

HOUSE BILL No. 6268

November 5, 1998, Introduced by Rep. Varga and referred to the Committee on Regulatory Affairs.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 303, 319, 321a, 624a, 624b, 625i, and 732
(MCL 257.303, 257.319, 257.321a, 257.624a, 257.624b, 257.625i,
and 257.732), sections 303 and 319 as amended by 1996 PA 587,
section 321a as amended by 1998 PA 68, and sections 624a, 625i,
and 732 as amended and section 624b as added by 1996 PA 493.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

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

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 a violation of 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, 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 any
21 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
25 any of the following if any of the convictions resulted from an
26 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 (1) 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 violations
7 occurred before issuance of an original license to the person in
8 this or another state.

9 (m) A nonresident including a foreign exchange student.

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~~ 703(1) OF
2 THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58, MCL
3 436.1703, or section 624a or 624b. The person shall be denied a
4 license under this subdivision for a period of time that corre-
5 sponds to the period of the licensing sanction that would have
6 been imposed under those sections had the person been licensed at
7 the time of the violation.

8 (q) A person who has been convicted of a violation of sec-
9 tion 602a(4) or (5) or a violation of section 479a(4) or (5) of
10 the Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~
11 ~~being section 750.479a of the Michigan Compiled Laws~~ 1931 PA
12 328, MCL 750.479A.

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

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

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

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

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

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

- 1 (iii) A violation of section 625(4) or (5).
- 2 (iv) Negligent homicide, manslaughter, or murder resulting
3 from the operation of a motor vehicle.
- 4 (d) One conviction under section 625(4) or (5).
- 5 (e) One conviction of negligent homicide, manslaughter, or
6 murder resulting from the operation of a motor vehicle.
- 7 (f) Any combination of 3 convictions within 10 years for any
8 of the following if any of the convictions resulted from an
9 arrest on or after January 1, 1992:
- 10 (i) A violation of section 625(1), (3), (4), or (5).
- 11 (ii) A violation of former section 625(1) or (2) or former
12 section 625b.
- 13 (iii) Negligent homicide, manslaughter, or murder resulting
14 from the operation of a motor vehicle.
- 15 (g) A violation of section 602a(4) or (5) ~~of this act~~ or A
16 VIOLATION OF section 479a(4) or (5) of the Michigan penal code,
17 ~~Act No. 328 of the Public Acts of 1931, being section 750.479a~~
18 ~~of the Michigan Compiled Laws~~ 1931 PA 328, MCL 750.479A.
- 19 (3) The secretary of state shall revoke a license under sub-
20 section (2) notwithstanding a court order issued under section
21 625, section 625b, former section 625(1) or (2), or former sec-
22 tion 625b or a local ordinance substantially corresponding to
23 section 625, section 625b, former section 625(1) or (2), or
24 former section 625b.
- 25 (4) The secretary of state shall not issue a license under
26 this act to a person whose license has been revoked under this

1 act or denied under subsection (1)(d), (e), (f), (i), or (j)
2 until both of the following occur:

3 (a) The later of the following:

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

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

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

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

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

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

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

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

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

25 Sec. 319. (1) The secretary of state shall immediately sus-
26 pend a person's license for not less than 90 days or more than 2
27 years upon receiving a record of the person's conviction for any

1 of the following crimes or attempts to commit any of the
2 following crimes, whether the conviction is under a law of this
3 state, a local ordinance substantially corresponding to a law of
4 this state, or a law of another state substantially corresponding
5 to a law of this state:

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

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

12 (c) A violation of section 413 or 414 of the Michigan penal
13 code, ~~Act No. 328 of the Public Acts of 1931, being sections~~
14 ~~750.413 and 750.414 of the Michigan Compiled Laws~~ 1931 PA 328,
15 MCL 750.413 AND 750.414, or a violation of section 1 of ~~Act~~
16 ~~No. 214 of the Public Acts of 1931, being section 752.191 of the~~
17 ~~Michigan Compiled Laws~~ 1931 PA 214, MCL 752.191.

