b) The number of alcohol related motor vehicle accidents
22 resulting in death, including the breakdown described in subdivi-
23 sion (a).

24 (c) The number of alcohol related motor vehicle accidents,
25 other than those enumerated in subdivisions (a) and (b), includ-
26 ing the breakdown described in subdivision (a).

1 (d) The number of arrests made for violations of section
2 625(1)(a) or (b) or local ordinances substantially corresponding
3 to section 625(1)(a) or (b).

4 (e) The number of arrests made for violations of section
5 625(3) or local ordinances substantially corresponding to section
6 625(3).

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

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

12 (h) The number of operator's or chauffeur's licenses sus-
13 pended pursuant to section 625f.

14 (i) The number of arrests made for violations of
15 section 625m or local ordinances substantially corresponding to
16 section 625m. This subdivision shall apply after December 31,
17 1992.

18 (2) The secretary of state shall compile a report of dispo-
19 sitions of charges for violations of section 625(1), (3), (4),
20 (5), or (6) or section 625m OR SECTION 22(3) OR 33B(1) OR (3) OF
21 THE MICHIGAN LIQUOR CONTROL ACT, ACT NO. 8 OF THE PUBLIC ACTS OF
22 THE EXTRA SESSION OF 1933, BEING SECTIONS 436.22 AND 436.33B OF
23 THE MICHIGAN COMPILED LAWS, or local ordinances substantially
24 corresponding to section 625(1), (3), or (6) or section 625m OR
25 SECTION 22(3) OR 33B(1) OR (3) OF ACT NO. 8 OF THE PUBLIC ACTS OF
26 THE EXTRA SESSION OF 1933, by each judge for inclusion in the

1 annual report. The report compiled by the secretary of state
2 shall include information regarding all of the following:

3 (a) The number of dismissals granted.

4 (b) The number of convictions entered.

5 (c) The number of acquittals entered.

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

8 (e) The average length of imprisonment imposed.

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

11 (g) The average fine imposed.

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

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

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

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

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

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

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

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

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

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

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

7 (f) Whether bail was forfeited.

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

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

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

16 (a) A violation of section 413, 414, or 479a of the Michigan
17 penal code, Act No. 328 of the Public Acts of 1931, being sec-
18 tions 750.413, 750.414, and 750.479a of the Michigan Compiled
19 Laws.

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

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

25 (d) A violation of section 33b of the Michigan liquor con-
26 trol act, Act No. 8 of the Public Acts of the Extra Session of
27 1933, being section 436.33b of the Michigan Compiled Laws.

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

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

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

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

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

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

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

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

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

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

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

22 (8) If the judge or juvenile court referee determines as
23 part of the sentence or disposition that the felony for which the
24 defendant was convicted or adjudicated and with respect to which
25 notice was given pursuant to subsection (6) or (7) is a felony in
26 which a motor vehicle was used, the clerk of the court shall

1 forward an abstract of the court record of that conviction to the
2 secretary of state.

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

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

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

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

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

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

21 "You are charged with the commission of a felony in which a
22 commercial motor vehicle was used. If you are convicted and the
23 judge finds that the conviction is for a felony in which a com-
24 mercial motor vehicle was used, as defined in section 319b of the
25 Michigan vehicle code, Act No. 300 of the Public Acts of 1949,
26 being section 257.319b of the Michigan Compiled Laws, 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 pursuant to subsection (10) is a felony
6 in which a commercial motor vehicle was used, the clerk of the
7 court shall forward an abstract of the court record of that con-
8 viction 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 period
25 _____ through _____ have been forwarded to the secre-
26 tary 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 offenses:

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.

1 (d) Except for a violation of section 33b of Act No. 8 of
2 the Public Acts of the Extra Session of 1933 and section 624a OR
3 624b, a pedestrian, passenger, or bicycle violation.

4 (e) A violation of section 710e.

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

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

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

24 (19) The secretary of state may permit a city or village
25 department, bureau, person, or court to modify the requirement as
26 to the time and manner of reporting a conviction, civil
27 infraction determination, or settlement to the secretary of state

1 if the modification will increase the economy and efficiency of
2 collecting and utilizing the records. If the permitted abstract
3 of court record reporting a conviction, civil infraction determi-
4 nation, or settlement originates as a part of the written notice
5 to appear, authorized in section 728(1) or 742(1), the form of
6 the written notice and report shall be as prescribed by the sec-
7 retary of state.

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