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

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

23 (f) A felony in which a motor vehicle was used. As used in
24 this section, "felony in which a motor vehicle was used" means a
25 felony during the commission of which the person convicted oper-
26 ated a motor vehicle and while operating the vehicle presented

1 real or potential harm to persons or property and 1 or more of
2 the following circumstances existed:

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

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

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

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

9 (2) The secretary of state shall suspend the license of a
10 person convicted of malicious destruction resulting from the
11 operation of a motor vehicle under section 382 of the Michigan
12 penal code, ~~Act No. 328 of the Public Acts of 1931, being sec-~~
13 ~~tion 750.382 of the Michigan Compiled Laws~~ 1931 PA 328, MCL
14 750.382, for not more than 1 year as ordered by the court as part
15 of the sentence.

16 (3) The secretary of state shall immediately suspend a
17 person's license for the period specified in the abstract of con-
18 viction upon receiving the person's license and abstract of con-
19 viction forwarded to the secretary of state pursuant to section
20 367c of the Michigan penal code, ~~Act No. 328 of the Public Acts~~
21 ~~of 1931, being section 750.367c of the Michigan Compiled Laws~~
22 1931 PA 328, MCL 750.367C.

23 (4) Except as otherwise provided in subsection (9), if a
24 court has not ordered a suspension of a person's license under
25 this act for a violation described in subdivision (a), (b), (c),
26 or (d) for a period equal to or greater than the suspension
27 period prescribed under subdivision (a), (b), (c), or (d) for the

1 violation, the secretary of state shall suspend the license as
2 follows, notwithstanding a court order issued under
3 section 625(1), (3), or (6), section 625b, former section 625(1)
4 or (2), or former section 625b or a local ordinance substantially
5 corresponding to section 625(1), (3), or (6), section 625b,
6 former section 625(1) or (2), or former section 625b:

7 (a) For not less than 90 days or more than 1 year upon
8 receiving a record of the person's conviction for a violation of
9 section 625(3), a local ordinance substantially corresponding to
10 section 625(3), or a law of another state substantially corre-
11 sponding to section 625(3) if the person has no prior convictions
12 within 7 years for a violation of section 625(1), (3), (4), or
13 (5), former section 625(1) or (2), or former section 625b, a
14 local ordinance substantially corresponding to section 625(1) or
15 (3), former section 625(1) or (2), or former section 625b, or a
16 law of another state substantially corresponding to section
17 625(1), (3), (4), or (5), former section 625(1) or (2), or former
18 section 625b. However, if the person is convicted of a violation
19 of section 625(3), a local ordinance substantially corresponding
20 to section 625(3), or a law of another state substantially corre-
21 sponding to section 625(3) for operating a vehicle when, due to
22 the consumption of a controlled substance or a combination of
23 intoxicating liquor and a controlled substance, the person's
24 ability to operate the vehicle was visibly impaired, the secre-
25 tary of state shall suspend the person's license under this sub-
26 division for not less than 6 months or more than 1 year.

1 (b) For not less than 6 months or more than 2 years upon
2 receiving a record of the person's conviction if the person has
3 the following convictions, whether under the 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:

7 (i) One conviction under section 625(1) or former section
8 625(1) or (2).

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

11 (iii) One conviction under section 625(1) or former section
12 625(1) or (2) and 1 conviction under section 625(3) or former
13 section 625b within a 7-year period.

14 (iv) One conviction under section 625(4) or (5) followed by
15 1 conviction under section 625(3) within a 7-year period.

16 (c) For not less than 30 days or more than 90 days upon
17 receiving a record of the person's conviction for a violation of
18 section 625(6), a local ordinance substantially corresponding to
19 section 625(6), or a law of another state substantially corre-
20 sponding to section 625(6) if the person has no prior convictions
21 within 7 years for a violation of section 625(1), (3), (4), (5),
22 or (6), former section 625(1) or (2), or former section 625b, a
23 local ordinance substantially corresponding to section 625(1),
24 (3), or (6), former section 625(1) or (2), or former section
25 625b, or a law of another state substantially corresponding to
26 section 625(1), (3), (4), (5), or (6), former section 625(1) or
27 (2), or former section 625b.

1 (d) For not less than 90 days or more than 1 year upon
2 receiving a record of the person's conviction for a violation of
3 section 625(6), a local ordinance substantially corresponding to
4 section 625(6), or a law of another state substantially corre-
5 sponding to section 625(6) if the person has 1 or more prior con-
6 victions within 7 years for a violation of section 625(1), (3),
7 (4), (5), or (6), former section 625(1) or (2), or former section
8 625b, a local ordinance substantially corresponding to section
9 625(1), (3), or (6), former section 625(1) or (2), or former sec-
10 tion 625b, or a law of another state substantially corresponding
11 to section 625(1), (3), (4), (5), or (6), former section 625(1)
12 or (2), or former section 625b.

13 (5) Upon receiving a certificate of conviction under section
14 ~~33b(2) of the Michigan liquor control act, Act No. 8 of the~~
15 ~~Public Acts of the Extra Session of 1933, being section 436.33b~~
16 ~~of the Michigan Compiled Laws~~ 703(2) OF THE MICHIGAN LIQUOR CON-
17 TROL CODE OF 1998, 1998 PA 58, MCL 436.1703, or a local ordinance
18 or law of another state substantially corresponding to section
19 ~~33b(2) of Act No. 8 of the Public Acts of the Extra Session of~~
20 ~~1933~~ 703(2) OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA
21 58, MCL 436.1703, the secretary of state shall suspend pursuant
22 to court order the person's operator's or chauffeur's license for
23 90 days. A suspension under this subsection shall be in addition
24 to any other suspension of the person's license.

25 (6) Upon receiving the record of a person's conviction for a
26 violation of section 602a(2) or (3) ~~of this act~~ or A VIOLATION
27 OF section 479a(2) or (3) of ~~Act No. 328 of the Public Acts of~~

1 ~~1931, being section 750.479a of the Michigan Compiled Laws~~ THE
2 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.479A, the secretary of
3 state immediately shall suspend the person's license for the
4 period ordered by the court as part of the sentence or
5 disposition.

6 (7) Upon receiving an abstract of conviction for a violation
7 of section ~~33b(1) of Act No. 8 of the Public Acts of the Extra~~
8 ~~Session of 1933, being section 436.33b of the Michigan Compiled~~
9 ~~Laws~~ 703(1) OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA
10 58, MCL 436.1703, or section 624a or 624b or a local ordinance
11 substantially corresponding to those sections, the secretary of
12 state shall suspend the person's operator's or chauffeur's
13 license for the period of time described in section ~~33b(4) of~~
14 ~~Act No. 8 of the Public Acts of the Extra Session of 1933~~ 703(1)
15 OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58, MCL
16 436.1703, or section 624a or 624b notwithstanding any court order
17 to the contrary and, if applicable, issue a restricted license as
18 ordered by the court in the manner provided for in section ~~33b~~
19 ~~of Act No. 8 of the Public Acts of the Extra Session of 1933~~
20 703(1) OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58,
21 MCL 436.1703, or section 624a or 624b. If the person does not
22 possess an operator's or chauffeur's license, the secretary of
23 state shall deny the person's application for an operator's or
24 chauffeur's license for the applicable suspension period.

25 (8) Except as provided in subsection (10), a suspension
26 under this section shall be imposed notwithstanding a court order
27 issued under section 625(1), (3), (4), (5), or (6) or section

1 625b or a local ordinance substantially corresponding to
2 section 625(1), (3), or (6) or section 625b.

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

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

15 Sec. 321a. (1) A person who fails to answer a citation, or
16 a notice to appear in court for a violation of this act or a
17 local ordinance substantially corresponding to a provision of
18 this act, or for any matter pending, or who fails to comply with
19 an order or judgment issued pursuant to section 907 is guilty of
20 a misdemeanor. A violation of this subsection or failure to
21 answer a citation or notice to appear section ~~33b(1) of the~~
22 ~~Michigan liquor control act, 1933 (Ex Sess) PA 8, MCL 436.33b-~~
23 ~~703(1) OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58,~~
24 ~~MCL 436.1703,~~ or a local ordinance substantially corresponding to
25 that section shall not be considered a violation for any purpose
26 under section 320a.

1 (2) Except as provided in subsections (3) and (4), 28 days
2 or more after the date of noncompliance with an order or
3 judgment, the court shall give notice by mail at the last known
4 address of the person that if the person fails to appear or fails
5 to comply with the order or judgment issued pursuant to section
6 907, including, but not limited to, paying all fines and costs,
7 within 14 days after the notice is issued, the secretary of state
8 shall suspend the person's operator's or chauffeur's license. If
9 the person fails to appear or fails to comply with the order or
10 judgment issued pursuant to section 907, including, but not
11 limited to, paying all fines and costs, within the 14-day period,
12 the court shall, within 14 days, inform the secretary of state,
13 who shall immediately suspend the license of the person and
14 notify the person of the suspension by regular mail at the
15 person's last known address.

16 (3) If the person is charged with, or convicted of, a viola-
17 tion of section 625(1), (2), (3), (4), (5), or (6) or a local
18 ordinance substantially corresponding to section 625(1), (2),
19 (3), or (6) and the person fails to answer a citation or a notice
20 to appear in court, or for any matter pending, or fails to comply
21 with an order or judgment of the court, including, but not
22 limited to, paying all fines, costs, and crime victim rights
23 assessments, the court shall immediately give notice by
24 first-class mail sent to the person's last known address that if
25 the person fails to appear within 7 days after the notice is
26 issued, or fails to comply with the order or judgment of the
27 court, including, but not limited to, paying all fines, costs,

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

12 (4) If the person is charged with, or convicted of, a viola-
13 tion of section ~~33b(1) of the Michigan liquor control act, 1933~~
14 ~~(Ex Sess) PA 8, MCL 436.33b~~ 703(1) OF THE MICHIGAN LIQUOR CON-
15 TROL CODE OF 1998, 1998 PA 58, MCL 436.1703, section 624a, sec-
16 tion 624b, or a local ordinance substantially corresponding to
17 those sections and the person fails to answer a citation or a
18 notice to appear in court issued pursuant to section ~~33b of the~~
19 ~~Michigan liquor control act, 1933 (Ex Sess) PA 8, MCL 436.33b~~
20 703 OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58, MCL
21 436.1703, section 624a, section 624b, or a local ordinance sub-
22 stantially corresponding to those sections or fails to comply
23 with an order or judgment of the court issued pursuant to section
24 ~~33b of the Michigan liquor control act, 1933 (Ex Sess) PA 8, MCL~~
25 ~~436.33b~~ 703 OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA
26 58, MCL 436.1703, section 624a, section 624b, or a local
27 ordinance substantially corresponding to those sections

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

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

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

22 (b) The person has paid to the court a \$25.00 driver license
23 reinstatement fee. The increase in the reinstatement fee from
24 \$10.00 to \$25.00 shall be imposed for a license that is suspended
25 on or after April 5, 1988 regardless of when the license was
26 suspended.

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

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

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

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

12 (a) Failed to answer 2 or more parking violation notices or
13 citations for violating a provision of this act or an ordinance
14 substantially corresponding to a provision of this act pertaining
15 to parking for persons with disabilities issued or served after
16 September 19, 1989.

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

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

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

1 (b) The person has paid to the court a \$25.00 driver license
2 reinstatement fee. The increase in the reinstatement fee from
3 \$10.00 to \$25.00 shall be imposed for a license that is rein-
4 stated on or after April 5, 1988 regardless of when issuance or
5 renewal of the license was denied. If the court determines that
6 the person is not responsible for any of the parking violations
7 for which the person's license was suspended under this subsec-
8 tion, the court shall waive payment of the fee.

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

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

25 (b) The person has paid to the court a \$25.00 driver license
26 reinstatement fee. If the court determines that the person is
27 not responsible for any violation for which the person's license

1 was not issued or renewed under this subsection, the court shall
2 waive the driver license reinstatement fee.

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

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

20 (12) Section 819 does not apply to a reinstatement fee col-
21 lected for an operator's or chauffeur's license that is not
22 issued or renewed pursuant to section 8827 of the revised judica-
23 ture act of 1961, 1961 PA 236, MCL 600.8827.

24 Sec. 624a. (1) Except as provided in subsection (2), a
25 person shall not transport or possess alcoholic liquor in a con-
26 tainer that is open or uncapped or upon which the seal is broken
27 within the passenger compartment of a vehicle upon a highway, or

1 within the passenger compartment of a moving vehicle in any place
2 open to the general public or generally accessible to motor vehi-
3 cles, including an area designated for the parking of vehicles,
4 in this state.

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

14 (3) A person who violates this section is guilty of a
15 misdemeanor. As part of the sentence, the person may be ordered
16 to perform community service and undergo substance abuse screen-
17 ing and assessment at his or her own expense as described in sec-
18 tion ~~33b(1) of the Michigan liquor control act, Act No. 8 of the~~
19 ~~Public Acts of the Extra Session of 1933, being section 436.33 of~~
20 ~~the Michigan Compiled Laws~~ 703(1) OF THE MICHIGAN LIQUOR CONTROL
21 CODE OF 1998, 1998 PA 58, MCL 436.1703. A court shall not accept
22 a plea of guilty or nolo contendere for a violation of this sec-
23 tion from a person charged solely with a violation of section
24 625(6).

25 (4) Immediately upon the entry of a conviction for a viola-
26 tion of subsection (1), the court shall consider all prior
27 convictions for a violation of subsection (1) or section 624b(1),

1 or a local ordinance or law of another state substantially
2 corresponding to this section or section 624b(1), and the court
3 shall do the following:

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

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

25 (5) If a restricted license is allowed under this section,
26 the court shall not order the secretary of state to issue a
27 restricted license unless the person states under oath, and the

1 court finds based upon the record in open court, that the person
2 is unable to take public transportation to and from his or her
3 work location, place of alcohol or drug education treatment,
4 court probation department, court-ordered community service pro-
5 gram, or educational institution, or a place of regularly occur-
6 ring medical treatment for a serious condition, or in the course
7 of the person's employment or occupation and does not have any
8 family members or others able to provide transportation. The
9 court order under subsection (4) and the restricted license shall
10 indicate the work location of the person to whom it is issued,
11 the approved route or routes and permitted times of travel, and
12 shall permit the person to whom it is issued only to drive under
13 1 or more of the following circumstances:

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

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

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

18 (d) To and from the person's residence and the court proba-
19 tion department, or a court-ordered community service program, or
20 both.

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

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

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

9 (7) This section does not apply to a passenger in a
10 chartered vehicle authorized to operate by the Michigan depart-
11 ment of transportation.

12 Sec. 624b. (1) A person less than 21 years of age shall not
13 knowingly transport or possess, in a motor vehicle, alcoholic
14 liquor unless the person is employed by a licensee under the
15 Michigan liquor control ~~act, Act No. 8 of the Public Acts of the~~
16 ~~Extra Session of 1933, being sections 436.1 to 436.58 of the~~
17 ~~Michigan Compiled Laws~~ CODE OF 1998, 1998 PA 58, MCL 436.1101 TO
18 436.2303, a common carrier designated by the liquor control com-
19 mission pursuant to ~~Act No. 8 of the Public Acts of the Extra~~
20 ~~Session of 1933~~ THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998
21 PA 58, MCL 436.1101 TO 436.2303, the liquor control commission,
22 or an agent of the liquor control commission and is transporting
23 or having the alcoholic liquor in a motor vehicle under the
24 person's control during regular working hours and in the course
25 of the person's employment. This section does not prevent a
26 person less than 21 years of age from knowingly transporting
27 alcoholic liquor in a motor vehicle if a person at least 21 years

1 of age is present inside the motor vehicle. A person who
2 violates this subsection is guilty of a misdemeanor. As part of
3 the sentence, the person may be ordered to perform community
4 service and undergo substance abuse screening and assessment at
5 his or her own expense as described in section ~~33b(1) of Act~~
6 ~~No. 8 of the Extra Session of 1933~~ 703(1) OF THE MICHIGAN LIQUOR
7 CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1703.

8 (2) Within 30 days after the conviction for a violation of
9 subsection (1), which conviction has become final, complaint may
10 be made by the arresting law enforcement officer or the officer's
11 superior before the court from which the warrant was issued,
12 which complaint shall be under oath and shall contain a descrip-
13 tion of the motor vehicle in which alcoholic liquor was possessed
14 or transported by the person less than 21 years of age in commit-
15 ting the violation and requesting that the motor vehicle be
16 impounded as provided in this section. Upon the filing of the
17 complaint, the court shall issue to the owner of the motor vehi-
18 cle an order to show cause why the motor vehicle should not be
19 impounded. The order to show cause shall have a date and time
20 fixed in the order for a hearing, which date shall not be less
21 than 10 days after the issuance of the order and shall be served
22 by delivering a true copy to the owner not less than 3 full days
23 before the date of hearing or, if the owner cannot be located, by
24 sending a true copy by certified mail to the last known address
25 of the owner. If the owner is a nonresident of the state, serv-
26 ice may be made upon the secretary of state as provided in
27 section 403.

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

20 (4) A person who knowingly transfers title to a motor vehi-
21 cle for the purpose of avoiding this section is guilty of a
22 misdemeanor.

23 (5) Immediately upon the entry of a conviction or a probate
24 court order of disposition for a violation of subsection (1) or
25 section 624a, the court shall consider all prior convictions for
26 a violation of subsection (1) or section 624a, or a local
27 ordinance or law of another state substantially corresponding to

1 this section or section 624a, and the court shall do 1 of the
2 following:

3 (a) If the court finds that the person has 1 such prior con-
4 viction, the court shall order the secretary of state to suspend
5 the operator's or chauffeur's license of the person for a period
6 of not less than 90 days and not more than 180 days. The court
7 may order the secretary of state to issue to the person a
8 restricted license after the first 30 days of the period of the
9 suspension in the manner provided for in section 319(7). In the
10 case of a person who does not possess an operator's or
11 chauffeur's license, the secretary of state shall deny the appli-
12 cation for an operator's or chauffeur's license for the applica-
13 ble suspension period.

14 (b) If the court finds that the person has 2 or more such
15 prior convictions, the court shall order the secretary of state
16 to suspend the operator's or chauffeur's license of the person
17 for a period of not less than 180 days and not more than 1 year.
18 The court may order the secretary of state to issue to the person
19 a restricted license after the first 60 days of the period of the
20 suspension in the manner provided for in section 319(7). In the
21 case of a person who does not possess an operator's or
22 chauffeur's license, the secretary of state shall deny the appli-
23 cation for an operator's or chauffeur's license for the applica-
24 ble suspension period.

25 (6) If a restricted license is allowed under this section,
26 the court shall not order the secretary of state to issue a
27 restricted license unless the person states under oath, and the

1 court finds based upon the record in open court, that the person
2 is unable to take public transportation to and from his or her
3 work location, place of alcohol or drug education treatment,
4 court probation department, court-ordered community service pro-
5 gram, or educational institution, or a place of regularly occur-
6 ring medical treatment for a serious condition, or in the course
7 of the person's occupation or employment and does not have any
8 family members or others able to provide transportation. The
9 court order under subsection (5) and the restricted license shall
10 indicate the work location of the person to whom it is issued,
11 the approved route or routes and permitted times of travel, and
12 shall permit the person to whom it is issued only to drive under
13 1 or more of the following circumstances:

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

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

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

18 (d) To and from the person's residence and the court proba-
19 tion department, or a court-ordered community service program, or
20 both.

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

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

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

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

19 (9) As used in this section, "alcoholic liquor" means that
20 term as defined in section ~~2(a) of Act No. 8 of the Public Acts~~
21 ~~of the Extra Session of 1933, being section 436.2 of the Michigan~~
22 ~~Compiled Laws~~ 105 OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998,
23 1998 PA 58, MCL 436.1105.

24 Sec. 625i. (1) The department of state police shall prepare
25 an annual report which shall be designated the Michigan annual
26 drunk driving audit. The secretary of state, circuit court,
27 district court, probate court, municipal courts, and local units

1 of government in this state shall cooperate with the department
2 of state police to provide information necessary for the prepara-
3 tion of the report. A copy of the report prepared under this
4 subsection shall be submitted to the governor, the secretary of
5 the senate, the clerk of the house of representatives, and the
6 secretary of state on June 1 of each year. The report shall con-
7 tain for each county in the state all of the following informa-
8 tion applicable to the immediately preceding calendar year:

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

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

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

19 (d) The number of arrests made for violations of section
20 625(1)(a) or (b) or local ordinances substantially corresponding
21 to section 625(1)(a) or (b).

22 (e) The number of arrests made for violations of section
23 625(3) or local ordinances substantially corresponding to section
24 625(3).

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

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

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

5 (i) The number of arrests made for violations of
6 section 625m or local ordinances substantially corresponding to
7 section 625m. This subdivision shall apply after December 31,
8 1992.

9 (2) The secretary of state shall compile a report of dispo-
10 sitions of charges for violations of section 625(1), (3), (4),
11 (5), or (6) or section 625m or section ~~33b(1) or (2) of the~~
12 ~~Michigan liquor control act, Act No. 8 of the Public Acts of the~~
13 ~~Extra Session of 1933, being section 436.33b of the Michigan~~
14 ~~Compiled Laws~~ 703(1) OR (2) OF THE MICHIGAN LIQUOR CONTROL CODE
15 OF 1998, 1998 PA 58, MCL 436.1703, or local ordinances substan-
16 tially corresponding to section 625(1), (3), or (6) or
17 section 625m or section ~~33b(1) or (2) of Act No. 8 of the Public~~
18 ~~Acts of the Extra Session of 1933~~ 703(1) OR (2) OF THE MICHIGAN
19 LIQUOR CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1703, by each
20 judge for inclusion in the annual report. The report compiled by
21 the secretary of state shall include information regarding all of
22 the following:

23 (a) The number of dismissals granted.

24 (b) The number of convictions entered.

25 (c) The number of acquittals entered.

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

1 (e) The average length of imprisonment imposed.

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

4 (g) The average fine imposed.

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

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

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

25 (b) Immediately for each case charging a violation of
26 section 625(1), (3), (4), (5), or (6), or a local ordinance

1 substantially corresponding to section 625(1), (3), or (6) in
2 which the charge is dismissed or the defendant is acquitted.

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

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

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

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

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

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

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

26 (f) Whether bail was forfeited.

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

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

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

8 (a) A violation of section 413, 414, or 479a of the Michigan
9 penal code, ~~Act No. 328 of the Public Acts of 1931, being sec-~~
10 ~~tions 750.413, 750.414, and 750.479a of the Michigan Compiled~~
11 ~~Laws~~ 1931 PA 328, MCL 750.413, 750.414, AND 750.479A.

12 (b) A violation of section 1 of ~~Act No. 214 of the Public~~
13 ~~Acts of 1931, being section 752.191 of the Michigan Compiled~~
14 ~~Laws~~ 1931 PA 214, MCL 752.191.

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

17 (d) A violation of section ~~33b of the Michigan liquor con-~~
18 ~~trol act, Act No. 8 of the Public Acts of the Extra Session of~~
19 ~~1933, being section 436.33b of the Michigan Compiled Laws~~ 703 OF
20 THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58, MCL
21 436.1703, or a local ordinance substantially corresponding to
22 that section.

23 (e) An attempt to violate, a conspiracy to violate, or a
24 violation of part 74 or section 17766a of the public health code,
25 ~~Act No. 368 of the Public Acts of 1978, being sections 333.7401~~
26 ~~to 333.7461 and 333.17766a of the Michigan Compiled Laws~~ 1978 PA
27 368, MCL 333.7401 TO 333.7461 AND 333.17766A, or a local

1 ordinance that prohibits conduct prohibited under part 74 or
2 section 17766a of ~~Act No. 368 of the Public Acts of 1978~~ THE
3 PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7401 TO 333.7461 AND
4 333.17766A, unless the convicted person is sentenced to life
5 imprisonment or a minimum term of imprisonment that exceeds 1
6 year for the offense.

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

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

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

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

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

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

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

25 "You are charged with the commission of a felony in which a
26 motor vehicle was used. If you are convicted and the judge finds
27 that the conviction is for a felony in which a motor vehicle was

1 used, as defined in section 319 of the Michigan vehicle code, Act
2 No. 300 of the Public Acts of 1949, being section 257.319 of the
3 Michigan Compiled Laws, your driver's license shall be suspended
4 by the secretary of state.".

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

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

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

26 (9) As used in subsections (10) and (11), "felony in which a
27 commercial motor vehicle was used" means a felony during the

1 commission of which the person operated a commercial motor
2 vehicle and while the person was operating the vehicle 1 or more
3 of the following circumstances existed:

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

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

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

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

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

17 "You are charged with the commission of a felony in which a
18 commercial motor vehicle was used. If you are convicted and the
19 judge finds that the conviction is for a felony in which a com-
20 mercial motor vehicle was used, as defined in section 319b of the
21 Michigan vehicle code, Act No. 300 of the Public Acts of 1949,
22 being section 257.319b of the Michigan Compiled Laws, all vehicle
23 group designations on your driver's license shall be suspended or
24 revoked by the secretary of state.".

25 (11) If the judge determines as part of the sentence that
26 the felony for which the defendant was convicted and with respect
27 to which notice was given pursuant to subsection (10) is a felony

1 in which a commercial motor vehicle was used, the clerk of the
2 court shall forward an abstract of the court record of that con-
3 viction to the secretary of state.

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

13 (a) The name and title of the person required to forward
14 abstracts.

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

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

17 (d) The following statement:

18 "I certify that all abstracts required by section 732 of the
19 Michigan vehicle code, MCL 257.732; MSA 9.2432, for the period
20 _____ through _____ have been forwarded to the secre-
21 tary of state.".

22 (e) Other information the secretary of state considers
23 necessary.

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

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

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

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

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

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

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

22 (d) Except for a violation of section ~~33b(1) or (2) of Act~~
23 ~~No. 8 of the Public Acts of the Extra Session of 1933~~ 703(1) OR
24 (2) OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58, MCL
25 436.1703, or a local ordinance substantially corresponding to
26 section ~~33b(1) or (2) of Act No. 8 of the Public Acts of the~~
27 ~~Extra Session of 1933~~ 703(1) OR (2) OF THE MICHIGAN LIQUOR

1 CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1703, or section 624a
2 or 624b or a local ordinance substantially corresponding to sec-
3 tion 624a or 624b, a pedestrian, passenger, or bicycle
4 violation.

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

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

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

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

26 (19) The secretary of state may permit a city or village
27 department, bureau, person, or court to modify the requirement as

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

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